



LONE GOOSE ENVIRONMENTAL, LLC

3879 E. 200 NORTH
RIGBY, ID 83442
(208) 745-0076
nkagel@ida.net

WETLAND DELINEATIONS
ENVIRONMENTAL MITIGATION
SITE PLANNING
LANDSCAPE ARCHITECTURE
WILDLIFE MANAGEMENT PLANS
PERMIT APPLICATION DEVELOPMENT

RECEIVED

FEB 09 2007

Department of Water Resources
Eastern Region

January 18, 2006

Roger Warner
Idaho Department of Water Resources
900 North Skyline Dr.
Idaho falls, ID 83442

Dear Roger:

This is the revised application that is being filed on behalf of Horace Gray, managing member of Idaho Holdings, LLC. This entity owns a 160 acre (+/-) parcel located approximately 1.5 miles west of Driggs. Mr. Gray purchased the property in July of 2004, and shortly thereafter he applied to the Corps of Engineers for a permit to construct a road across wetlands to upland building sites. As part of the required compensatory mitigation for placing road fill in wetlands, Mr. Gray agreed to construct two waterfowl and wildlife habitat ponds. Each pond was to be 1/4-acre in area. As per current policy regarding ponds, Idaho Department of Water Resources (IDWR) also requires that the ponds be authorized via a water right. We previously submitted an application for a transfer of beneficial use, which has now been revised as per your current (most recent) guidance regarding the authorization of ponds.

Under current policy, the "rule of thumb" is that for every surface acre of pond, a landowner must permanently abandon agricultural irrigation of one acre of cropland or pasture. Mr. Gray currently irrigates 61 acres with 1.14 cfs. To account for the cost of evaporation from each pond, he would need to restrict irrigation on 1/2 acre of his pasture and dedicate 0.005 cfs. to each pond or 0.01 cfs. for both ponds. Additionally, if he proposes to replenish the ponds by having irrigation water flow through, there is an additional cost. To account for this, we have used IDWR's calculation of 0.04 cfs. for flow through on 1/4-acre domestic use ponds. Thus, we calculate that slightly less than 0.10 cfs. must be transferred from the irrigation of approximately 5 acres to maintaining and replenishing (flow through) of the two ponds. While 0.10 cfs for irrigating 5 acres is slightly more than is actually required for the ponds, we have rounded up to this figure to simplify the transfer.

Please note that on the application, we have removed from irrigation 5 acres from agricultural irrigation. This area is identified on the attached color map as being in the NW quarter of the SE quarter, Section 33. This should be more than sufficient to compensate for evaporative losses and flow through. We note that flow through can be restricted via irrigation dams during the first season when the pond fills, which would account for the acre-foot of water required to fill ponds having an average depth of 3 to 4 feet.

During the process of determining the most appropriate means of authorizing the ponds, it came to our attention that an application to transfer ownership of the subject water right had not taken place at the time that Idaho Holdings, LLC, assumed ownership of the subject property. An application for transfer of ownership was included with our previous submittal, and we have been informed that this application is complete.

Please be advised that a signed application and application fee will arrive separately from Mr. Gray. I felt it prudent, however, to get this application to you expeditiously since we have been working with your office for a considerable time to get Mr. Gray's ponds authorized.

Once again, we would like to note that water right issues can be difficult to understand even for those of us who have some familiarity with the state regulations. We want to thank-you for your assistance and guidance in this matter. Please review the enclosed documents and advise us if you have any questions or comments.

Yours truly,

A handwritten signature in black ink, reading "Nancy J. Liebrecht". The signature is fluid and cursive, with a large, stylized initial "N" and a long, sweeping underline.

Nancy J. Liebrecht, MLA
Environmental Planner