

ACTION REQUIRED

File # 79-14012

3/19/07

FROM: J. Westra

TO: Field Examiner - License

Please contact ID. Fish & Game at Lewiston for scheduling of field exam. They will accompany you

Ray Henikey F&G 799-5010

* See condition #8



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

March 15, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

Timothy Dee Campbell
Rt 2 Box 821
Grangeville ID 83530

Timothy Dee Campbell
15611 County Rd 442
Dexter MO 63841

RE: Permit to Appropriate Water #79-14012-- Campbell Complaint

Dear Mr. Campbell:

Our agency recently received a complaint related to your development of the above described water appropriation permit. The complaint alleges the state of your dam/pond has caused damages to Johns Creek and adjacent property.

Although you have a permit for stockwater and domestic beneficial use, the permit has strict elements and conditions of approval that must be adhered to. I would draw your attention to condition #7 which states: *The total combined surface area of the lawn irrigated under this right , and the reservoir established under this right shall not exceed ½ acre. Also#8: the right holder shall comply with all fish screening requirements of the Idaho Department of fish and Game. A 12/12/02 Department letter outlines the criteria, copy enclosed.*

Our records indicate that "Proof of Beneficial Use" was submitted and acknowledged on August 28, 2003. A final step toward a water right license is a license field examination. The examination will confirm that elements and conditions of the permit have been met or not met. Idaho Code (IC) §42-219(8) states in part:-

In the event that the Department shall find that the applicant has not fully complied with the law and the condition of permit, it may issues a license for that portion of the use which is in accordance with the permit , or may refuse issuance of a license and void the permit.....

Your dam embankment and pond are too small to be under the regulation of the Department's dam safety statutes and rules. However, please be advised that IC§ 42-1717 is very clear on damage liabilities and obligations of a dam owner. It in part states:

Nothing in this part shall be construed to relieve an owner or operator of a dam, reservoir, or mine tailings impoundment structure of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam reservoir, or mine tailings impoundment.

Campbell
Page 2.

Our agency will be contacting you in the near future to set a time and date for a license field examination and further investigate the complaint allegations.

Should you have any questions please contact me at the Western Regional Office, phone 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "John Westra". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Westra".

John Westra, Manager
Western Region.

Enclosure: 12/12//02 Dept. Letter.

Idaho Dept. of Water Resources: 02-25-07

To whom it may concern,

In July 2002, an adjacent landowner constructed an earthen dam on Johns creek, that drains into Graves Creek, Then the Salmon River. It is a violation of Idaho Code # 42-351 or 18-4304.

Does the Idaho Dept. of Water Resources have any jurisdiction in this matter?

Please see enclosed photos, and location map.

Sincerely,
Jennifer McGary
Don Esslinger,

Jennifer McGary or
Don Esslinger
237 Slate Creek Road
White Bird, IDAHO 83554
208-839-2369

RECEIVED

FEB 28 2007

WATER RESOURCES
WESTERN REGION

Left phone message 3/1/07/JFW,
To Contact me.

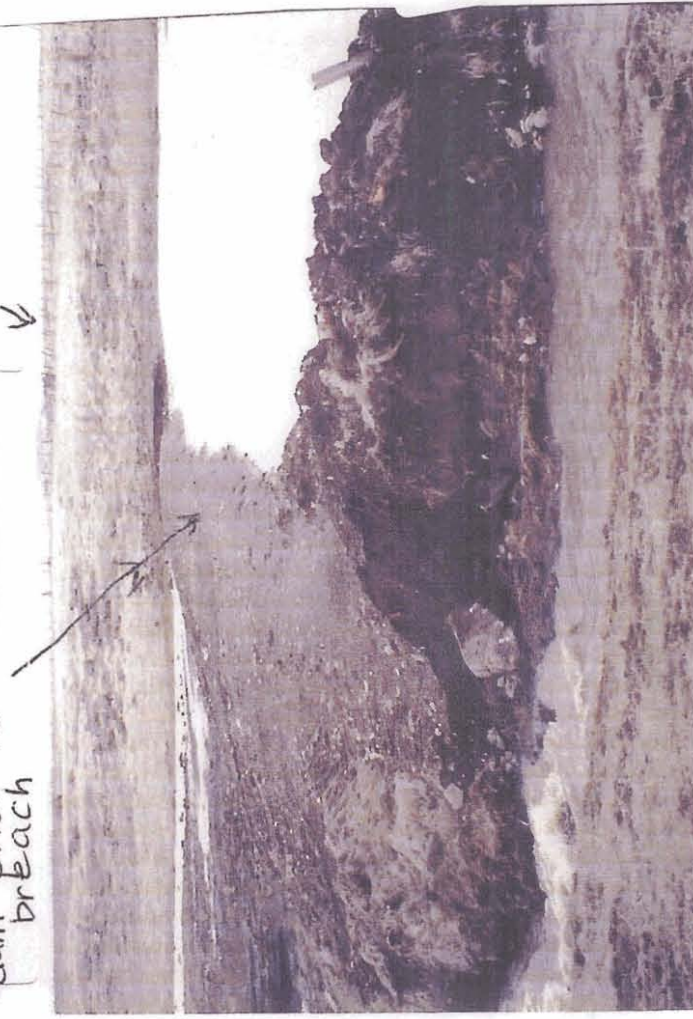
Downstream flooding
as result of stream failure
impoundment and dam failure

2003



notice water over
dam prior to
breach

Dam breach
↓



Due this current AS

July 2003



intended
overflow
↓

original
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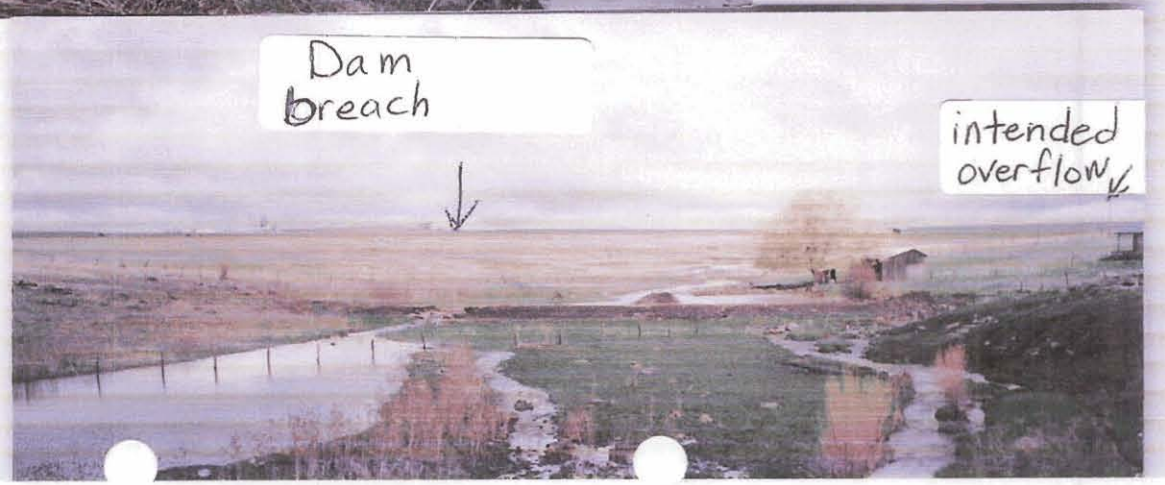


Dam
breach ↓

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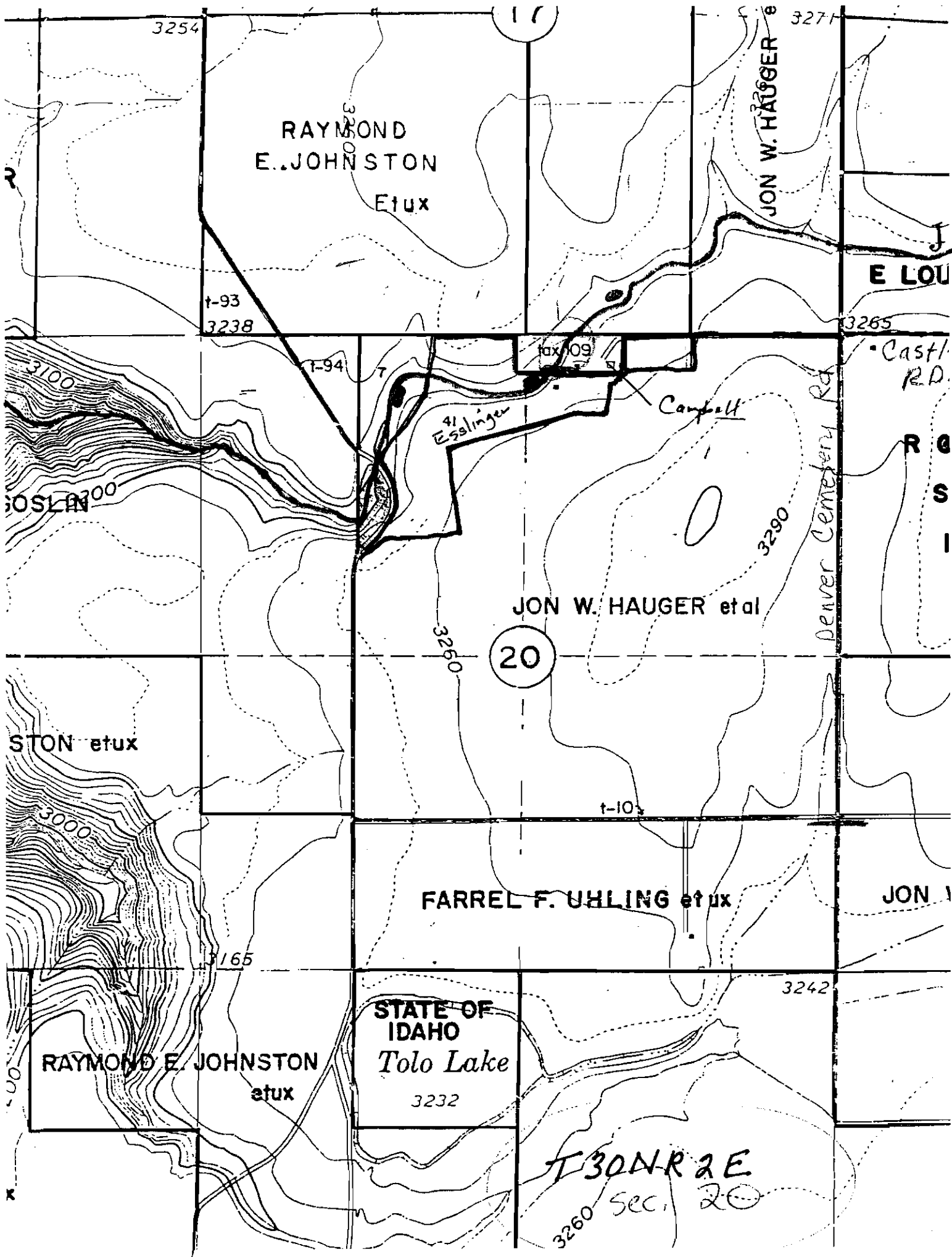


Dam
Breach 2003



Dam
breach ↓

intended
overflow ↓



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3271

RAYMOND
E. JOHNSTON
et ux

JON W. HAUGER et ux

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tax 109

Castl.
RD.

t-94

41
Esslinger

Campbell

R G
S I

JON W. HAUGER et ux

20

Denver Cemetery Rd

STON et ux

t-10

FARREL F. UHLING et ux

JON I

3165

STATE OF
IDAHO
Tolo Lake
3232

3242

RAYMOND E. JOHNSTON
et ux

T30N R2E
3260 Sec. 20