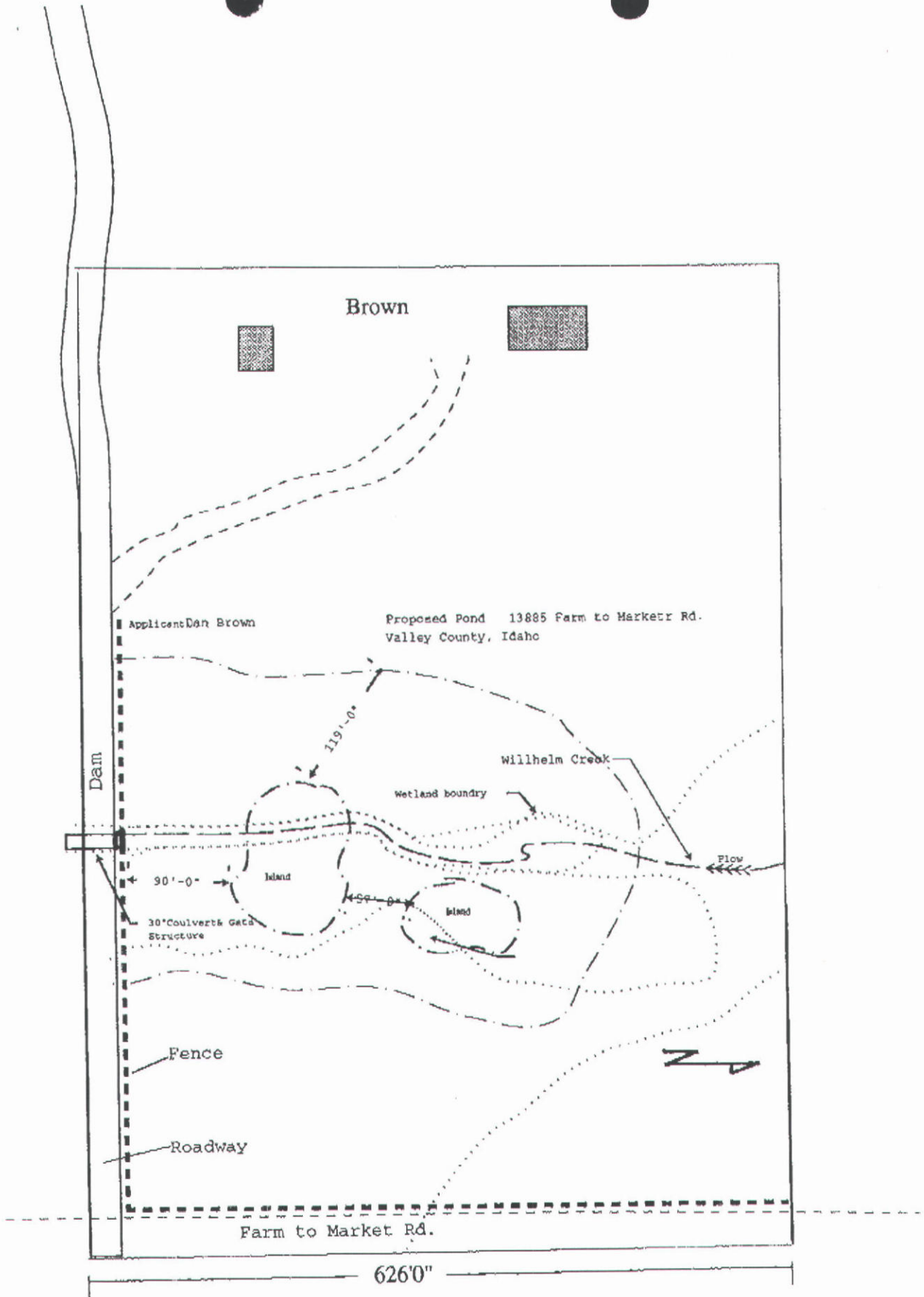


[illegible]



Cipolletti Weir

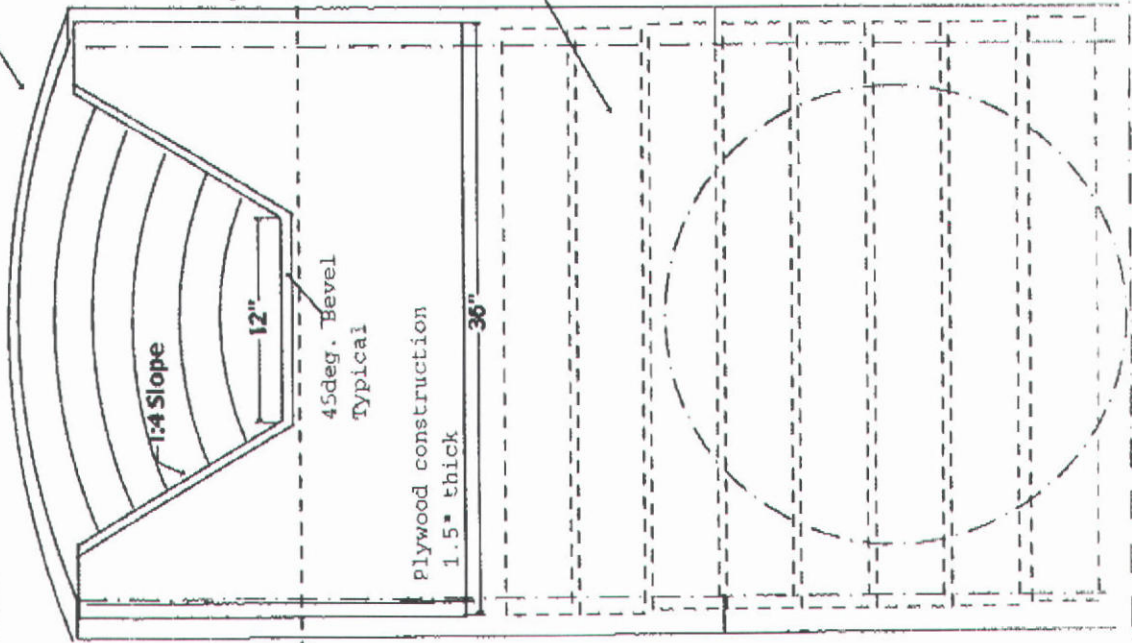
Pond Water flow measuring device
Permit # 65-13689

36" Culvert 1/2 Section

1 1/2 Channel Iron

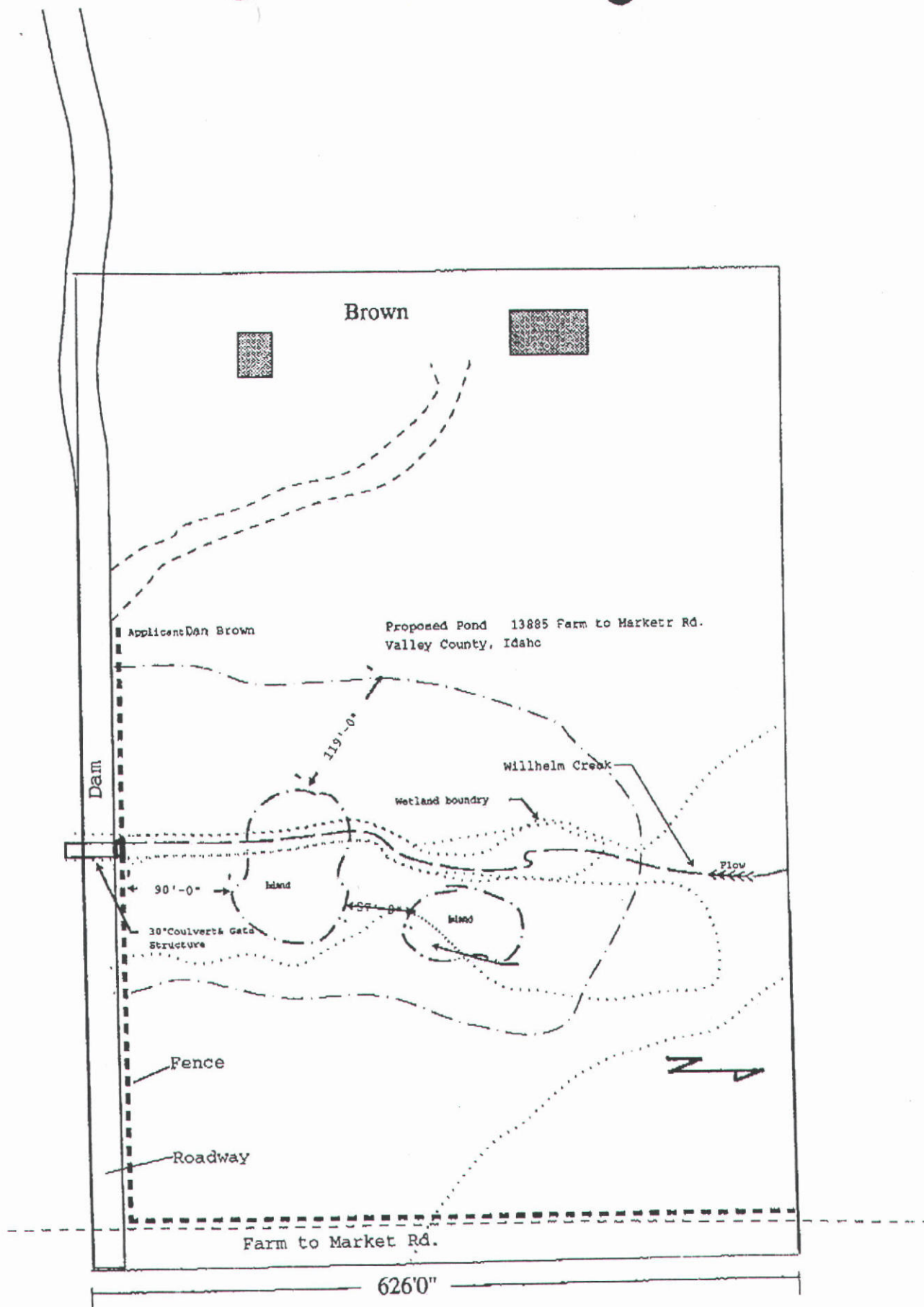
2x6 Boards

Measuring device located at
dam on South end of reservoir

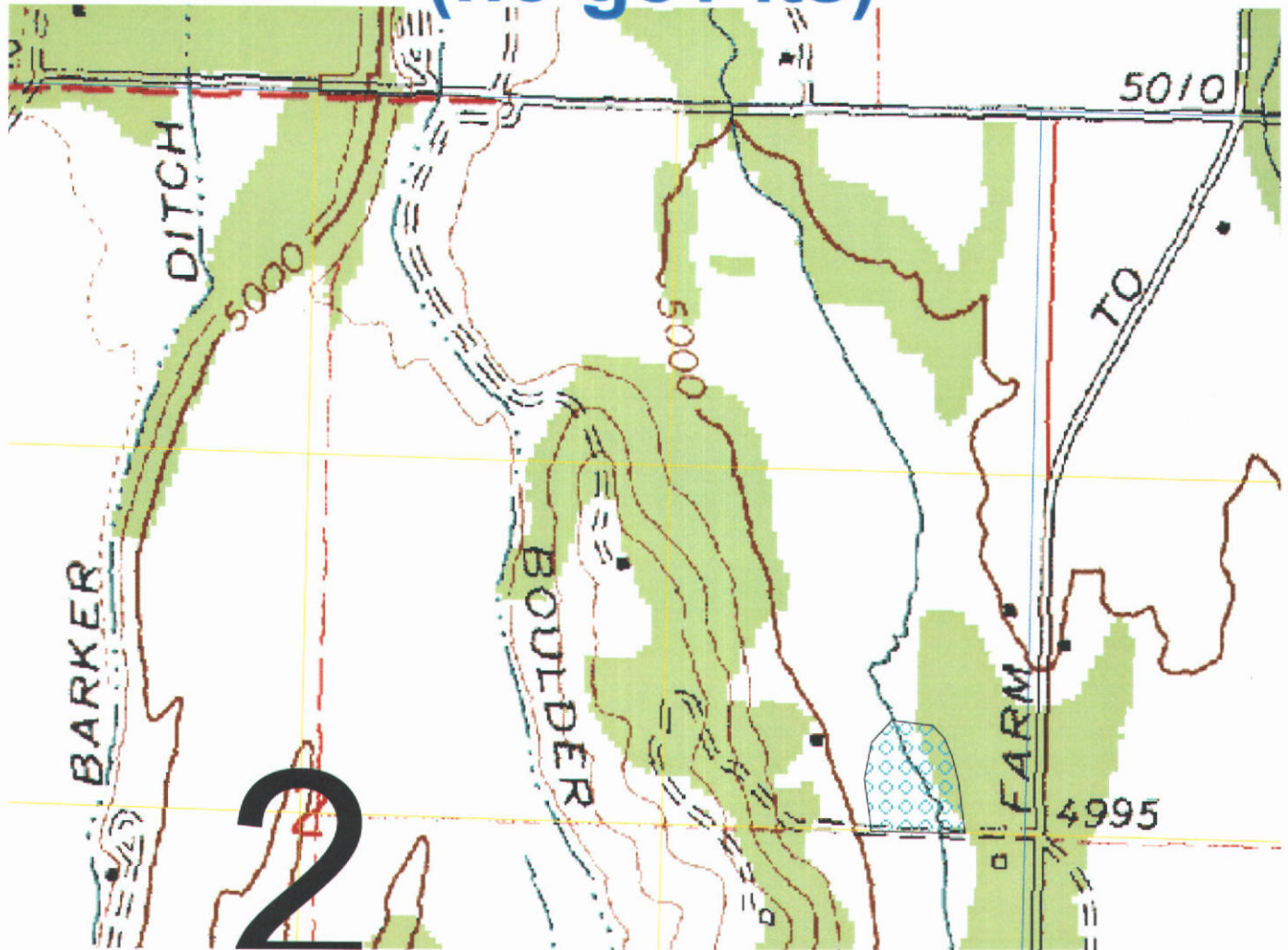


Mean water level

Dan Brown
13885 Farm to Market Rd
Mccall, Idaho

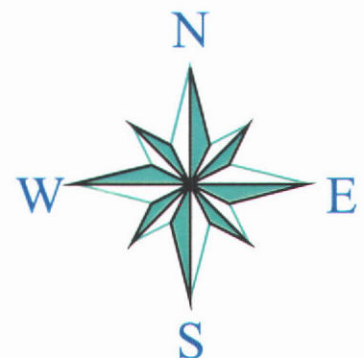


65-13689
T17N R3E S2
(no gov lts)

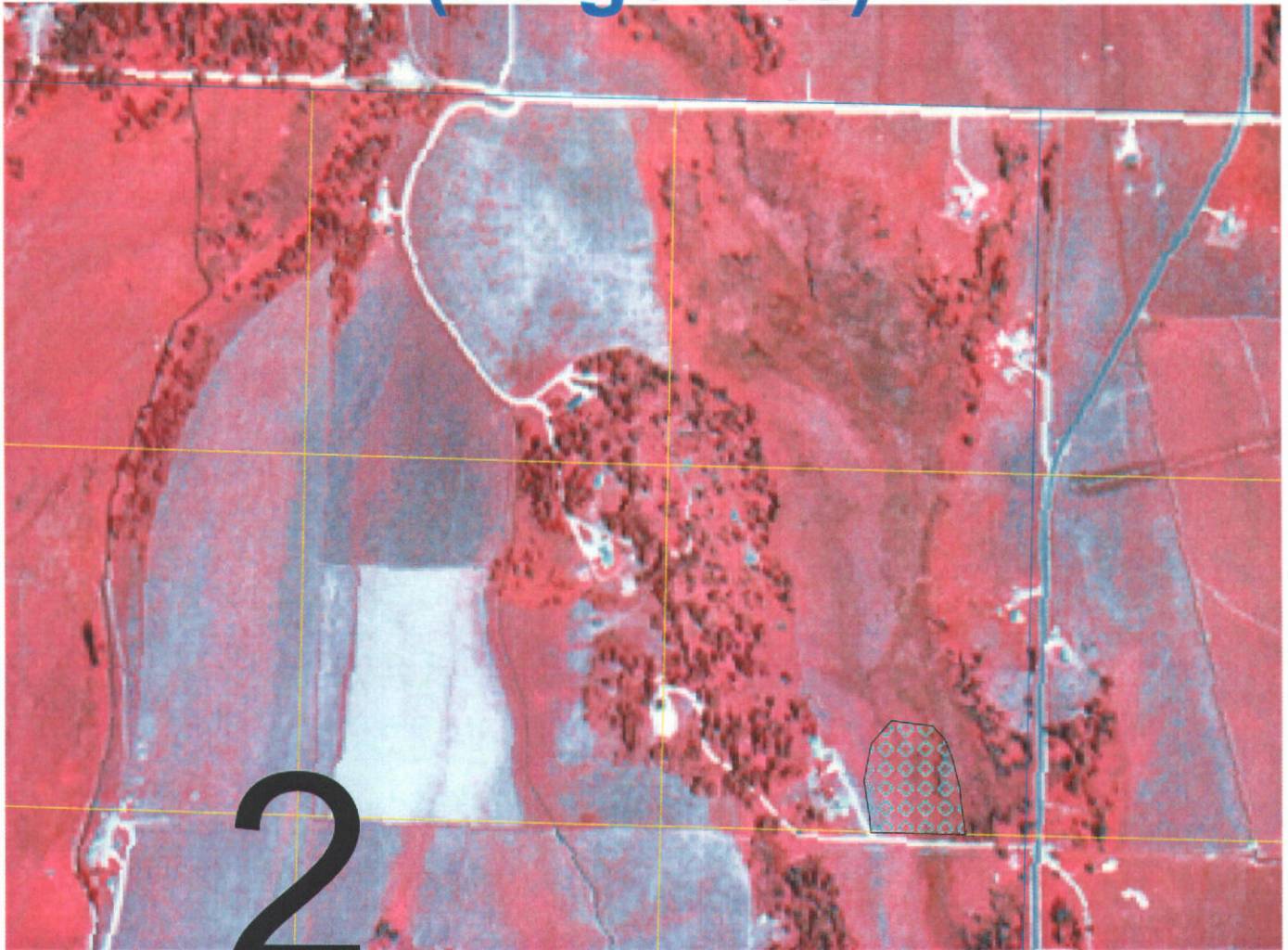


0.2 0 0.2 0.4 Miles

 Pond
 Sections
 1/41/4

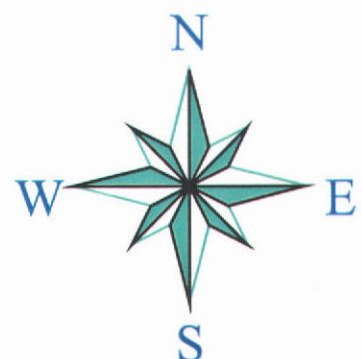


65-13689
T17N R3E S2
(no gov lts)



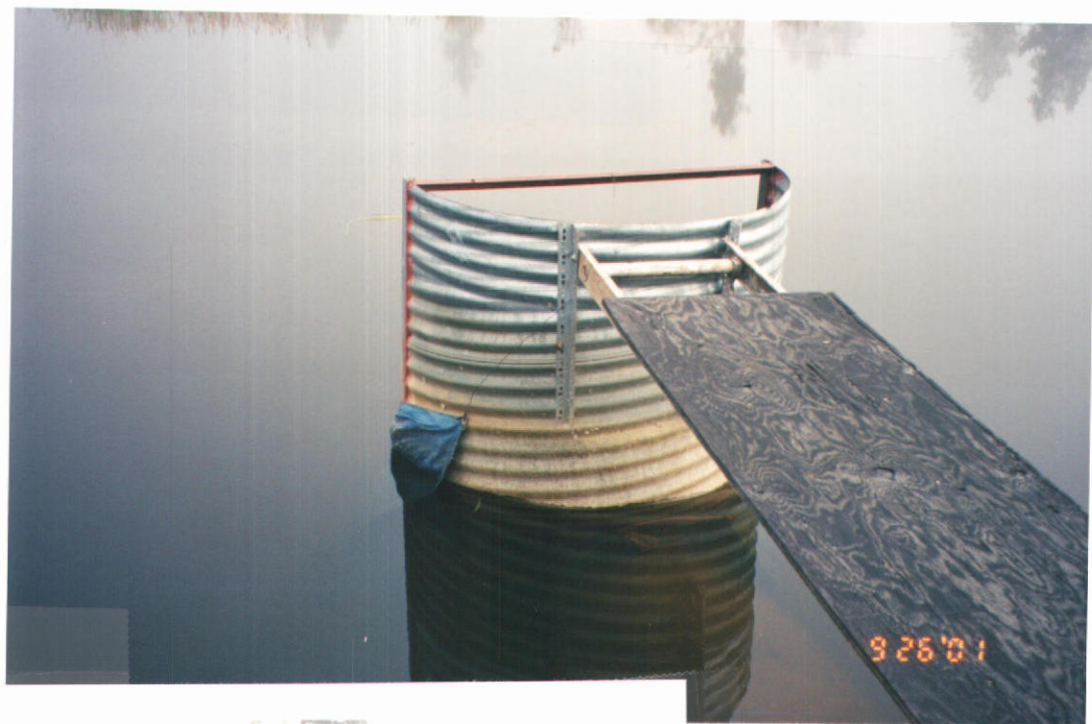
0.2 0 0.2 0.4 Miles

 Pond
 Sections
 1/41/4





8 AF
POND



OUTLET
MEASURING
DEVICE

(slide in Cipolletti
Weir)



UNFINISHED
FENCE

Steve SR
Gary —

MEMORANDUM

To File: 65-13689

Brown Dam Application for Permit

From: J. Westra

Date: 6/2/97

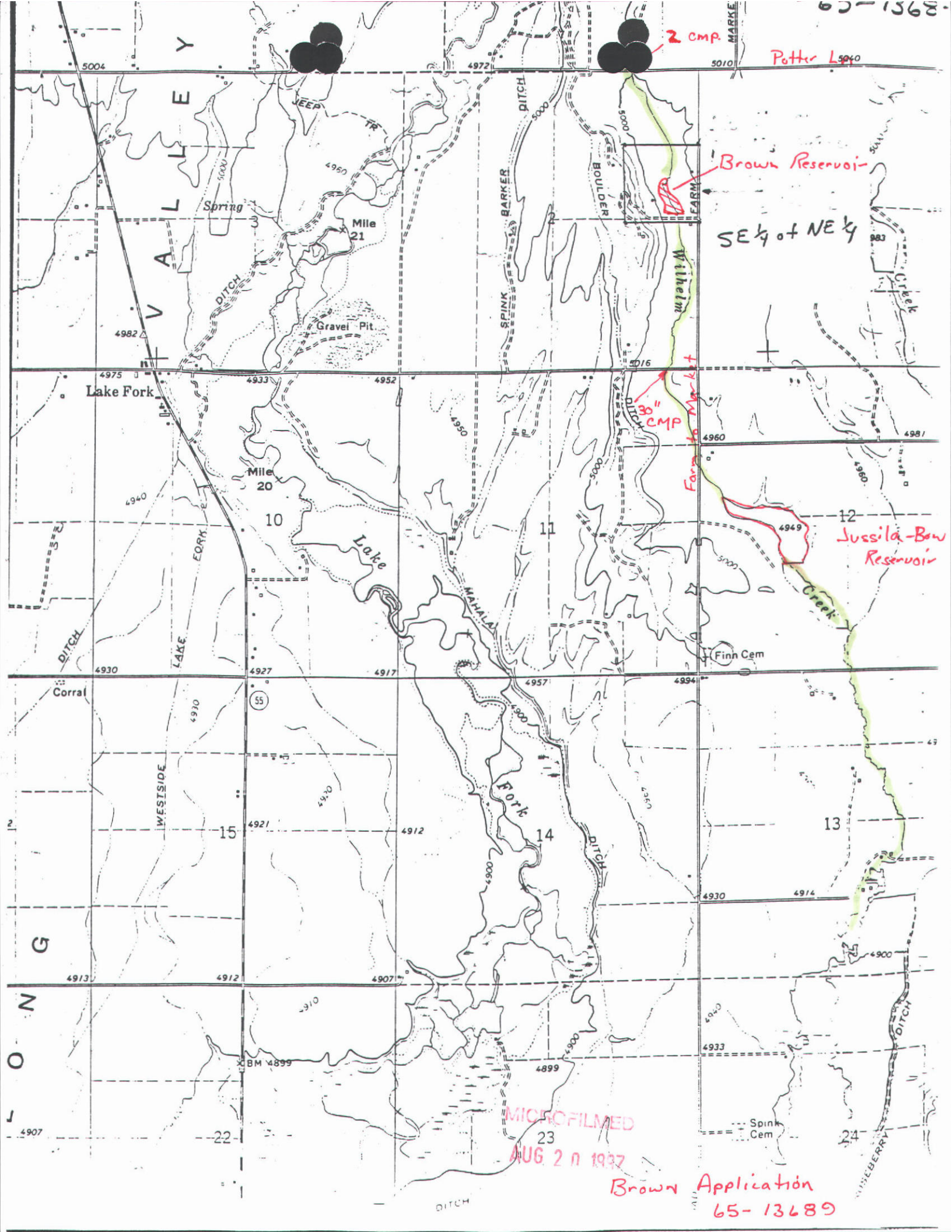
RE: Site check of outlet/spillway structure

On 6/2/97 I inspected the dam and reservoir site. Wilhelm Creek was flowing directly through the outlet. The outlet is a 30 inch CMP riser pipe cut in half with removeable check boards for storage. It is welded to a 24 inch outlet pipe through the embankment, typical NRCS design.

If required, the creek inflow upstream of the reservoir could easily be measured at the Potter Lane culvert with a weir as the creek channel is 3-4 ft in width approaching the 2 ft. culvert.



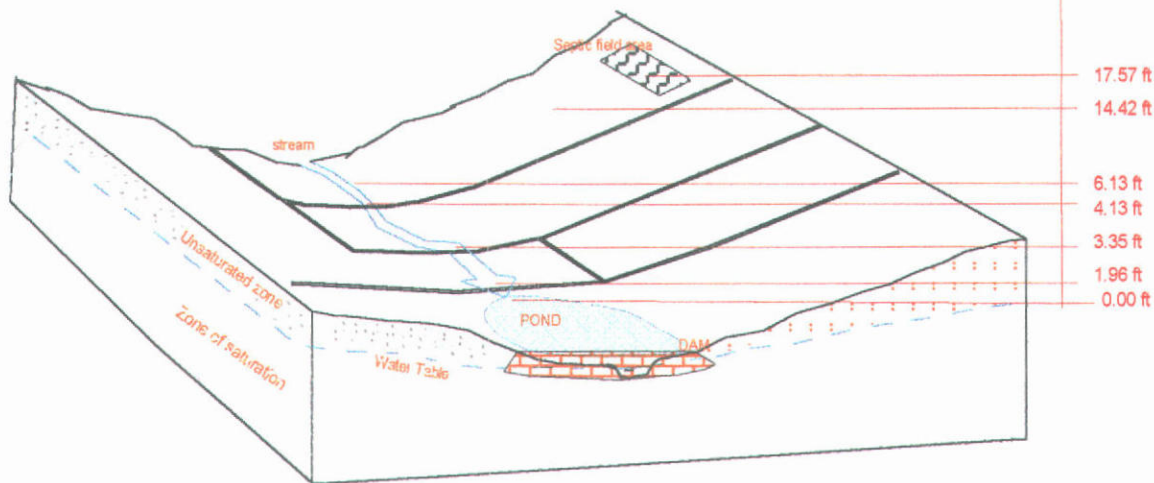
MICROFILMED
AUG 20 1997





Cross-section at Truman-Tunis property

Maximum high water pond level in relation to ground surface level of proposed septic field area.



Cross-section at Brown property

SUMMARY

Setting the pond's maximum high water line to standard datum (0.00 ft.), the maximum potentiometric surface created by the pond would be found about 17 feet beneath the septic drainfield site. Assuming the septic drainpipe is placed 2 feet beneath the ground surface, and the zone of treatment extends another 3 feet below the drainpipe, then the distance between the pond's potentiometric surface would be 12 feet under the drainfield system. Water "wicked" by the soil upwards (the capillary fringe) could potentially rise 4 to 5 feet (assuming maximum soil tension created by silt loam soils). This still leaves 7 to 8 feet of space between the septic field and any hydric soils created by the pond.

Project/Drawing Title:

Dan Brown Pond

Drawing 1 of 1

Date	Draft #	By
3/14/97	final	TL

BY: **Land Use Technology, L.L.C.**

1 Pearl Street, Box 1 * McCall, Idaho 83638 * (208) 325-8407 * (208) 634-3031

MICROFILMED

AUG 20 1997

Dan & Connie Brown
13885 Farm to Market Rd, McCall Idaho (208) 634-3084

November 26, 1996

Mr. John Westra
Idaho Department of Water Resources
2735 Airport Way, Boise, Idaho
83705-5082

Re: Application for Water Rights #65-13689

Dear, Mr. Westra

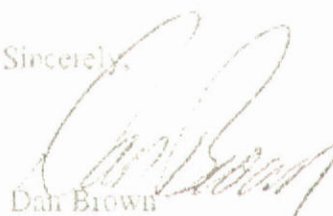
I am writing to object to a the protest of our application for water rights filed by Reynaldo & Patricia Braganza dated 9/17/96.

I object on the premise that the Braganzos are not the legal owners of the property they claim will be affected by our project.

We believe the Braganzas are not the legal owners of the property because a) They are not recorded as the owners of record, at the Valley County Courthouse & b) Their name does not appear on the Valley County property tax register. Therefore, unless the Braganzos can provide proof that they are the legal registered owners of the property described in their protest letter, we request that their letter of protest be determined invalid and the application process allowed to continue without delay.

Thank you.

Sincerely,



Dan Brown

MICROFILMED

AUG 20 1997

Publisher's Affidavit of Publication

STATE OF IDAHO

} .ss

County of Valley

I, Leslie S. Freyer, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper; that the NOTICE OF APPLICATION FOR WATER RIGHTS, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number thereof during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began October 17, 1996 and ended October 24, 1996.

Leslie S. Freyer

Subscribed and sworn before me this the 28th day of October, 1996.

STATE OF IDAHO

COUNTY OF VALLEY

}

On this 28th day of October, in the year of 1996, before me, a Notary Public, personally appeared Leslie S. Freyer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires: 1999

RECEIVED
NOV 05 1996
AUG 20 1997
MICROFILMED

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

BROWN, DAN V
PO BOX 253
MCCALL, ID 83638
Source: WILHELM CREEK
Diversion Pt: SENE
Use: IRRIGATION
IRRIGATION STORAGE
WILDLIFE STORAGE
Total Diversion:
Date Filed: 9/9/1996
In: VALLEY County
T17N R03E S02

Tributary: BOULDER CREEK
Sec 2 T 17N R 03E in VALLEY County.
(0.080 CFS)
(15.00 AF)
(15.00 AF)
(15.00 AF)
(0.080 CFS)

4.0 ACRES TOTAL

Application filed to mitigate stream channel violations. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before NOVEMBER 4, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director 2110/24

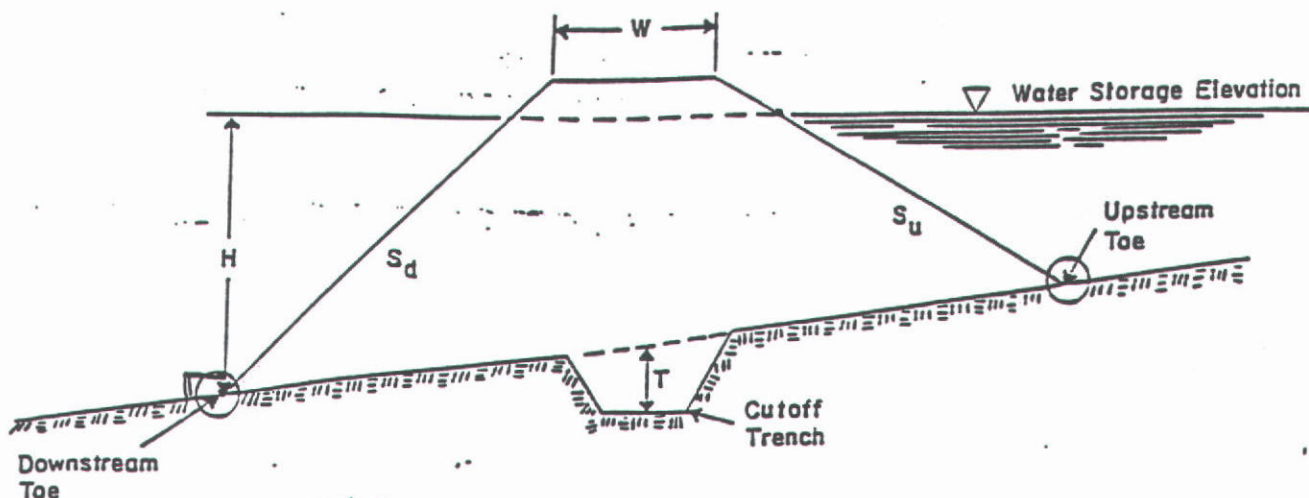
RECEIVED

NOV - 5 1996

WATER RESOURCES
WESTERN REGION

OF DAM AND APPURTENANT STRUCTURES

Type of dam (embankment, other, describe) _____



Hydraulic Height (H) 5' Apr feet. If dam is being raised, indicate increase in height _____ feet.

Crest Length _____ feet. Crest (top of dam) Width (W) 20' feet.

Downstream Slope (S_d) 3 : 1; Upstream Slope (S_u) 3 : 1.

Depth of Cutoff Trench (T) 2' feet.

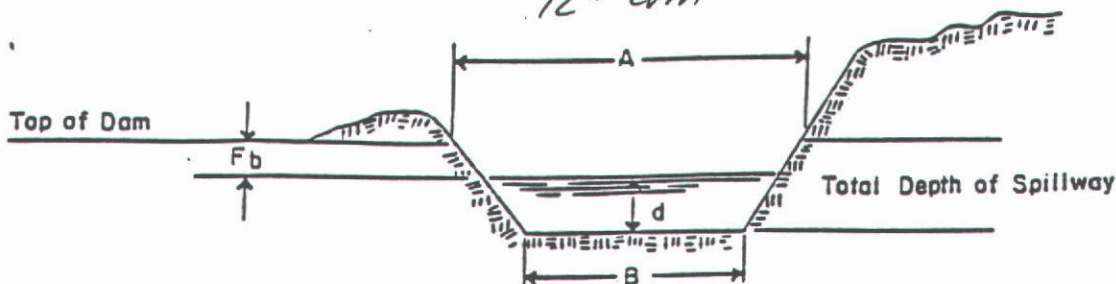
OUTLET 55' 30" CM; 4' riser for drop board control; Maximum Release Rate _____ cfs
(Size) (Type) (under full reservoir head)

Size and number of anti-seep collars _____
(also indicate spacing of collars along outlet)

SPILLWAY

[] Service (auxiliary) Spillway, describe _____

☒ Emergency Spillway, Located at: [] left, ☒ right abutment, [] other location.



Total Depth of Spillway (below top of dam) 3' feet.

Spillway: Bottom width (B) _____ feet; Top Width (A) _____ feet.

Discharge Capacity of Spillway _____ cfs at spillway flow depth (d) _____ feet

Freeboard (F_b) 3' feet (total depth of spillway minus the spillway flow depth).

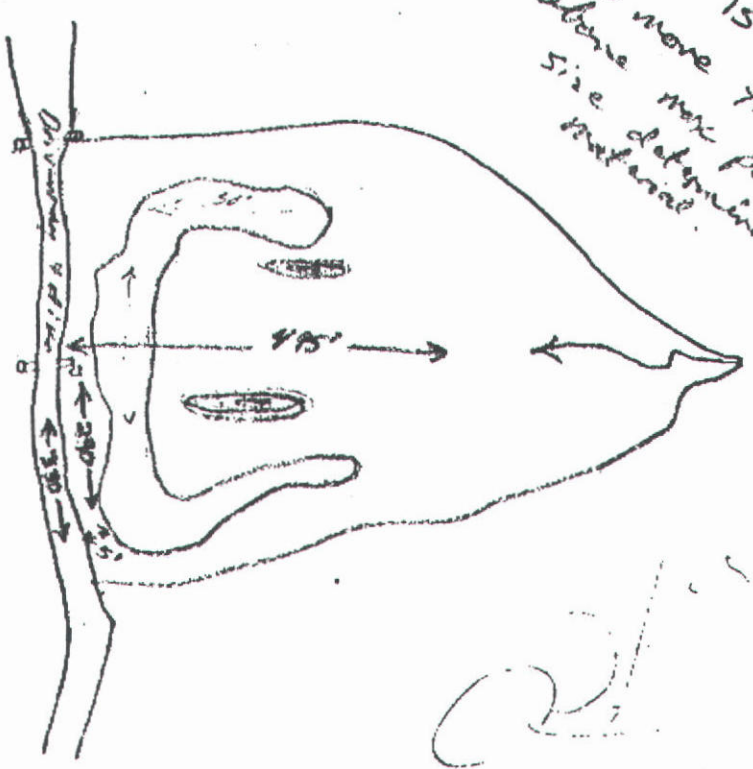
Spillway Channel Lining _____
(Rock Cut, Rock Riprap, Other-describe)

MICROFILMED
AUG 20 1997

Tot 5.95
60-602 62 6.6 9.9

Project sketch, aerial view (with approximate contour, survey depths, island and structure locations, etc.).
Approximate scale 1" = 200 ft

2 islands
No more than 2 ft above max pool elevation
Size determined by available



1 50-231-4742

BURNING PROVISIONS

- ☒ None (protect from fire)
- ☐ Occasional: _____
- ☐ Periodic: _____
- ☒ other As needed

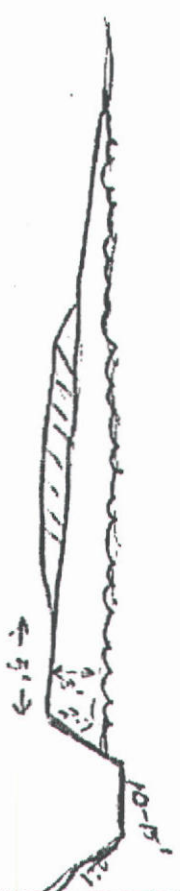
WEED CONTROL

- ☐ None required
- ☐ Disc/cultivator
- ☐ Hand
- ☒ Chemical type _____
Method _____
- ☐ Other _____

LIVESTOCK GRAZING

- ☒ No livestock grazing
- ☐ Occasional livestock grazing _____
- ☐ Periodic livestock grazing _____
- ☐ Livestock fencing required \$ _____
- ☐ Livestock fencing not required

Project sketch, horizontal view.
Approximate scale: _____



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
65-13689 IN THE NAME OF)
DAN V. BROWN)
_____)

**ORDER OF
REINSTATEMENT**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use ("proof of beneficial use") be submitted to the Department on or before August 1, 1999; and,

WHEREAS, the Department notified the permit holder on May 31, 1999, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

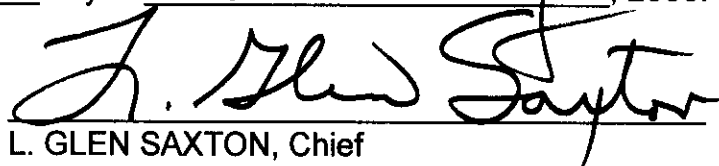
WHEREAS, on May 1, 1999, the permit lapsed, since the permit holder had not submitted an acceptable proof of beneficial use or request for extension of time to the Department; and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on January 13, 2000;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-13689 is **REINSTATED** with no advance in priority.

DATED this 21st day of January, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

JAN 31 2000

102

FOR OFFICE USE ONLY
Amt. of Fee \$: 1500
Receipt No. 11025447
Receipt By: KL
Date Received: 7/12/99

RECEIVED

JUL 12 1999

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13689 Telephone No. 634-3084

2. Name(s) of Permit Holder(s): DAN V. BROWN

3. Mailing Address: P.O. Box 253 McCall, ID 83638

4. Source of Water: Wilhelm Creek If GROUNDWATER (well), Date Drilled: mo. N/A yr.

a. Well Driller: N/A Drilling Permit Number: - N/A -

b. OPTIONAL:
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): Other: Wildlife Storage

6. Total rate of diversion and/or volume for which proof is submitted: cfs OR 15 acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes ☒ or No ☐

Has the measuring device been installed? Yes ☒ or No ☐

Flow Measurement Port: Is a flow measurement port required? Yes ☐ or No ☒

Has the measurement port been installed? Yes ☐ or No ☒

8. Fee Enclosed: \$ (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: DAN BROWN Telephone Number: 634-3084

Address: RD B 13885 Farm to Market Rd. McCall

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Dan Brown Date: 7-6-99

(Include your title, if on behalf of company or organization)

10000 FILMED
JAN 31 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 65-13689

Proposed Priority: September 16, 1996

Maximum Storage Volume:

15.0 AF

This is to certify, that DAN V BROWN

PO BOX 253

MCCALL ID 83638-0253

has applied for a permit to appropriate water from:

WILHELM CREEK

tributary of BOULDER CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		15.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 2, Township 17N, Range 03E
VALLEY County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

17N 03E 2

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1999.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 65D.
5. This right authorizes an annual volume of water to fill the storage facility and the amount required to replace losses through evaporation and seepage.
6. Measuring devices shall be installed to measure the flows of Wilhelm Creek just upstream of the reservoir and immediately below the dam. Prior to construction of the measuring devices, detailed construction drawings must be submitted to IDWR showing the location of the measuring devices, including dimensions and configuration in the stream channel.
7. An overflow structure must be constructed near or on the dam face which will automatically pass the inflow to the reservoir into Wilhelm Creek.
8. All areas disturbed by construction shall be revegetated and/or reseeded as recommended by Idaho Department of Fish and Game and the local office of the Natural Resources Conservation Service.
9. The spillway area shall be protected with rock riprap or other suitable methods of erosion protection.
10. Rock used for riprap shall be sound, dense, well graded, angular rock free of fines and of a sufficient size to withstand the expected velocities within the spillway area during ordinary high water to ensure erosion protection.

MICROFILMED

AUG 20 1997

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13689

CONDITIONS OF APPROVAL AND REMARKS

11. No structure, permanent or temporary, in the stream channel shall constitute a restriction or migration barrier to fish indigenous to this stream.
12. Prior to diversion of water under this right, the right holder shall submit to the department a plan to address public safety concerns by limiting access to the dam and spillway.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

11th day of August, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

RECORDED

AUG 20 1997

Ident. No. 65-13689

RECEIVED

JUN 19 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: DAN V BROWN
Address: PO BOX 253
MCCALL ID 83638
208-634-4664
 2. Source: WILHELM CREEK
3. Location of Point of Diversion: SENE Sec. 2, Township 17N, Range 03E
VALLEY County
 4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
WILDLIFE STORAGE	01/01	12/31			15.00
 5. Total quantity to be appropriated is:
CFS (and/or) 15.00 AF
 6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
ONSTREAM STORAGE VIA DAM AND POND
 - b. Height of storage dam 6 feet; active reservoir capacity 15.00
acre-feet; total reservoir capacity 15.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
 7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).
 8. Place of Use: WILDLIFE STORAGE
- TWN RGE SEC
17N 03E 2 SENE

REVISED PER DEPT. STANDARDS AFTER

PROTECT WITHDRAWAL

-SL 5/6/97

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? [✓]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

per file: 82 for
See original
Applicant

Received by VR Date 9/16/96 Time 10:10 Preliminary check by CJH

Fee \$ 50.00 Receipted by VR #W021499 Date 9/16/1996

Publication prepared by ST Date 10/4/96 Published in Star News
10-17-96

Publication approved ST Date 11/5/96

Ident. No. 65-13689

Comments: Date: 10/ 4/1996 User-ID: CHODGES

Subject: RESERVOIR DIMENSIONS

Per conversations with applicant and small dam application, surface area approx 3 acres, depth avg 5 feet. Applicant has filed application in response to cease and desist issued from stream channel protection section, and also to resolve water right and dam safety issues.

Comments: Date: 5/ 6/1997 User-ID: SLESTER

Subject: APPLICATION LIMITS

The application must be limited to non-irrigation uses to be considered for approval at this time. The irrigation components were deleted from the original - the applicant has been informed that this step was to be taken. The applicant has not filed a new application to re-introduce the irrigation plan. Provided that the watermaster can adequately monitor and/or control the inflow and outflow @ this pond, permit approval should not cause problems with respect to the priority system in this drainage.

[illegible]

P 241 320 399

US Postal Service

Receipt for Certified Mail

DAN V BROWN

PO BOX 253

MCCALL ID 83638

PS Form 3800 April 1995

Postage	\$.32
Certified Fee	\$ 1.10
Special Delivery Fee	\$.00
Restricted Delivery Fee	\$.00
Return Receipt Showing to Whom & Date Delivered	\$ 1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	\$.00
TOTAL Postage & Fees	\$ 2.52
Postmark or Date	

P 241 820 401

US Postal Service

Receipt for Certified Mail

PATRICIA L BRAGANZA
4738 N EDELWEISS
BOISE ID 83713

PS Form 3800, April 1995

Postage	4.15
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1991
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 2.52
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3 Article Addressed to

DAN V BROWN
PO BOX 253
MCCALL ID 83638

4a Article Number

P 241 820 399

4b Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7 Date of Delivery

Aug 20 1987 12-3-86

5 Received By: (Print Name)

D. V. BROWN

8 Addressee's Address (Only if requested and fee is paid)

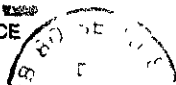
6 9

PS

Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

DEC 05 1990

**WATER RESOURCES
WESTERN REGION**

• Print your name, address, and ZIP Code in this box •

MICROFILMED
ALG 1 G 100

**DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705**

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you
- Attach this form to the front of the mailpiece, or on the back if space does not permit
- Write "Return Receipt Requested" on the mailpiece below the article number
- The Return Receipt will show to whom the article was delivered and the date delivered

I also wish to receive the following services (for an extra fee)

- 1 ☐ Addressee's Address
2 ☐ Restricted Delivery

Consult postmaster for fee.

3 Article Addressed to.

PATRICIA L BRAGANZA
4738 N EDELWEISS
BOISE ID 83713

4a Article Number

P 241 820 401

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

12-5-96

5 Received By: (Print Name)

Patricia Braganza

6 Signature: (Addressee or Agent)

Patricia Braganza

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED
DEC 16 1996

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83706

RECEIVED
DEC 16 1996

RECEIVED

SEP 16 1996

WATER RESOURCES
WESTERN REGION

Ident. No. 65-13689

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: DAN V BROWN
Address: PO BOX 253
MCCALL ID 83638
208-634-4664
2. Source: WILHELM CREEK
Trib. to: BOULDER CREEK
3. Location of Point of Diversion: SENE Sec. 2, Township 17N, Range 03E
VALLEY County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	04/15	10/15	0.080		
IRRIGATION STORAGE	04/15	10/15			15.00
IRRIGATION FROM STORAGE	04/15	10/15	~~0.080~~		15.00
WILDLIFE STORAGE	01/01	12/31			15.00

*D.B. changed
15.00*
5. Total quantity to be appropriated is:
0.080 CFS (and/or) 15.00 AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
POND WITH DAM, SPRINKLER IRRIGATION
 - b. Height of storage dam 6 feet; active reservoir capacity 15.00
acre-feet; total reservoir capacity 15.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - c. Proposed well diameter is inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 2 year(s).
8. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
17N	03E	2	SENE 04			4

Total number of acres irrigated: 4

-ORIGINAL-

Place of Use: IRRIGATION STORAGE

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
17N 03E 2	SENE			

Place of Use: IRRIGATION FROM STORAGE

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
17N 03E 2	SENE			

Place of Use: WILDLIFE STORAGE

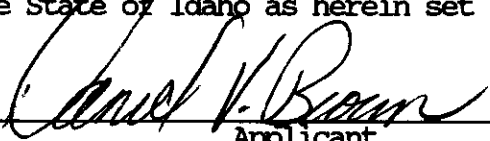
TWN RGE SEC	
17N 03E 2	SENE

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Applicant

Received by VR Date 9-16-96 Time 10:00am Preliminary check by cjl

Fee \$ 50.00 Receipted by VR # W021499 Date 9-16-96

Publication prepared by AT Date 10-9-96 Published in Star News

Publication approved AT Date 11-5-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 65-13689

1. Owner: Dan Brown Phone No. 634-4664

Current Address: PO Box 253, McCall ID 83638 0253

2. Accompanied by: Dan EXAM DATE : 9/26/01

Address: _____ Phone No. _____

Relationship to Permit Holder:

3. Source: Wilhelm Creek tributary to Boulder Creek

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use.

Indicate Method of Determination same as above

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

SEE ATTACHED MAP

Y Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Y Aerial Photo Attached (required for irrigation of 10+ acres).

Y Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

300' x 420' x 3' - 8500 sq' island areas = 8 af

E. NARRATIVE/REMARKS/COMMENTS

An 8 AF pond has been constructed on Wilhelm Creek for Wildlife Storage. The pond is ~300' x 420' x 3' with ~8500 sq' of fill mounds (2 little islands) for wildlife use. Condition #6 on the permit states that "measuring devices shall be installed to measure flows of Wilhelm Creek just upstream of the reservoir and immediately below the dam." Applicant installed a Cipolletti Weir on the reservoir outlet, however, in 1998 the applicant met with Iven Phelps, the Watermaster of Wilhelm Creek, who informed the applicant that there was no need to install an upstream measuring device because he could pretty well estimate the flow of the Creek entering the reservoir. Applicant stated in a letter dated 5/5/1998 that he intended to eventually build a concrete weir at the reservoir inlet. Iven Phelps is no longer the Watermaster and a concrete weir upstream has yet to be installed as of 9/26/01.

The application was protested by Robert Collins. One of his concerns was the safety of his children in

regards to the size of the dam. To address this concern, Condition #12 states that prior to diversion of water, the applicant shall submit a plan to address public safety concerns by limiting access to the dam and spillway. Applicant submitted a plan 5/5/1998 that indicated a fence would be constructed & maintained along the dam area of the reservoir. The safety fence has yet to be completed as of 9/26/01. Please see applicants letter dated 5/5/1998 and John Westra's letter dated 6/12/1999, both attached.

I recommend this permit not be licensed until the conditions addressed above have been adequately achieved.

Have conditions of permit approval been met? ☐ yes ☒ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$$

2. Volume Calculations for Other Uses:

300' x 420' x 3' - 8500 sq' Island areas = 8 af

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Wildlife Storage	1/1	12/31		8
TOTAL				8 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**

Lori Graves -Senior Agent

Field Examiner's Name

Lori Graves

Date

1/9/02

Reviewer _____

Date _____

SEAL

Dan Brown (208) 634-3084
P.O.Box 253 McCall, Idaho 83638

May 5, 1998

State of Idaho
Department of Water resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

MAY 11 1998

WATER RESOURCES
WESTERN REGION

Attn: John Westra

Re: Compliance with Conditions of aproval #65-13689

John,

I met with Iven Phelps yesterday and worked out a plan for flow measurement of Whilhelm creek through my pond. Accordingly I am submitting a design for a Cipolletti Weir for water measurement at the dam area. Iven felt there was no need to do one at Potter Lane at this time. My intent is to eventually build a concrete weir at the inlet to the pond on my property. In the meantime Iven said he could pretty well estimate the inflow. Also. attached is a Safety Plan for the pond as required in item #12 of permit conditions. I hope this satisfies all requirements. Let me know if you need anything else. Thanks

Dan Brown

Dan Brown (208) 634-3084
P.O.Box 253 McCall, Idaho 83638

May 5, 1998

State of Idaho
Department of Water resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Re: Compliance with Conditions of aproval #65-13689

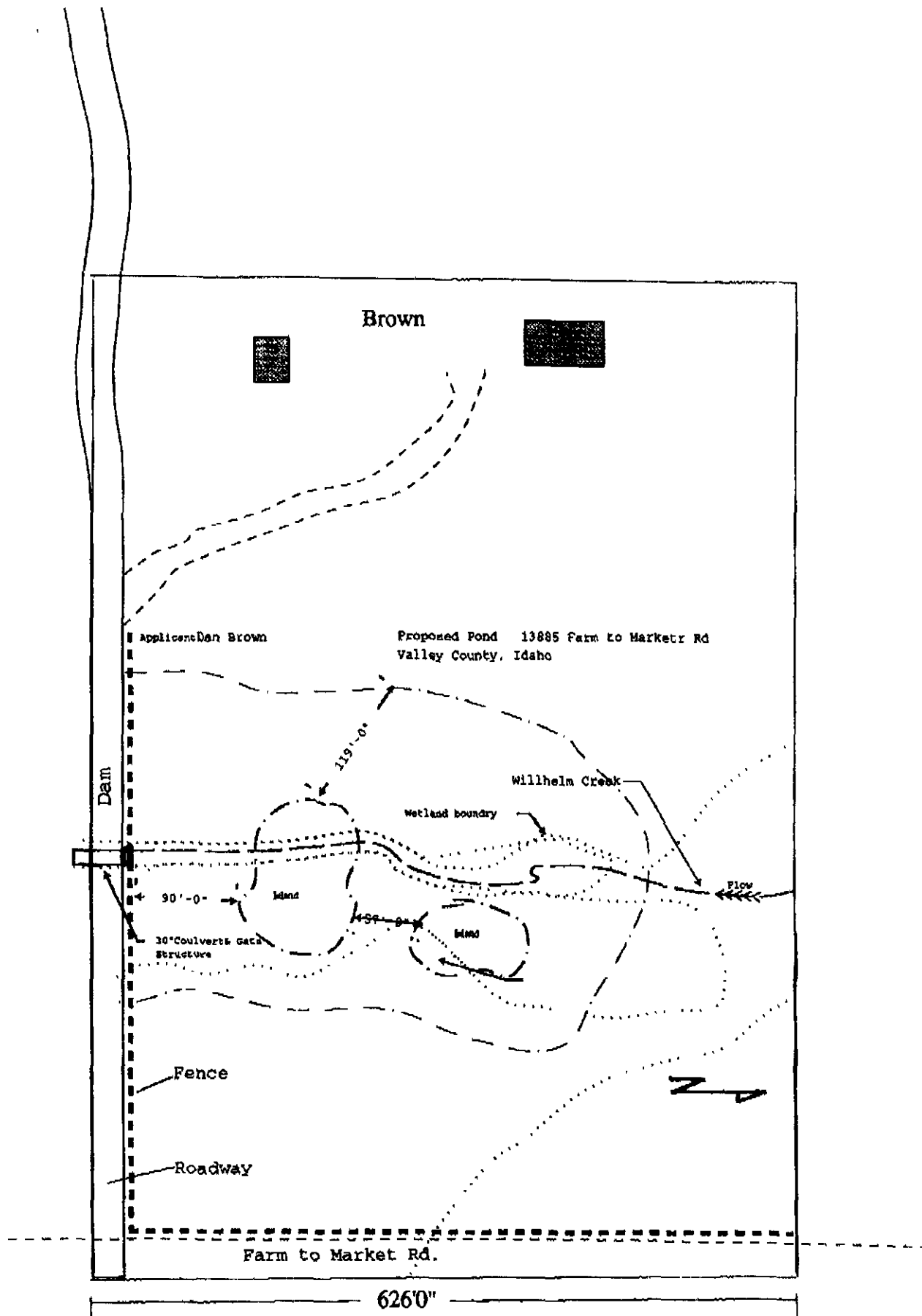
Public Safety Plan

In order to help prevent this pond from being an attractive nuisance to the general public the following safety provisions will be implemented.

- 1) A well constructed fence will be built & maintained along the Dam area of the reservoir (See attached map)
- 2) A barbed wire stock fence is currently in place along the Farm to Market Rd. Boundry
- 3) Private Property / NoTresspassing signs will be posted near Dam area and on Farm to Market Rd.

Land Owner:





Cipolletti Weir

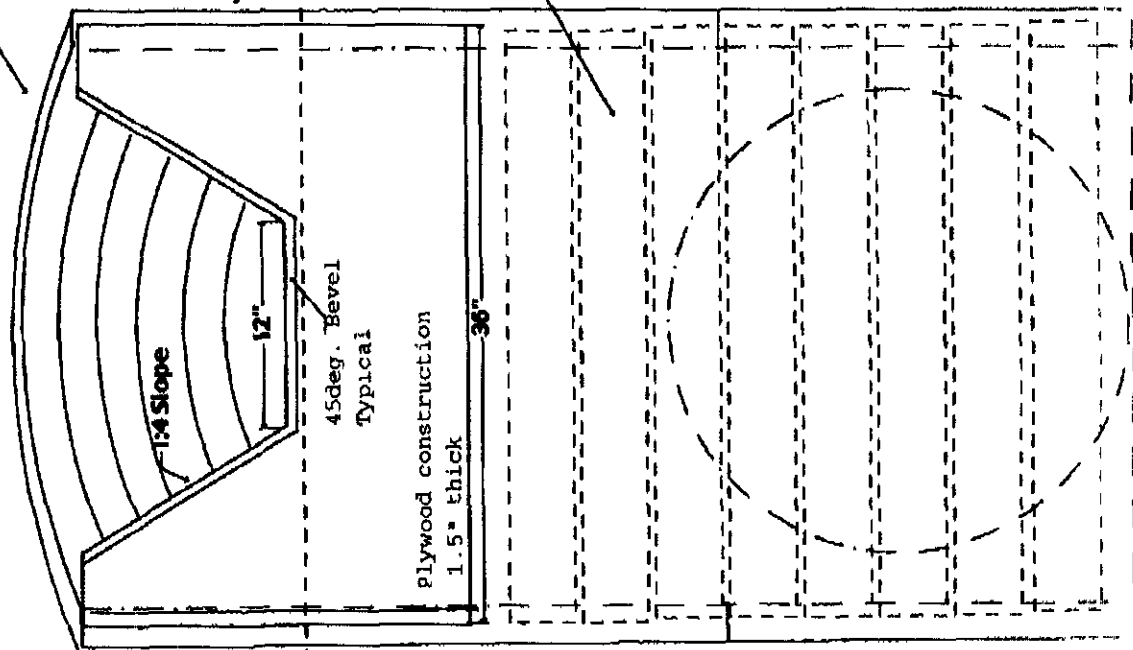
Pond Water flow measuring device
Permit # 65-13689

36" Culvert 1/2 Section

1 1/2 Channel Iron

2x6 Boards

Measuring device located at
dam on South end of reservoir



Dan Brown
13885 Farm to Market Rd
Mccall, Idaho



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

June 11, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Dan V Brown
PO Box 253
McCall, ID 83638-0253

RE: Conditions of Approval Permit #65-13689

Dear Mr. Brown:

In 1997 the Department approved permit #65-13689 for wildlife storage with specific conditions of approval to be met by the permittee. Under condition #12, the permittee was to submit a public safety plan that limited access to the dam and spillway prior to diversion of water. A plan was received by the Department on May 5, 1998.

As of this date, the safety provisions in the plan have not been implemented, and water is being stored at the facility. Please submit in writing the following to the Department for review and approval by July 10, 1999:

- Construction schedule with completion date for the public safety plan, specifically the safety fence at the outlet works and along the dam embankment.

- Safety fence specifications, type, height, etc.

Please be advised the submittal of Proof of Beneficial Use and Construction for the project is due **August 1, 1999**. The listed conditions of approval and remarks on the permit must be met for the water right licensing process.

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

Sincerely,

John Westra
Western Region

Enclosures: Permit #65-13689, Safety Plan

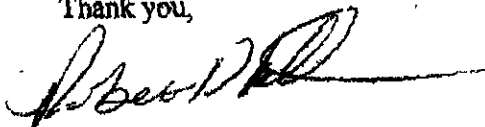
June 6, 1997

To: Gary Spackman
Manager at Western Region

RE: Pond at 13887 Farm-to-Market Road
McCall, ID 83638
Dan Brown, Owner

We would like to express our concern about two very important safety features that should be required. Under the local public interest in water rights, we are requesting that you require Mr. Brown to install a fence around the south side (Dam side) of the pond and to have the fence extend at least 50 ft. around the ends to the north. This will discourage children from playing or falling into the pond and keep them from playing on what could possibly be unsafe ice during the winter. We also request that you have Mr. Brown install a grate over the outlet stand pipe to keep anyone from falling into or getting sucked into the pipe and drowning. Our children walk across this dam everyday during the school year to catch the bus and we would like to see these safety features put in place to protect them.

Thank you,



Robert Collins

RECEIVED

MAY 17 1999

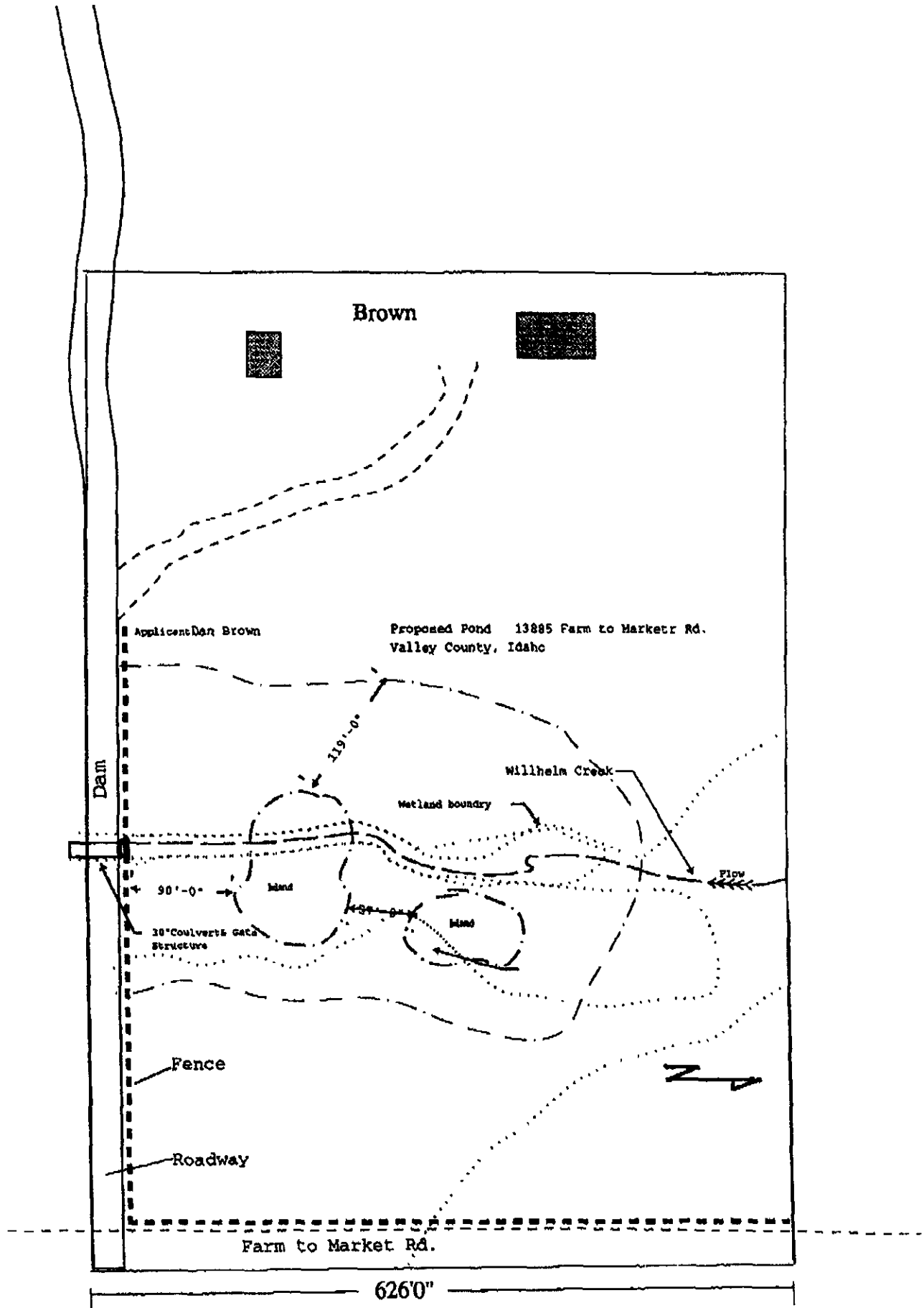
**WATER RESOURCES
WESTERN REGION**

May 14, 1999

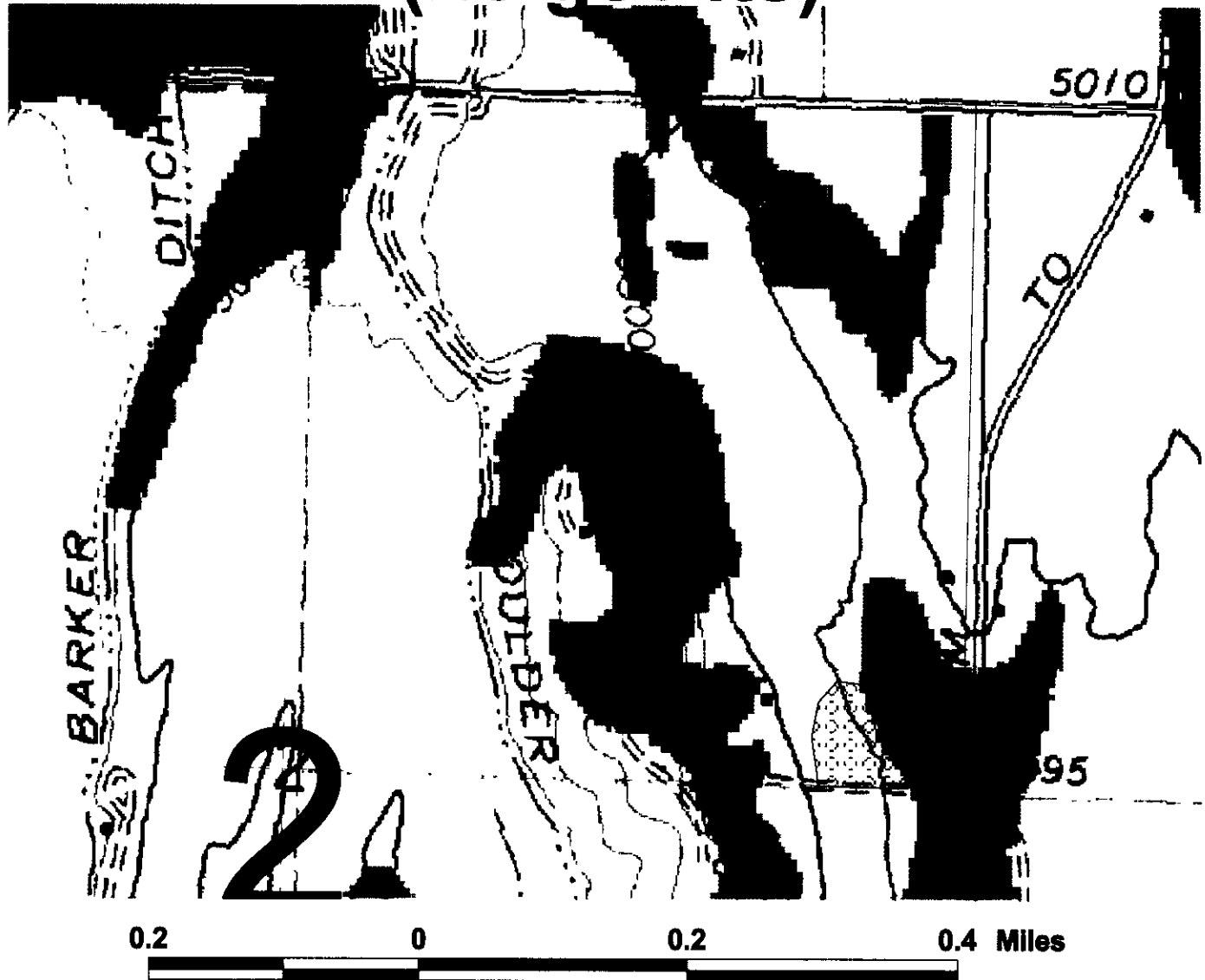
Dear Mr. John Westra,

This letter is to inform you that Dan Brown at 13887 Farm to Market with permit #6513689 has not complied with his safety items associated with his pond. I would like this situation remedied immediately as he is filling the pond. Specifically, a fence surrounding it and an enclosure around the outlet pipe. It has been three years now and it has been long enough

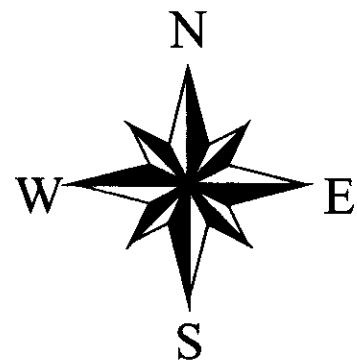
Robert Collins



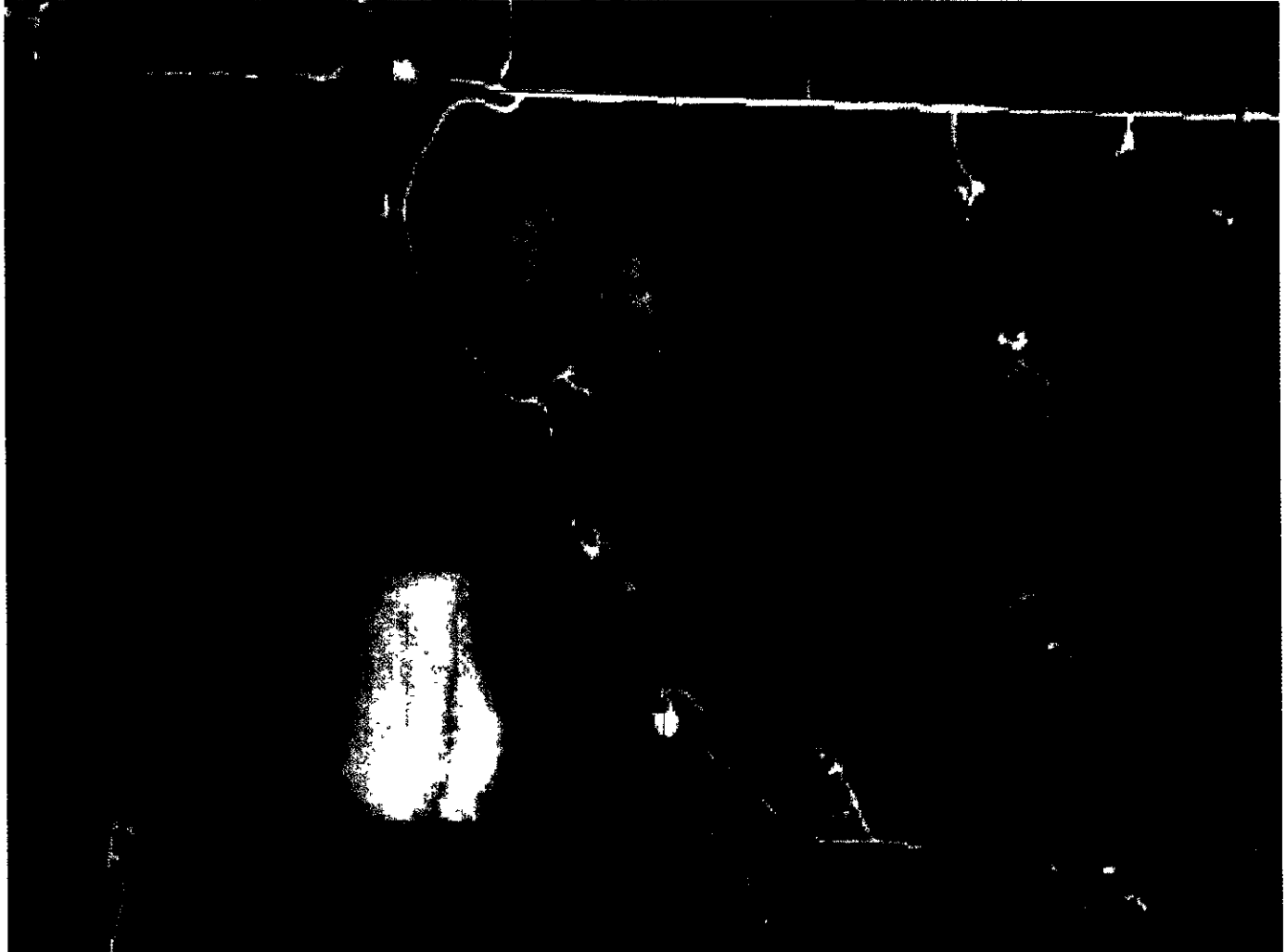
65-13689
T17N R3E S2
(no gov lts)



 Pond
Sections
1/41/4

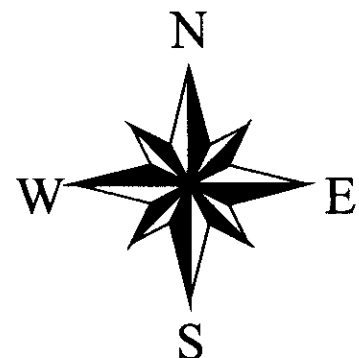


65-13689
T17N R3E S2
(no gov lts)



0.2 0 0.2 0.4 Miles

 **Pond**
 **Sections**
1/41/4





8 AF
POND



OUTLET
MEASURING
DEVICE

(slide in Cipolletti
Weir)



UNFINISHED
FENCE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

January 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAN V BROWN
PO BOX 253
MCCALL ID 83638

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 65-13689

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order reinstating the permit since proof was submitted after the proof due date.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. If you have questions concerning the field examination, please contact the **WESTERN** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: IDWR - Region

MICROFILMED
JAN 31 2000

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13689 Reviewed by WSS Date 01-03-00

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

wildlife storage

yes Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No.

☐ Amount paid for permit

☐ Correct?

☐ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

yes Required?

15⁰⁰ Amount Submitted

yes Installed?

No Correct?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

 -
 =
 +

DEFICIENCIES OR ACTION ITEMS

~~used correct to request \$30 - 15 = 15⁰⁰~~
- need to reinstate w/o advance in priority.

DATA ENTRY

New Address

Proof Made 1-13-2000

Daniel V. Brown
P.O. Box 253 McCall, Idaho 83638 (208) 634-3084

State of Idaho
Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83720

July 8, 1999

Re: Proof of Beneficial Use & Safety Plan

To Whom It May Concern:

Enclosed is my application for Proof of Beneficial Use and a check for 15.00 for the examination fee.

With regard to the safety fence as required under permit. I have purchased the materials for this fence and plan to have it installed before August 1, 1999. The fence will be apx. 4.5' in height and will be 5" dia pt posts @ 10' oc. Initially I plan to use just a stockwire fencing material and at some point in the future will add solid railing, either lodgepole rails or 2x material I will also provide a gate area on the dam for access to the metering device.

Sincerely,



Dan Brown

MICROFILMED
JAN 31 2000

STATE OF IDAHO
Department of Water Resources
DAM INSPECTION REPORT

Dam name: Day Brown File No: D65-13869 ⁶⁸⁹
Date: 6/9/99 Time: 1:30 PM Photos: ☒ Yes ☐ No
Weather Conditions: Clear Temperature: 60's
Ground Condition (wet, muddy, dry, snow covered, etc.): Wet
Condition of Dam (maintenance problems): Approx 2 Ft free board on the
embankment.
Reservoir Condition (ice covered, low, spilling, etc.): spilling
Reservoir Stage (gage ht.): _____
Percentage Full (by volume): Full
Inflow to Reservoir: Unknown
Outflow From Reservoir: Several CFS - spring runoff.
Seepage Conditions: Damp along toe

Spillway Open: ☐ Yes ☐ Flashboards ☐ Other obstructions (if other than 'yes'
explain) Flow over check boards in the outlet stand pipe
Comments or Remarks: _____
- Follow up of letter from Robert Collins
- No fence has been installed along the embankment/outlet
to limit public access. Nothing else done
- Some rock piled at the abutments
- Fill mounds in reservoir for wildlife ??

Inspector: J. Winters, Western Reg. MICROFILMED

JAN 31 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 11, 1999

Dan V Brown
PO Box 253
McCall, ID 83638-0253

RE: Conditions of Approval Permit #65-13689

Dear Mr. Brown:

In 1997 the Department approved permit #65-13689 for wildlife storage with specific conditions of approval to be met by the permittee. Under condition #12, the permittee was to submit a public safety plan that limited access to the dam and spillway prior to diversion of water. A plan was received by the Department on May 5, 1998.

As of this date, the safety provisions in the plan have not been implemented, and water is being stored at the facility. Please submit in writing the following to the Department for review and approval by July 10, 1999:

- Construction schedule with completion date for the public safety plan, specifically the safety fence at the outlet works and along the dam embankment.
- Safety fence specifications, type, height, etc.

Please be advised the submittal of Proof of Beneficial Use and Construction for the project is due **August 1, 1999**. The listed conditions of approval and remarks on the permit must be met for the water right licensing process.

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

Sincerely,

John Westra
Western Region

Enclosures: Permit #65-13689, Safety Plan

MICROFILMED

JAN 31 2000

RECEIVED

MAY 17 1999

**WATER RESOURCES
WESTERN REGION**

May 14, 1999

Dear Mr John Westra,

This letter is to inform you that Dan Brown at 13887 Farm to Market with permit #6513689 has not complied with his safety items associated with his pond. I would like this situation remedied immediately as he is filling the pond. Specifically, a fence surrounding it and an enclosure around the outlet pipe. It has been three years now and it has been long enough.

Robert Collins

MICROFILMED

JAN 31 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 3, 2000

Dan V. Brown
P.O. Box 253
McCall, ID 83638

RE: PROOF OF BENEFICIAL USE FOR PERMIT NO. 65-13689

Dear Mr. Brown:

My review of the proof of beneficial use statement and fee which you submitted to the department in connection with the above referenced permit, shows that you have not submitted the proper fee. The required fee is a total of \$50 of which you submitted \$15. Please submit the difference which is \$35 at your earliest convenience in order that the department can reinstate the lapsed permit and further consider it for issuance of a license.

The check should be made payable to the Department of Water Resources and should be sent to my attention. You should also reference the permit number on your check or correspondence in order that the \$35 can be properly credited.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading 'L. Glen Saxton'. The signature is written in a cursive, flowing style.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c. IDWR W. Region - John Westra

MICROFILMED

JAN 31 2000

May 31, 1999

DAN V BROWN
PO BOX 253
MCCALL ID 836380253

PROOF DUE NOTICE

RE: PERMIT NO. 65-13689

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1999. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

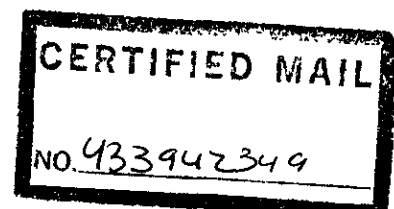
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JAN 31 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 11, 1997

DAN V BROWN
PO BOX 253
MCCALL ID 83638-0253

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13689

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

208 327 7900

8/20/97

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

100-100000

AUG 20 1987

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of August, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13689

DAN V BROWN
PO BOX 253
MCCALL ID 836380253


Kari Lynn Townsend
Secretary

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by *Cindy Lee*
 No.: 65-13689 Name: Brown Date: 6/30/97 Ad OK? ☒ ☒ Gvmt Lts: ☒
AREA OF CONCERN?

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W/19 (Order)

SYSTEM COMPLETED:

Yes/proof filed

- NA

1 year/no proof

- P16

+1 year

- 26A-P17**GROUNDWATER:** <✓ FLO-CH>

+ 0.24 cfs

- 01M (MD or power, & report) or 028 (report (existing MD's))

=/- 0.24 cfs

- No MD

+ 5 a.

- 01M or 028; 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

DRILLING PERMIT:

Existing well

- NA (pre 7/1/87; ✓ WDQ3)

Included w/permit

- Permit No. _____, P99

No WD permit?

- 046-46B-P23 (post 7/1/87)

irr. in WD

- P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):Source in/below Min. Str. Flow ? - <SEE MAP & LISTING> (modify remark *WB9)

Water District (dom. inc.)

- R04 (req) WD # 65D <SEE MAP & LISTING>

> 0.20 cfs

- 01J (meas dev)-P08

≤ 0.20 cfs

- 01H (lock dev)-P01 or No MD (in-stream stock)

WMD or GWD

> 0.24 cfs/5 acres

- _____ or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

Springs/sink, inactive WD, & Rest of State

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS (*Surface water):

Snake R (01)

- 11A-P04, NA

(02/03-irr)

- 007-P07 (w/ remark *WB9 if above Weiser), NA

Boise River (63)

- 05A (if WD), 11E (not 42-111 use), NA

Payette River (65)

- 064 (regulated uses), 047-P04 (Payette Lake), NA

USE:

Domestic (surface)

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

Domestic (+1 in concern area)

- 070-071

Fish Propagation

- 07A-042 (req)-09E (WQ)-P10; 044 (North of 1000 Springs)

Irr <POU> ≤ 5 acres

- 057 (0.03 cfs/acre)

> 5 acres

- 03A (0.02 cfs/acre)

Mining

- 054 (req) & 09E-P10

Municipal (restricted areas)

- 022 (+memo?)

Power

- 17K-08A-025-01F(P19)-028-09E(P10); 027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; +25 cfs-P18

- ~~072~~ (req); 18A (multiple MD within district), 18B-P09 (+10' dam),~~080~~**LOCATION:**

42-248 area

- P84 (if in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (-85° GW temp only)

~~to stream dev.~~ N/A- ~~P62~~ (stream channel alteration)

Irr Dist/Canal Co.

- 023 (Twin Falls area)

Swan Falls Flag

- _____ <SEE CODE CHART>

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust <1>

- 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-owner

- 004 (PD/PU)

OTHER CONDITIONS:**STANDARD REMARKS:**- Oregon's Land (2) Shelley's Cond.**BENEFICIAL USE DUE:**- 8/1/1999**COMMENTS:**

5/96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

RECEIVED

MAY 13 1997

Department of Water Resources

INITIAL REVIEW BY: cjlDATE: 9/25/96APPLICATION: 65-13689REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)

Address:

Source: (See USGS Quad for names of water sources)

Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)

County:

Quantity: (flow and/or volume)

Period of use:

Nature of proposed use: (Include description of use)

Description of diverting works:

Time required for beneficial use of water:

Place of use or acres irrigated:

Map: (show T, R, S, QQ &/or QQQ)

Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)

Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)

Fee:

Yes ☐ No* ☐ In form to receipt: * ADVERTISE WITH REMARK!

Gov't. Lots:

3 P/D3 P/U

Note: Protest attached

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)

☒ ☐ Overlapping point of diversion.

☐ ☐ Field check required: Field check by: _____

☐ ☒ Field report attached:

☐ ☒ Critical groundwater area:

☐ ☒ Groundwater management area:

☐ ☒ 1992 moratorium:

☒ ☐ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining.) done

☒ ☐ Copy to Dam Safety staff: (for any storage)

☐ ☐ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge

☐ ☐ Send power requirement letter:

☐ ☐ Send fish farm requirement letter:

☐ ☐ Power residency affidavit:

☐ ☐ Power efficiency form:

☐ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)

☐ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED _____

ADDITIONAL INFORMATION ON REVERSE SIDE:

OK to advertise per NCY 10/1/96 JL

PROCESSING

YES NO

APP. NO. 65-13689

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

☐ I.D. Health & Welfare
☒ I.D. District Health
☒ I.D. Fish & Game
☒ I.D. Lands
☒ Adjudication Bureau

YES NO

☒ U.S. BLM
☒ U.S. Forest Service
☒ Water Dist. # 65D (Van Phelps)
☒ Other: Van Phelps

L> George Duncan

Reynaldo & Patricia Braganza

(See addresses attached. also send protest acknowledgement to Braganza)

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ Affidavit of publication received:
☒ Application published correctly: If not, record action taken.

☒ Publication dates and paper recorded on application:
☒ Protests received. Final date for protest 11-4-96

☒ Protest dates, resolution of protest recorded on application:
☒ Recommendations attached:

☒ Measuring device required:

☒ Measuring port required:

☒ Water delivered by water master? District # 65D

☐ Special conditions of approval or cover letter: See memo in file.

See below for additional information

Recommended Date or Priority 9/16/96Recommended by: Gary SpuckmanDate: 6/17/97STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

65-8273, 9722, 9756, 9808 all g.w. diversions for domestic use.

INTER-DEPARTMENT MEMO
RECEIVED

MAY 13 1997

Department of Water Resources

JL
TO: S. Lester Deputy Manager

FROM: J. Westra

Pond on Wilhelm Creek.
SUBJECT: WR Application

DATE: _____

Attached is the WR Application from Dan Branch @ McCall. (F&G pond).

I will coordinate with you the dam safety concerns/requirements.

- PLEASE EXPEDITE - to JETHK

**CEASE & DESIST & involving water right, stream
protection & dam safety programs**

- JL 9/18/96

☒ For your information

☐ Response required

AUG 20 1997

signature

MEMO

TO: File no. 65-13689 in the Name of Dan Brown
FROM: Gary Spackman *Gay*
DATE: June 16, 1997
RE: Proposed Conditions of Approval

Protestant to application for permit no. 65-13689, Patricia L. Braganza, withdrew her protest following a study of ground water levels conducted by John G. Bokor and Thomas A. Lance.

Ivan Phelps, watermaster for water district no. 65-D, Boulder Creek, recommended that the Department of Water Resources (IDWR) not approve the application. His concerns relate to the delivery of water down stream to earlier in time water right holders, and concerns raised by neighboring property owners. Some of the watermaster's concerns have been addressed because the application now only proposes wildlife storage and no longer proposes an irrigation use. Nonetheless, a 15 acre pond may affect or interrupt the delivery of water to water right holders below.

I spoke to Ivan Phelps on the telephone about his concerns on or about June 5, 1997. Phelps felt that the application could be approved with proper inflow-outflow measuring devices to insure that there was no consumption in the reservoir. He also felt that an automatic overflow spillway or standpipe should be constructed that automatically bypasses the inflows to the reservoir. Finally, the reservoir itself and its components may require some construction for public safety.

I recommend that application for permit no. 65-13689 be approved with the following conditions:

1. Measuring devices must be installed to measure the flows of Wilhelm Creek just upstream of the reservoir and immediately below the dam. Prior to construction of the measuring devices, detailed construction drawings must be submitted to IDWR showing the location of the measuring devices with respect to the dam and the type of measuring devices, including dimensions and configuration in the stream channel.
2. An overflow structure must be constructed near or on the dam face which will automatically pass the inflow to the reservoir into Wilhelm Creek.

AUG 7 1997

3. The water right holder may need to test the reservoir for losses according to a procedure approved by IDWR.

4. Storage and use of water pursuant to this permit shall be regulated by watermaster of water district no. 65-D, Boulder Creek.

5. The overflow structure must be covered with a grate or fenced to prevent access to the spillway structure.

6. If the dam is a public thoroughfare, the water right holder must adequately fence the reservoir along the dam to prevent access by the public.

7. All areas disturbed by construction shall be revegetated and/or reseeded as recommended by Idaho Department of Fish and Game and/or the local office of the Natural Resources Conservation Service.

8. An on-site review will be made after the first growing season to determine if additional planting or replanting will be required.

9. The spillway area shall be protected with rock riprap or other suitable methods of erosion protection.

10. Rock used for riprap shall be sound, dense, well graded, angular rock free of fines and of a sufficient size to withstand the expected velocities within the spillway area during ordinary high water to ensure erosion protection.

11. No structure (permanent or temporary) in the stream channel shall constitute a restriction or migration barrier to fish indigenous to this stream.

The following paragraph should be added to a transmittal letter:

This water right permit does not relieve the applicant of the responsibility to obtain a separate permit from the U.S. Army Corps of Engineers before starting this project. You should contact their office at (208) 343-0671 to obtain additional information on permitting requirements that may be needed for this project.

CONVERSATION MEMORANDUM

DATE 6/5/97
FILE 65-13689NAME OF PARTY Rob Collins 208-634-8440EMPLOYEE JLRE: CONCERN re DAN BROWN's DAM

MR. Collins is a neighbor whose children must cross the creek on road/dam that DAN ~~Brown~~ Brown built. Stated that Brown told him would put up fencing along dam to prevent possible danger to kids as cross. NO fencing has been ~~++~~ installed yet, he said.

Wants Dept to require this (maybe other safety features?) to be done in any approvals I don't may issue.

WE discussed protest process etc. - too late to protest or intervene now that protest has been withdrawn. Instead, recommended that he send letter to Reg. Mgr. outlining his concerns (re local public interest) to see if can be factored into decision process.

He said he is not opposed to project - thinks pond is nice addition to neighborhood. But is concerned re public safety since kids have to use dam/road to get out.

AUG 20 1997

Steve SR
Gary —

MEMORANDUM

To File: 65-13689

Brown Dam Application for Permit

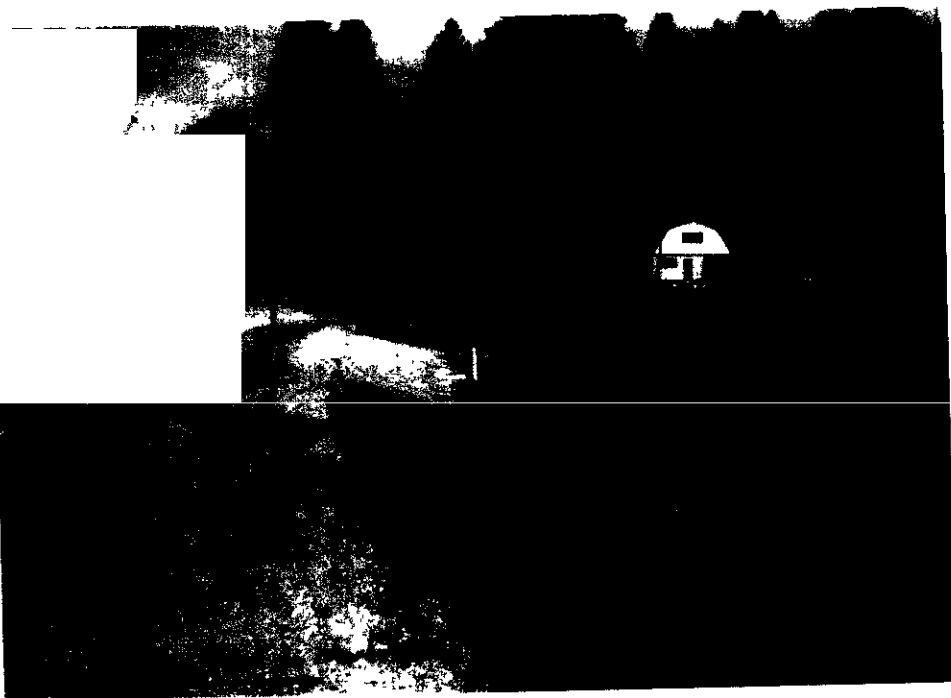
From: J. Westra

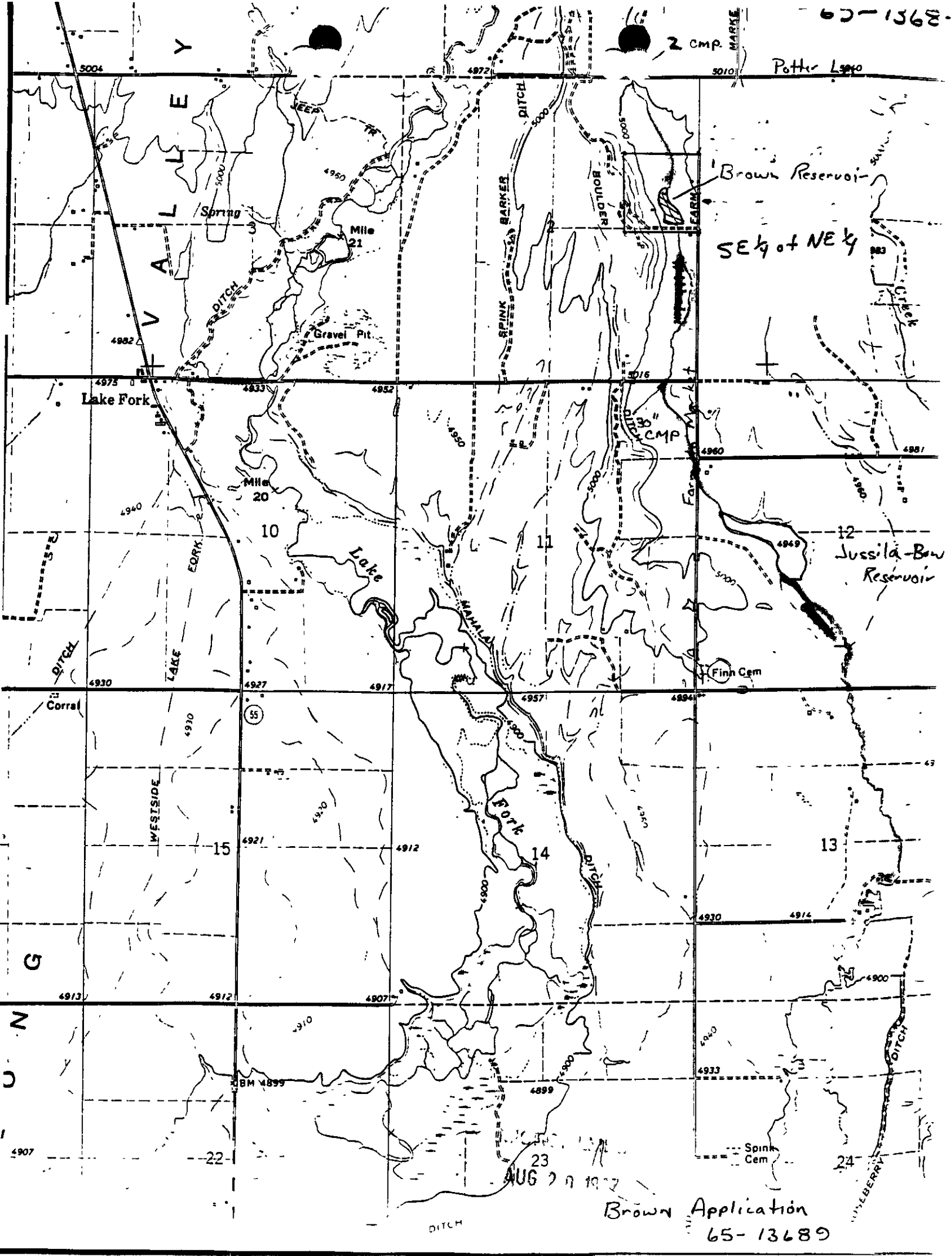
Date: 6/2/97

RE: Site check of outlet/spillway structure

On 6/2/97 I inspected the dam and reservoir site. Wilhelm Creek was flowing directly through the outlet. The outlet is a 30 inch CMP riser pipe cut in half with removeable check boards for storage. It is welded to a 24 inch outlet pipe through the embankment, typical NRCS design.

If required, the creek inflow upstream of the reservoir could easily be measured at the Potter Lane culvert with a weir as the creek channel is 3-4 ft in width approaching the 2 ft. culvert.





AUG 20 1972

Brown Application
65-13689

CONVERSATION MEMORANDUM

DATE 5/29/97FILE 65-13689NAME OF PARTY John Bokor 208-634-7734EMPLOYEE Steve LRE: Consultant = contact for applicant

Steve would call Mgr. tomorrow to discuss.

Asked for Tom to call him if need more info.

— 5/30/97 —

Tom Lance called

He is from the same consulting firm as John B. -

We discussed some of the issues before Dept. in making its decision. He wondered if the rest of this construction season would pass before a decision on W.R. appl. was issued.

My response was that although could not make a prediction, it looked like we are fairly close in resolving this.

ENCLOSURE

AUG 20 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 12, 1997

PATRICIA BRAGANZA
4638 N EDELWEISS
BOISE ID 83713

Re: Application for Permit No. 65-13689 in the Name of Dan Brown

Dear Protestant:

This letter is to acknowledge your withdrawal of protest against the above-referenced application for water right.

The Department now will continue to process the application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,


Gary Spackman

GS:st

CC: Applicant

100-100000

AUG 20 1997

MEMORANDUM

TO: GARY SPACKMAN

FROM: STEVE LESTER *SL*

DATE: MAY 6, 1997

RE: APPLICATION FOR PERMIT 65-13689

The protest has been withdrawn for this application. It now appears that IDWR can issue a permit limited to on-stream wildlife storage for up to 15 af - no diversion from the stream will be involved. A permit can include a condition of approval allowing refill of the pond due to losses.

Irrigation components should be deleted from the application. ^{*}The applicant is aware that irrigation can be refilled in another application that could not be processed at this time.

Note that related SCA and/or Army Corps issues might remain per applicant's inquiry (see 4/23/97 conversation memo).

Of course, the local watermaster may require conditions of approval to adequately control this storage to prevent injury to senior downstream rights.

** d'entry update completed - see Revised Appl.*

May 2, 1997

RECEIVED

MAY 06 1997

WATER RESOURCES
WESTERN REGION

Reynaldo and Patricia Braganza
4738 N Edelweiss Ave
Boise, ID 83713-0522

Steve Lester 
Idaho Dept Of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE Withdrawal of protest on permit application No 65-13689, Dan V. Brown

Dear Mr Lester.

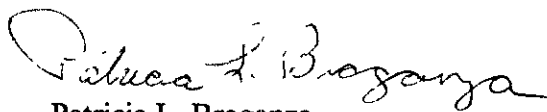
We have received the report prepared by Land Use Technology, L L C on the effects Mr Brown's proposed pond will have on the surrounding water table Based on a review of the report prepared by Mr Bokar, we are withdrawing our protest against Mr Brown's water rights application.

In the report, Mr Bokar states that the proposed pond will not have an adverse effect on the water table on our property, nor will it affect our ability to install a septic tank on our property under our current permit. Mr Bokar came to his conclusion based on a review of the soil survey performed on the valley by the U S Dept of Conservation of Natural Resources, the rise in elevation from Mr Brown's property to ours, and a quick surface examination of the soil.

While this is a good start and sufficient to appease our immediate concerns, we still have a lingering concern on the water table effect as no monitoring of the water table has been performed. We realize that this is a time consuming endeavor and not one that can be readily addressed inside the time constraints of this protest It is in consideration of this that we are withdrawing our protest

To appease our concerns, we plan to install several monitoring holes on our property. From these holes, we shall be able to monitor the water table levels on our property It is our sincere hope they will permanently put to rest our concerns

Sincerely,


Patricia L Braganza

I:\PBRAGANZ\WP\USER\WITHDRAW WPD

RECEIVED
AUG 10 1997

CONVERSATION MEMORANDUM

DATE 4/23/97FILE 65-13689NAME OF PARTY DAN Brown 208-634-3084EMPLOYEE Steve LesterRE: ① REQUEST FOR HEARING
② SCA - Army Corps ISSUES

① Protestant has stated will withdraw protest but not acting on that. (Also, several days ago, Applicant's consultant - JULE BOKER - called to see if protest withdrawn yet). DAN believes that some stalling on protestant's part is occurring.

He requests hearing ASAP to resolve this - would like to find out if gets WR soon so will know if can continue work when things dry out in near future.

② Also mentioned that INR C & D order (re SCA program - GENE?) "has been lifted" (?) but wonders e Corps role in the situation. Where does he stand w/ SCA i/cr Corps in this matter?

RECOMMENDATION - Gary & Gene discuss, then call Dan re SCA/Corps situation plus move ahead with scheduling a hearing. Note that any WR approval would not include inv component - would need to re-file on that w/o it wants to pursue it. *

Applicant
stated
that

* AS noted in 3/31/97 conv memo
w/ consultant

CONVERSATION MEMORANDUM

DATE 3/31/97

FILE 65-13689

NAME OF PARTY 208-325-8407
John Bokor Land Use Tech. L.L.C.

EMPLOYEE Steve Lofter

consultant for
Applicant

RE: Protest

Per consultant's 3/21/97 report - appears protestant
will withdraw protest, as stated.

What happens next?

① Amend (no fee on re-advertising) Appl. to
delete irrig. - would then appear that
non-irrig. parcel in "water-rich" AREA could
be approved subject to adequate conditions of
approval which might include augmentation to
mitigate any consumptive use

Best = Applicant initials
the Appl form
OK = By original signature
in letter from
APR

② If interested - refile irrig Appl. with
new priority, \$50 filing fee.

PHONE-LINE

APR 2 1997

**Land Use
Technology
LLC.**

**NATURAL RESOURCE
ASSESSMENTS,
PLANNING, AND
PROBLEM SOLVING**

1 Pearl St. Box 1
McCall, Idaho 83638
(208) 634-3031
(208) 325-8407
lut@cyberhighway.net

Members

John Bokor, BS
*Senior Soil Scientist/
Certified Professional Soil
Scientist*

Thomas Lance, MS
*Project Coordinator/
Soil & Water Resources
Conservationist*

Associates

Ishfaq Ahmed, PhD
*Range Scientist/
International Programs*

Robert Barkley, BS
Forester

Lucy Chronic, MS
Geologist

Larry Lass, PhD
*Geographic Information
Systems Specialist*

Jean Mouelle, PhD
*Range Scientist/
International Programs*

Erin Peters, PhD
Range Ecologist

Alice Ricketts, MS
Hydrogeologist

Kelly Rogers, MS
*Natural Resources Policy
and Planning Specialist*

RECEIVED

MAR 26 1997

WATER RESOURCES
WESTERN REGION



March 21, 1997

321 No 3rd P.O. Box 660
McCall 83638

Patricia Braganza
4738 N. Edelweiss
Boise, ID 83713

634-7734
634-1803 FAX

RE: Pond investigation - final report

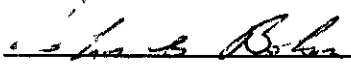
Dear Mrs. Braganza:

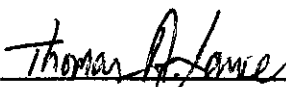
Enclosed please find our final report concerning the development of a pond on the Dan Brown property and the potential influence it may have on the Truman-Tunis property. Our work concludes that creation of the pond will not alter ground water levels (other than in the immediate vicinity) or impact existing conditions on the Truman-Tunis property.

Upon examining this information, we are hopeful that you will be assured that creation of the pond will not adversely affect the Truman-Tunis property, and you will withdraw your protest filed with the Idaho Department of Water Resources. Mr. Brown does not wish to impact any neighbors' property and is hopeful that the technical report provided at his expense meets all your needs for making an informed decision.

Please contact us if you have any questions or comments. Mr. Brown has asked us to respond to your concerns and requests that you contact us soon with your decision to terminate or continue the protest.

Sincerely,


John G. Bokor
Certified Professional Soil Scientist


Thomas A. Lance
Project Coordinator

cc: Mr. Pat Tunis
Steve Lester-IDWR
Mr. Dan Brown



1050-1115
AUG 30 1997

Consultant's
Report e
Expected impact
from this project

**Land Use
Technology
LLC.**

**NATURAL RESOURCE
ASSESSMENTS,
PLANNING, AND
PROBLEM SOLVING**

1 Pearl St. Box 1
McCall, Idaho 83638

(208) 634-3031
(208) 325-8407
lut@cyberhighway.net

Members

John Bokor, BS
*Senior Soil Scientist/
Certified Professional Soil
Scientist*

Thomas Lance, MS
*Project Coordinator/
Soil & Water Resources
Conservationist*

Associates

Ishfaq Ahmed, PhD
*Range Scientist/
International Programs*

Robert Barkley, BS
Forester

Lucy Chronic, MS
Geologist

Larry Lass, PhD
*Geographic Information
Systems Specialist*

Jean Mouelle, PhD
*Range Scientist/
International Programs*

Erin Peters, PhD
Range Ecologist

Alice Ricketts, MS
Hydrogeologist

Kelly Rogers, MS
*Natural Resources Policy
and Planning Specialist*

RECEIVED

MAR 26 1997

**WATER RESOURCES
WESTERN REGION**



March 17, 1997

Mr. Dan Brown
PO Box 253
McCall, ID 83638

RE: Pond investigation

Dear Mr. Brown:

LUT has completed its analyses on possible impacts to shallow ground water levels from your proposed pond to adjacent property, specifically, the Truman-Tunis property to the north. The purpose of this study has been to determine potentially adverse impacts to the above mentioned property as it would impact ground water levels up-stream along Wilhelm Creek (increase wetland area) and a proposed septic system site (raise shallow ground water levels) on that property.

Our investigations indicate that the creation of the pond will not alter ground water levels or impact existing conditions on the Truman-Tunis property.

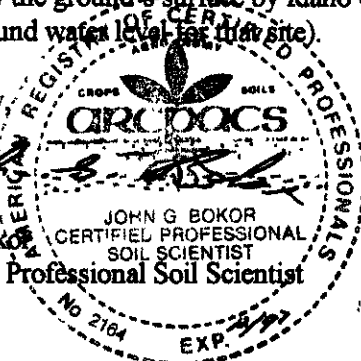
A significant elevation difference exists (see Drawing #1) between the maximum potentiometric surface of the proposed pond, up-gradient to where Wilhelm Creek exits the Truman-Tunis property, and at the proposed septic system site. Considering that the Truman-Tunis property is up-gradient from the proposed pond, and considering gravity flow, the pond would not be expected to increase the existing ground water levels on that property.

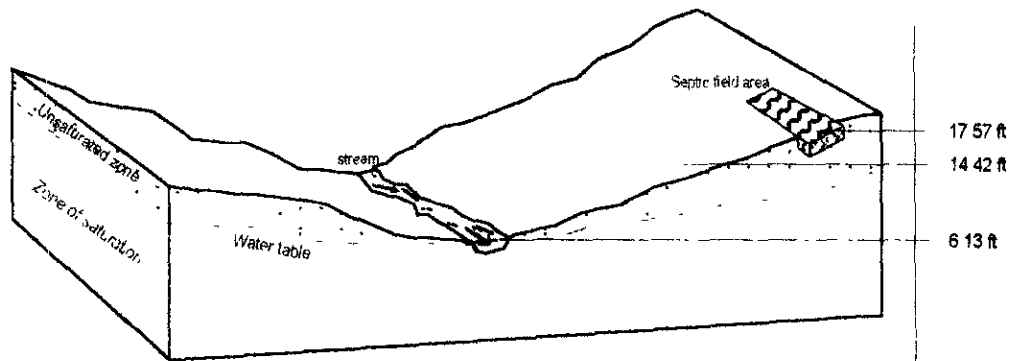
LUT verified, in the field, elevation differences between the proposed equipotential surface of the pond (Drawing #1) and other sites of interest, and found a 4.13 ft. rise in elevation between the maximum high water level of the pond to where Wilhelm Creek exits the Truman-Tunis property (a distance of over 583 ft.), and an up-gradient rise of 17.57 ft. at a distance of 800 ft., to the proposed septic system site.

The only significant impact the pond could have would be in areas immediately adjacent to the pond's shoreline where water would be wicked outward and upward due to capillary forces. The rate of water movement and the height of rise is a function of soil texture and is generally greater with fine textured soils. The capillary fringe would not extend upward more than several feet from the shore of the pond. The soils on site have been mapped by the USDA-Natural Resources Conservation Service (Soil Conservation Service) as Archabal loam, Melton loam and Gestrin loam. At the proposed septic system site, capillary action of the soil would not contribute to an increase in free soil water (which was measured at 7 ft. 5 in. below the ground's surface by Idaho Central District Health, and is considered the normal high ground water level for that site).

Sincerely,

John Bokor
Certified Professional Soil Scientist

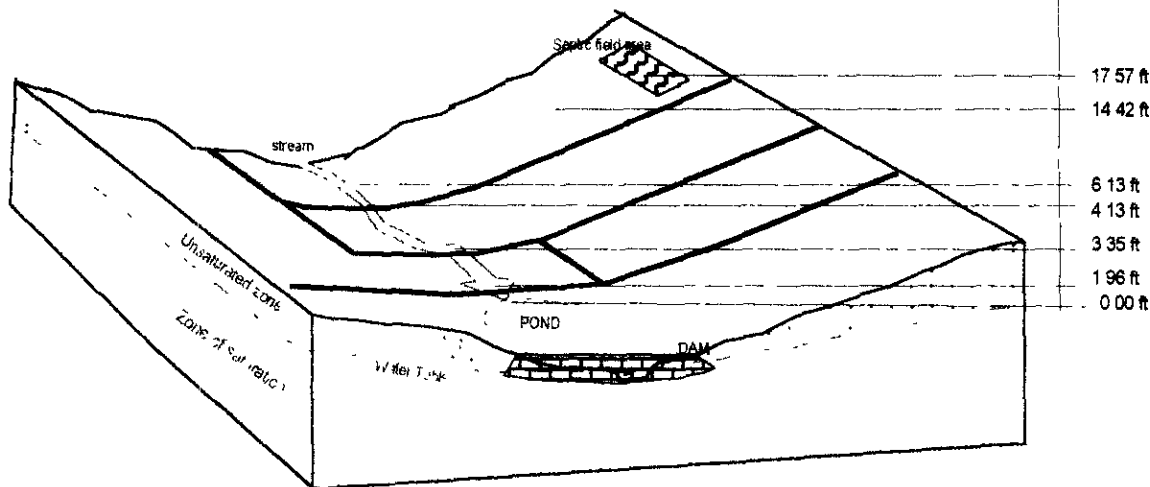




Cross-section at Truman-Tunie property

Rod elevations

Maximum high water pond level in relation to ground surface level of proposed septic field area.



Cross-section at Brown property

SUMMARY

Setting the pond's maximum high water line to standard datum (0.00 ft.), the maximum potentiometric surface created by the pond would be found about 17 feet beneath the septic drainfield site. Assuming the septic drainpipe is placed 2 feet beneath the ground surface, and the zone of treatment extends another 3 feet below the drainpipe, then the distance between the pond's potentiometric surface would be 12 feet under the drainfield system. Water "wicked" by the soil upwards (the capillary fringe) could potentially rise 4 to 5 feet (assuming maximum soil tension created by silt loam soils). This still leaves 7 to 8 feet of space between the septic field and any hydric soils created by the pond.

Project/Drawing Title:

Dan Brown Pond

Drawing 1 of 1

Date	Draft #	By
3/14/97	final	TL

BY **Land Use Technology, L.L.C.**

1 Pearl Street, Box 1 * McCall, Idaho 83638 * (208) 325-8407 * (208) 634-3031

CONVERSATION MEMORANDUM

DATE 3/10/67
FILE 65-13689NAME OF PARTY DAN BROWNEMPLOYEE Steve LesterRE: Protest Resolution

DAN hired consultant who has been working on the problem. Hopes to present findings to protestant soon to see if will resolve issues.

Also wondered e effect (on Appl.) of water-master's letter. Discussed this in context of protest conf. held few months ago - it was my recollection that we would be comfortable with non-irrig use provided that "flow in = flow out".

If protest not withdrawn per consultant's findings, DAN requests prot. mtg. ASAP (2nd prehearing conf. or go right to hearing?).

ENCLOSURE

AUG 20 1967



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

March 5, 1997

KARL J. DREHER
DIRECTOR

DAN BROWN
PO BOX 253
MCCALL ID 83638

PATRICIA BRAGANZA
4638 N EDELWEISS
BOISE ID 83713

Re: Application for Water Right No. 65-13689 in the Name of Dan Brown

Dear Parties:

Enclosed is a copy of the recommendations of the watermaster of water district 65-D. Please review and let us know if you have any comments.

Sincerely,

SUE TAYLOR
Senior Secretary

RECEIVED
MARCH 11 1997

CONVERSATION MEMORANDUM

DATE 2/27/97
FILE 65-13689

LAND USE TECHNOLOGY LLC

NATURAL RESOURCES ASSESSMENT,
PLANNING, AND PROBLEM SOLVING

NAME OF PARTY

EMPLOYEE

Tom Lamos
NATURAL RESOURCES
PLANNER
(208) 325-8407

John Baker
SOIL SCIENTIST
(Cert. Prof. Soil Sci.)
(208) 334-8831

RE:

email: lt@cyberhighway.net
1 Pearl Street, Box 1 • McCall, Idaho 83638

John Baker visited office 2/25 & 2/27 to
discuss the application.

Applicant has retained this firm to prepare
impact evaluation discussed in 12/11/96 protest conference.

Applicant has until 3/14/97 to move forward
per GS's 2/10/97 letter.

APPLICATION FOR PERMIT FOR WATER RIGHT

NO. 65-13689

RECOMMENDATION OF WATERMASTER

RECEIVED

OCT 25 1996

WATER RESOURCES
WESTERN REGION

I, Joan Phelps, watermaster of
Bonanza Creek, of Water District No. 65-D, County of
Valley, State of Idaho, whose address is
135688 7m to Mt Rd., McCall, Id. 83634, have read
the attached copy of the application for permit for a water
right in the name of Dan V. Brown.

RECEIVED

FEB 14 1997

WATER RESOURCES
WESTERN REGION

A. I hereby endorse the above numbered application
and recommend that the Director of the Department of Water
Resources approve the application subject to the following
conditions: _____

OR

B. I do not endorse approval of the above numbered
application for water right as requested for the following
reasons:

See attached copy

Dated at McCall, Idaho, this 22 day of
October, 1996.

Joan Phelps
(signature)

Please use reverse side if needed.

(over)

17010 214

AUG 20 1997

I feel that there are too many concerns on this project for it to move to completion. I have had three inquiries from people living next to the dam, concerning what it might do to the water table on their property. That is a concern in the area that the dam is located on.

The areas that I feel need to be addressed before approval, are:

1. I feel that tests need to be made as to the effect on the neighbors' properties to alleviate their concerns.

2. George Duncan has the oldest water right on Wilhelm Creek, which gives him the first 80 inches of water flow (if it is in the creek). To guarantee that he has that flow, there will need to be a measuring device at the upper end to measure inflow and one at the lower end to measure the out flow. I will need to have ready access to these two areas in order to check on them on nearly a daily basis. If the flow drops below the 80" of flow then George will get the entire flow.

3. If Mr. Brown plans to irrigate from Wilhelm Creek the amount of water coming in and the out flow will need to be maintained at the same level and not dropped while in use.

4. There are also other water rights to Wilhelm Creek. Roseberry has the 2nd right and Hugh Willy has the 3rd. Also the Tussala reservoir has water rights to the creek flow. They are in the process of rebuilding that dam and storing water again. These water rights need to be provided with water before Mr. Brown can use any water.

Wilhelm Creek has had so many filings that there is very little water left. A few years ago when there was a lot more irrigation further up the valley there was a larger flow of water. Now, with not much irrigation above, the flow in Wilhelm Creek has diminished to a much smaller amount so that it no longer provides the water needed to supply the users it has now.

Joan Phelps
Watermaster - 65-D.

RECEIVED

RECEIVED

OCT 25 1996

FEB 14 1997

WATER RESOURCES
WESTERN REGION

WATER RESOURCES
WESTERN REGION

AUG 20 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAN BROWN
PO BOX 253
MCCALL ID 83638

PATRICIA BRAGANZA
4738 N EDELWEISS
BOISE ID 83713

Re: Application for Permit No. 65-13689 in the Name of Dan V.
Brown

Dear Parties:

A pre-hearing conference was conducted to discuss protests against application for permit 65-13689 on December 11, 1996, in McCall, Idaho. At the end of the conference the parties agreed that they would seek additional information regarding some of the issues from an independent source and would try to resolve some or all of the issues outside of the formal hearing process. Steve Lester, who conducted the conference, gave the parties until the end of January to attempt to resolve the protest.

I understand Steve Lester recently called and talked to Dan Brown. Steve informs me you have not completed your negotiations. The Department will delay further proceedings until March 14, 1997. If this office has not received notice of an agreement between the parties, I will schedule another conference to discuss possible resolution.

Sincerely,



Gary Spackman

GS/st

100-100000
896 20 1337

CONVERSATION MEMORANDUM

DATE 2/5/97
FILE 65-13689

NAME OF PARTY _____

EMPLOYEE Steve LesterRE: HEARING?

Previously - both sides stated wanted to avoid hearing. I told them at end of 12/11/96 protest cont. that would hold file until end Jan. 1997 pending their add'l info showing impact - on ~~the~~ lake thereof - of proposal.

Recently - both parties called. Sounds like have not spent any time together on this matter but have been working on it separately.

Appears Applicant may have info to show protestant (soil studies/analysis etc.) soon.

Suggest - letter stating that will need to schedule hearing unless both parties can resolve by ? * - Resolution could include 2nd meeting with IOWA to see if technical info they gathered & discussed allows agreement, resulting in protest withdrawal.

* Give them 30 more days?

IMPORTANT MESSAGE

FOR Stene ✓

DATE 1-27 TIME 8:57 A.M.
P.M.

M Van Brown

OF _____

PHONE 634.3084
AREA CODE NUMBER EXTENSION

TELEPHONED		PLEASE CALL	✓
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE _____

Working on solution.
Hope can ~~resolve~~ resolve
soon.

SIGNED _____

LITHO IN U.S.A.

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 Airport Way, Boise, ID 83705

Re: Application for Permit No. 65-13689 in the Name of Dan V. Brown

Place: McCall Public Library, 218 Park St., McCall, Idaho

Date: Wednesday, December 11, 1996 1:00 p.m.

Conducted by: Steve Lester

NAME

ADDRESS

Patricia Braganza 4738 N. Edelweiss Ave., Boise, ID 83713

R. BRAGANZA

SAME AS ABOVE

Dan Brown

P.O. Box 253 McCall ID 83636

Connie Brown

Same

George H. Duncan

13608 Farm to Market Rd. McCall 83638

Shawn Phelps

13509 Farm to Market Rd McCall

Pat + Linda Tunis

Box 606 McCall, Idaho 83638

11/11/96

AUG 20 1997

Protest Conference 65-13689

12/11/96

SCA / CORPS 404

Dam safety

Water right

} Cease & Desist in effect?
yes ✓

Applicant

Bought land c 1 1/2 yrs. ago.

Soggy site, wanted create aesth. pond.

discussed w/ IDFG & was told no w.r. etc. permits
needed, ok develop pond on creek for upland
game project.

\$17,000 later got into violation & fine.

Worked w/ Corps (gray), referral to IDWR (John, Gene).

Now wants to make it right.

1° use aesth., 2° irrig if can.

Andy
OSD
FIS

Protestant

Saw activity, called Regis, was told a protest process.

Concern that pond will cause increased water table
upstream c her place, make it hard to develop
(septic system etc).

Her place c 300'-1000' upstream from edge of
applicant's land.

Wants study to determine impact on her land.

Elev. c creek her place only ten ft. higher than
c applicants. (4'?)

landowner's
her sister

Issue appears to be local public interest

Appl

project designed to prevent brackwater going on to others' land.

Phelps Wm #650

Not concern a pond per se but a irrig use -
water uses changing & Wilhelm Ct - convert to sprinklers -
so flows in summer declining.

Lesser from reservoir - impact on overall H₂O supply.

See file - See his letter - need test to see impacts?

Had 2 other local people talk to him & prot.

Concerns - same issue & not allowing upland areas
to drain if pond built so boggy sites persist
where ~~the~~ now dry up in summer.

Need mess. report if pond approved.

Appl. = OK w/ him to have mess. devices
& Wm control.

Duncan

Same concerns & Wm.

Has Jr. WR Wilhelm Ct. 80", usually only
gets 20" summer if lucky.

Let's blue clay this area.

Appl

Wants keep irrig. option open for now -

b.c. = higher areas ~~away~~ from creek.

Need add'l info to proceed unless want leaving

assp.
all want avoid leaving it can.

Dept. not able to issue approvals now - interstate issues pending etc.

Issue #5 C.R. interest - shared burden so:

Appl. + Prot agree - will seek add'l info from independent source (NRCS for example) to see if can answer important question re soils + proposal of project details.

Will report to me by 1/31/96, we'll re-assess situation.

May need add'l soil etc. tests in spring?

Appl. question of prot. - how much info need to satisfy prot. concern? How far does appl. have to go in this?

Appl. question of Dept - how much info leaving office needs to make a decision?

Call up for
1/31/96 -

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 65-13689 IN THE)
NAME OF DAN V. BROWN.)

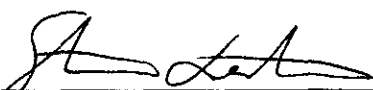
NOTICE OF CONFERENCE

On September 19, 1996, Dan V. Brown filed with the Department of Water Resources (Department) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Patricia L. Braganza.

The Department has set the matter of protest for a conference to be held on December 11, 1996, at 1:00 p.m., at the McCall Public Library, 218 Park St., McCall, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The Department will provide the opportunity for parties to the matter to respond and present information and argument on the issues involved.

Dated this 2nd day of December, 1996.

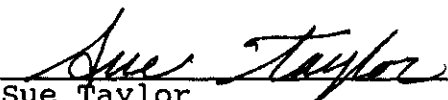


Steve Lester
Deputy Regional Manager

RECORDED

NOV 20 1996

I hereby certify that on the 2nd day of December, 1996, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Senior Secretary

Certified Mail

DAN V BROWN
PO BOX 253
MCCALL ID 83638

PATRICIA L BRAGANZA
4738 N EDELWEISS
BOISE ID 83713

RECEIVED
AUG 20 1997

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The Applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. the applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize

themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file a petition for reconsideration, exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may by written stipulation waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

10 10 10



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

November 27, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAN V BROWN
PO BOX 253
MCCALL ID 83638

RE: APPLICATION FOR PERMIT NO. 65-13689

Dear Mr. Brown:

This office received your recent letter requesting that the protest regarding your above-referenced application be dismissed on the grounds that the protestant is not the property owner for the land described in the protest.

Protests of water right applications for permit are to be based on I.C. § 42-203A (see attached). Nothing in that statute requires that a protestant be a land owner.

Your request cannot be satisfied on this basis. However, this office is working on a prompt protest conference to bring the parties together to discuss and hopefully resolve the situation.

I look forward to working with you and any other concerned parties in an effort to find an acceptable solution. Please contact this office if you need any help in this matter.

Sincerely,

Steve Lester
Deputy Regional Manager

Enclosure

RECEIVED

AUG 20 1997

Dan & Connie Brown
13885 Farm to Market Rd. McCall Idaho (208) 634-3084

November 26, 1996

Mr. John Westra
Idaho Department of Water Resources
2735 Airport Way, Boise, Idaho
83705 5082

Re: Idaho Water Rights #65-13689

Dear Mr. Westra

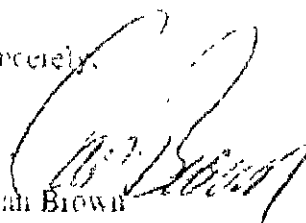
I am writing to object to a the protest of our application for water rights filed by Reynaldo & Patricia Braganza dated 9/17/96.

I object to the protest that the Braganzas are not the legal owners of the property they claim will be affected by our project.

We believe the Braganzas are not the legal owners of the property because a) They are not recorded owners of record, at the Valley County Courthouse & b) Their name does not appear on the Valley County property tax register. Therefore, unless the Braganzas can provide proof that they are the legal registered owners of the property described in their protest letter, we request that their letter of protest be determined invalid and the application process allowed to continue without delay.

Thank you

Sincerely,


Dan Brown

MICROFILMED

AUG 20 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 8, 1996

DAN V BROWN
PO BOX 253
MCCALL ID 83638

Re: Application for Permit No. 65-13689

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced applications. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under EXisting water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

Steve Lester
Deputy Regional Manager

Enclosure: Copy of protest(s)

SL/st

RECEIVED

AUG 10 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 8, 1996

PATRICIA L BRAGANZA
4738 N EDELWEISS
BOISE ID 83713

Re: Application for Permit No. 65-13689 in the Name of Dan V. Brown

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

Steve Lester
Deputy Regional Manager

SL/st

Encl: Application #65-13689

NOV 20 1996

Publisher's Affidavit of Publication

STATE OF IDAHO

County of Valley

I, Leslie S. Freyer, being duly sworn and say, I am the receptionist of The Central Idaho Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho, that said newspaper is in general circulation in the county of aforesaid and is a legal newspaper, that the NOTICE OF APPLICATION FOR WATER RIGHTS, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement, and that publication of such notice began October 17, 1996 and ended October 24, 1996

Subscribed and sworn before me this the 28th day of October, 1996

STATE OF IDAHO

COUNTY OF VALLEY

On this 28th day of October, in the year of 1996, before me, a Notary Public, personally appeared Leslie S. Freyer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 1999

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho

BROWN, DAN V
PO BOX 253
MCCALL, ID 83638
Source: WILHELM CREEK
Diversion Pt: SENE
Use: IRRIGATION
IRRIGATION STORAGE
WILDLIFE STORAGE
Total Diversion:
Date Filed 7/16/96
In VALLEY County
T17N R03E S02 SENE
4.0 ACRES TOTAL

65-13689

Tributary: BOULDER CREEK
Sec 2 T 17N R 03E in VALLEY County.
(0.080 CFS)

(15.00 AF)
(15.00 AF)
(15.00 AF)

Application filed to mitigate stream channel violations.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before NOVEMBER 4, 1996. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director 211024

RECEIVED

NOV - 5 1996

WATER RESOURCES
WESTERN REGION

RECEIVED

OCT 28 1996

WATER RESOURCES
WESTERN REGION

file

10/25/96

gr
Dear Steve Lott;

In regard's to Application for Water
Right No. 65-13689 in the name of Dan
Brown.

I have the first water right on
Wilhelm Creek. I don't have a problem with
the construction of this small dam as
long as there are measuring devices placed
at the upper end so the natural stream flow
can be measured coming in & at the out let
so only run off water is stored.

The natural flow should remain as
there are several other ~~old~~ filings ahead of
Mr. Brown & no surplus.

Thank you for contacting me.

Sincerely
George H. Duncan

(For Sam)
(info)

John, here are my comments concerning the water right for Dan. V. Brown. I have sent a copy to Steve Lester & Linda Duncan

I feel that there are too many concerns on this project for it to move to completion. I have had three inquiries from people living next to the dam, concerning what it might do to the water table on their property. That is a concern in the area that the dam is located on

The areas that I feel need to be addressed before approval, are:

1. I feel that tests need to be made as to the effect on the neighbors' properties to alleviate their concerns

2. George Duncan has the oldest water right on Wilhelm Creek, which gives him the first 80 inches of water flow (if it is in the creek). To guarantee that he has that flow, there will need to be a measuring device at the upper end to measure inflow and one at the lower end to measure the out flow. I will need to have ready access to these two areas in order to check on them on nearly a daily basis. If the flow drops below the 80" of flow then George will get the entire flow

3. If Mr. Brown plans to irrigate from Wilhelm Creek the amount of water coming in and the out flow will need to be maintained at the same level and not dropped while in use

4. There are also other water rights to Wilhelm Creek. Roseberry has the 2nd right and Hugh Willy has the 3rd. Also the Jussala reservoir has water rights to the creek flow. They are in the process of rebuilding that dam and storing water again. These water rights need to be provided with water before Mr. Brown can use any water

Wilhelm Creek has had so many filings that there is very little water left. A few years ago when there was a lot more irrigation further up the valley there was a larger flow of water. Now, with not much irrigation above, the flow in Wilhelm Creek has diminished to a much smaller amount so that it no longer provides the water needed to supply the users it has now

Ivan

RECEIVED

OCT 25 1996

NOV 20 1996

AUG 20 1997

WATER RESOURCES
WESTERN REGION

In regards to Richard Cusack
65-13688

I have no objections to his project.
(It is now completed.)

Ivan Phelps
Watermaster 65-D.

RECEIVED

OCT 25 1996

WATER RESOURCES
WESTERN REGION

APPLICATION FOR PERMIT FOR WATER RIGHT

NO. 65-13689

RECEIVED

OCT 25 1996

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

I, Ivan Phelps, watermaster of
Boulder Creek, of Water District No. 65-D, County of
Valley, State of Idaho, whose address is
135688 7m to Mt Rd. McCall, Id. 83634, have read
the attached copy of the application for permit for a water
right in the name of Dan V. Brown.

A. I hereby endorse the above numbered application
and recommend that the Director of the Department of Water
Resources approve the application subject to the following
conditions: _____

OR

B. I do not endorse approval of the above numbered
application for water right as requested for the following
reasons:

See attached copy

Dated at McCall, Idaho, this 22 day of
October, 1996.

Ivan P. Phelps
(signature)

Please use reverse side if needed.

(over)

I feel that there are too many concerns on this project for it to move to completion. I have had three inquiries from people living next to the dam, concerning what it might do to the water table on their property. That is a concern in the area that the dam is located on.

The areas that I feel need to be addressed before approval, are:

1 I feel that tests need to be made as to the effect on the neighbors' properties to alleviate their concerns.

2 George Duncan has the oldest water right on Wilhelm Creek, which gives him the first 80 inches of water flow (if it is in the creek). To guarantee that he has that flow, there will need to be a measuring device at the upper end to measure inflow and one at the lower end to measure the out flow. I will need to have ready access to these two areas in order to check on them on nearly a daily basis. If the flow drops below the 80" of flow then George will get the entire flow.

3 If Mr. Brown plans to irrigate from Wilhelm Creek the amount of water coming in and the out flow will need to be maintained at the same level and not dropped while in use.

4 There are also other water rights to Wilhelm Creek. Roseberry has the 2nd right and Hugh Willy has the 3rd. Also the Jussala reservoir has water rights to the creek flow. They are in the process of rebuilding that dam and storing water again. These water rights need to be provided with water before Mr. Brown can use any water.

Wilhelm Creek has had so many filings that there is very little water left. A few years ago when there was a lot more irrigation further up the valley there was a larger flow of water. Now, with not much irrigation above, the flow in Wilhelm Creek has diminished to a much smaller amount so that it no longer provides the water needed to supply the users it has now.

Ivan Phelps
Watermaster - 65-D.

RECEIVED

OCT 25 1996

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 15, 1996

IVAN PHELPS
WATERMASTER 65D
13508 FARM TO MARKET RD
MCCALL ID 83638

Re: Application for Water Right No. 65-13689 in the Name of Dan Brown

Dear Watermaster:

Enclosed is a copy of the above referenced application for water right. This application has been protested by Reynaldo &/or Patricia Braganza.

Please review the application and return any comments you might have within two weeks. If you have questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Deputy Regional Manager

SL/st

Enclosure: Copy of Application



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 15, 1996

GEORGE DUNCAN PRES
BOULDER CREEK WATER DIST
13608 FARM TO MARKET RD
MCCALL ID 83638

Re: Application for Water Right No. 65-13689 in the Name of Dan Brown

Dear Mr. Duncan:

Enclosed is a copy of the above referenced application for water right. This application has been protested by Reynaldo &/or Patricia Braganza.

Please review the application and return any comments you might have within two weeks. If you have questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Deputy Regional Manager

SL/st

Enclosure: Copy of Application

TO: WR Application #65-13689
DAN BROWN

FROM: J. Westra
Date 10/1/96

Sten ✓ 10/1/96
Please place this
in the file for
notifications

John

Please notify the following individuals of the application filed during advertising per telephone requests, (protests/comments):

Ivan Phelps, 65D Watermaster, (also downstream water user)
13508 Farm to Market
McCall, ID 83638

George Duncan, Pres. (also downstream water user)
#65D Boulder Creek Water District
13608 Farm to Market
McCall, ID 83638

Dear John,

Please find enclosed my check for \$25⁰⁰ for my
filing fee to register my letter to you dated 9-17-86
as a formal protest.

If you need anything else from me, please give me
a call. My daytime telephone # is 384-3729.

Sincerely,

Patty Braganza

4738 N. Edelweiss

Boise, ID 83713

re: water right case on property owned by Dan
Brown, outside of McCall, ID.

RECEIVED

SEP 26 1986

WATER RESOURCES
WESTERN REGION

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: W021542

Date: 9/26/1996
Time: 12:13:17

Received
From: BRAGANZA, P.

Type of Payment	Program A cct	Amount
PROTEST FEE-- 65-13689	65-103 229 21 1155	25.00
CHECK 5362		
	Total	\$ 25.00

Region: WESTERN

Signature: J. White

RECEIVED

SEP 19 1996

WATER RESOURCES
WESTERN REGION

September 17, 1996

Reynaldo & Patricia Braganza
4738 N Edelweiss Ave
Boise, ID 83713-0522
(208)376-5491

John Westra
Idaho State Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Dear Mr Westra

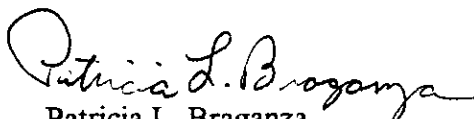
I am writing in regards to some real property my husband and I own outside of McCall, Idaho. Our property is located on the Farm to Market road, close to Potters Lane, parcel # S2T17NR3E. It recently came to our attention that an adjacent property owner, a Mr. Dan Brown, began excavations on his property with the intent to create a "duck pond". We are formally protesting his actions as we believe the creation of this pond on his property will have an adverse affect on the use of our property.

Based on discussions with the Water Master who serves this part of Long Valley, the creation of this pond will affect the water table of all surrounding properties. The stream from which Mr. Brown proposes to create his pond, also flows through our property, and it is my concern that if allowed to proceed with the pond, the water table on our property will be raised to such an extent that we will not only lose the use of a significant portion of the property, but it will also prohibit us from being able to obtain a septic tank permit to build on our property.

While I have no disagreement with Mr. Brown's intentions in creating the pond, I do not believe that all the "background" work has been properly performed. I learned from the Water Master that Mr. Brown never filed an application for the water rights he intends to use for the pond. I understand he has been advised by your office that he needs to file the application. I would like to be informed when the application is filed and the public hearing on it is scheduled and if possible, to receive a copy of the application. If I cannot make a personal appearance, I will respond in writing.

As a last note, let me add that I was never contacted at any point in time by Mr. Brown or anyone representing him on the proposed pond. This work was begun without my knowledge or consent as an adjacent property owner, who will most certainly be affected by this project if it is allowed to go forward as planned.

Sincerely,


Patricia L. Braganza

RECEIVED

SEP 16 1996

WATER RESOURCES
WESTERN REGION

Related Water

Permit No. 65-13680

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR CONSTRUCTION OF SMALL DAM

As required for construction or alteration of a dam 20 feet or less in height
and capable of storing less than 100 acre-feet of water.

1. Name of Owner (print or type): Daniel V. Brown Phone No. 634-4664
Post Office Address: P.O. Box 253 McCall Idaho
2. Application for: ☐ Construction of new dam, ☒ Reconstruction, Alteration of existing dam
3. Location: SE 1/4, NE 1/4, Section 2, Township 17N, Range 03E
Valley County.
4. Source of Water Wilhelm Creek tributary to Boulder CK
(Name, Unnamed Stream, Other-describe) (Stream Name)
5. Drainage Area: _____ acres, above the site of the dam.
(Approximate)
6. Downstream Development Near Large Reservoirs
- Describe land use below site of dam, indicate approximate distances to buildings or development, roads, etc.

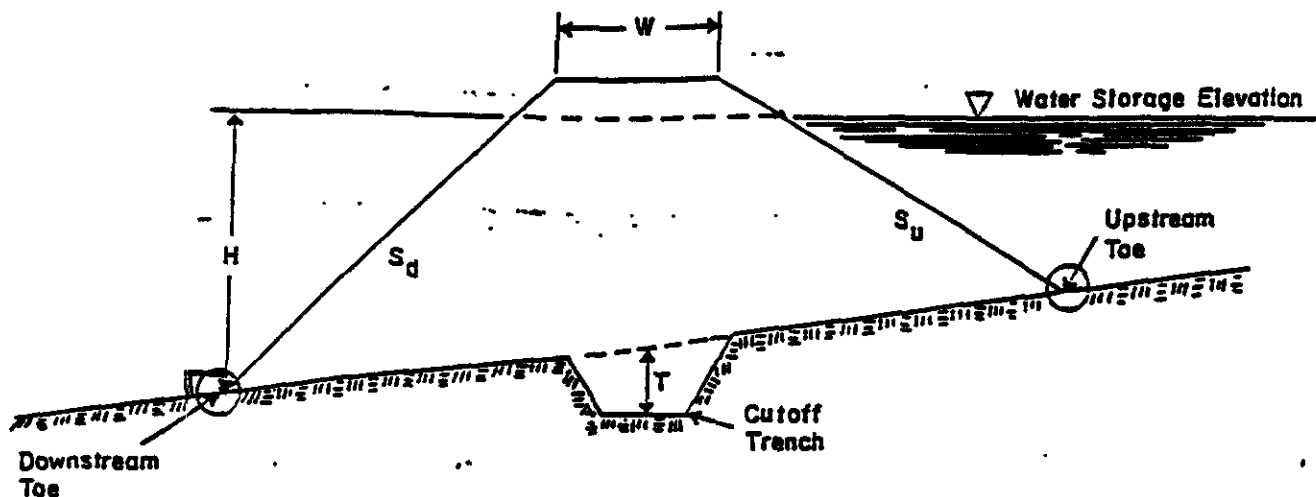
Agricultural - Pasture

NOTE: If the small dam is (to be) located in or immediately above a high risk area (urban concentrated development, or in proximity to a habitable dwelling, that could be adversely affected by a release from the dam) this application shall be accompanied by plans and specifications prepared by a registered engineer.

7. Reservoir: Surface area _____ acres; Storage Capacity 15.0 acre-feet
8. Reservoir Storage Purpose: Irrigation, Wildlife
(Irrigation, Stockwater, Recreation, Other-describe)

OF DAM AND APPURTENANT STRUCTURES

Type of dam (embankment, other, describe) _____



Hydraulic Height (H) 5' 10" feet. If dam is being raised, indicate increase in height _____ feet.

Crest Length _____ feet. Crest (top of dam) Width (W) 20' feet.

Downstream Slope (S_d) 3 : 1; Upstream Slope (S_u) 3 : 1.

Depth of Cutoff Trench (T) 2' feet.

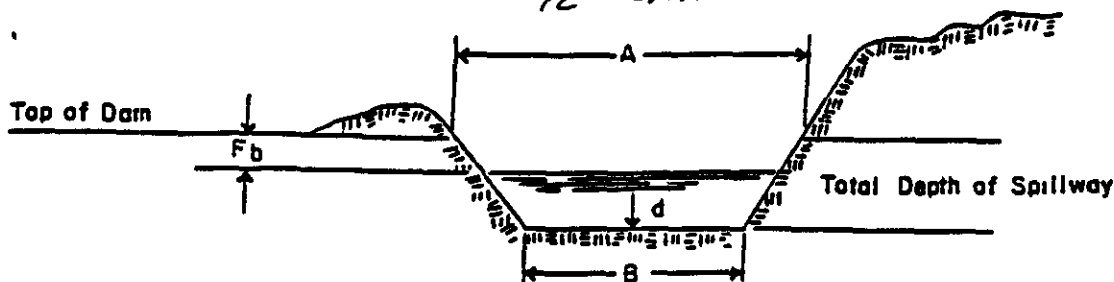
OUTLET 55' 30" CM; 4' riser for drop band outlet; Maximum Release Rate _____ cfs
(Size) (Type) (under full reservoir head)

Size and number of anti-seep collars _____
(also indicate spacing of collars along outlet)

SPILLWAY

☐ Service (auxiliary) Spillway, describe _____

☒ Emergency Spillway, Located at: ☐ left, ☒ right abutment, ☐ other location.



Total Depth of Spillway (below top of dam) 3' feet.

Spillway: Bottom width (B) _____ feet; Top Width (A) _____ feet.

Discharge Capacity of Spillway _____ cfs at spillway flow depth (d) _____ feet

Freeboard (F_b) 3' feet (total depth of spillway minus the spillway flow depth).

Spillway Channel Lining _____
(Rock Cut, Rock Riprap, Other-describe)

ACTION SCHEDULE

Proposed date for start of construction

9-12-90
(Date)

Currently in process

[Signature]
Applicant's Signature

FOR DEPARTMENT USE ONLY

Date application received _____ By _____ Fee \$ _____

Date receipted _____ Receipted by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code, and the Department's Rules and Regulations for Safety of Dams, the application for construction of _____ Dam is hereby approved, subject to the following conditions:

1. This action does not constitute the required authority to appropriate water under Idaho Water Law.
2. The applicant shall notify the Department at the following times and at such other times deemed necessary, to conduct inspections.
 - a. After clearing and excavation of the foundation area, and prior to placing fill material.
 - b. After installation of the outlet conduit, and before placing any backfill material around the conduit.
 - c. After construction is complete and before any water is stored in the reservoir.
3. Approval of the application for construction of the dam shall not be construed to grant the applicant other authorization required to proceed. It is the responsibility of the applicant (dam owner) to secure all lands, easements, and rights-of-way; water rights; or the approval of other regulatory agencies, prior to commencing to construct the dam or to store water in the reservoir area.
4. In the event the owner fails to pursue actual construction and maintain reasonable progress on construction of the dam, in conformance with this approval, the Director may revoke the approval one year after such approval.
5. Additional Conditions:

Witness my hand this _____ day of _____, 19____.

Tot 5.75 60-6.2 62 6.6 97

Project sketch, aerial view (with approximate contour, survey depths, island and structure locations, etc.).

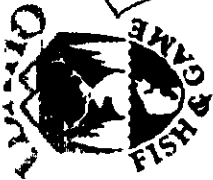
Approximate scale 1" = 200 ft

BURNING PROVISIONS	WEED CONTROL
☒ None (protect from fire) ☐ Occasional: ☐ Periodic: ☒ Other <u>As needed</u>	☐ None required ☐ Disc/cultivator ☐ Hand ☒ Chemical type Method ☐ Other
LIVESTOCK GRAZING ☒ No livestock grazing ☐ Occasional livestock grazing ☐ Periodic livestock grazing ☐ Livestock fencing required \$ ☐ Livestock fencing not required	
Project sketch, horizontal view. Approximate scale:	

20415-182-451



IDAHO FISH AND GAME HABITAT IMPROVEMENT PROGRAM
IMPOUNDMENT PROJECT PLAN - EXHIBIT A



Anderson
Don Call
M.C.

DESIGN SPECIFICATIONS/COSTS

Dike, length 330 ft approx \$
Dike, bottom/top widths 51 ft / 15 ft
Dike, slope (both up and downstream sides) 3:1 / 3:1
Bottom first scraper at 8' H&AS
Dike, compaction method Tracked vehicle at 4' H&AS
Dike, height 6 ft max
Control structures 52' x 24" CMP \$
w/ 5 ft of 36" x 32" riser for drop board control
Antiseep collars NONE
Principal spillway 24" CMP drop board
Emergency 12" CMP set 1" above high water
Minimum free board 3 ft
Water depth 3 ft against dike; not to be determined
Water source/delivery system _____ \$
Spring inflow
Dates impoundment to be full of water As available
AUG 20 1987
Subtotal \$

County Valley Owner Brown HIP No. _____
RGE _____ Preparer Ogden Date 5/28/96
TWP _____ Project Start Date _____
SEC _____ Project Completion Date _____
TERMS F&G LANDOWNER
Equipment _____
Labor _____
Seed/tubers _____
Fencing _____
Water bill _____
TOTALS _____
PLANTINGS
Dike stabilization (plant species, PLS/acre, plant method) Remove soil + vegetative topsoil from dike (road base) and excavated area - replace soil layer onto dike faces and construct 2 small islands \$
Aquatic (plant species, number, and plant method) None needed \$



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 9, 1996

Dan Brown
PO Box 253
McCall, ID 83638

**RE: Construction of pond on Wilhelm Creek
Cease and Desist Order**

Dear Mr. Brown:

This letter will serve as follow-up to our telephone conversation on Friday 9/6/96 concerning the construction of your wildlife pond facility on Wilhelm Creek. Contrary to the information you received, an approved Permit to Appropriate Water is required for the facility. Please review and sign the enclosed Application for Permit form, which includes irrigation as we discussed. Return the application along with the \$50.00 filing fee to the Department for processing. Also, please submit the Application for Construction of a Small Dam form, along with a copy of the project plans.

Please be advised, the stream channel alteration violation will be reported to the appropriate government agencies as deemed necessary. The Order to Cease and Desist Work in a Stream Channel issued by Gene Gibson on 9/6/96 will continue to remain in effect. Removal of the order will be contingent on the following:

- A Department approved Permit to Appropriate Water is obtained.
- A follow-up inspection is completed at the site.

Should you have any questions feel free to contact Gene Gibson or me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra
Western Region

cc: Andy Ogden, IDFG
Gene Gibson, IDWR

100-10-111
ADD - 111

65-13689

BROWN, DAN V
PO BOX 253
MCCALL, ID 83638

Source: WILHELM CREEK

Tributary: BOULDER CREEK

Diversion Pt: SENE Sec 2 T 17N R 03E in VALLEY County.

Use: IRRIGATION	(	0.080 CFS)	
IRRIGATION STORAGE	(		15.00 AF)
IRRIGATION FROM STORAGE	(		15.00 AF)
WILDLIFE STORAGE	(		15.00 AF)
Total Diversion:	(	0.080 CFS)	

Date Filed: 9/ 9/1996

In: VALLEY County
T17N R03E S02 SENE

4.0 ACRES TOTAL

Application filed to mitigate stream channel violations.

65-13689-1
AGG 11/1/96