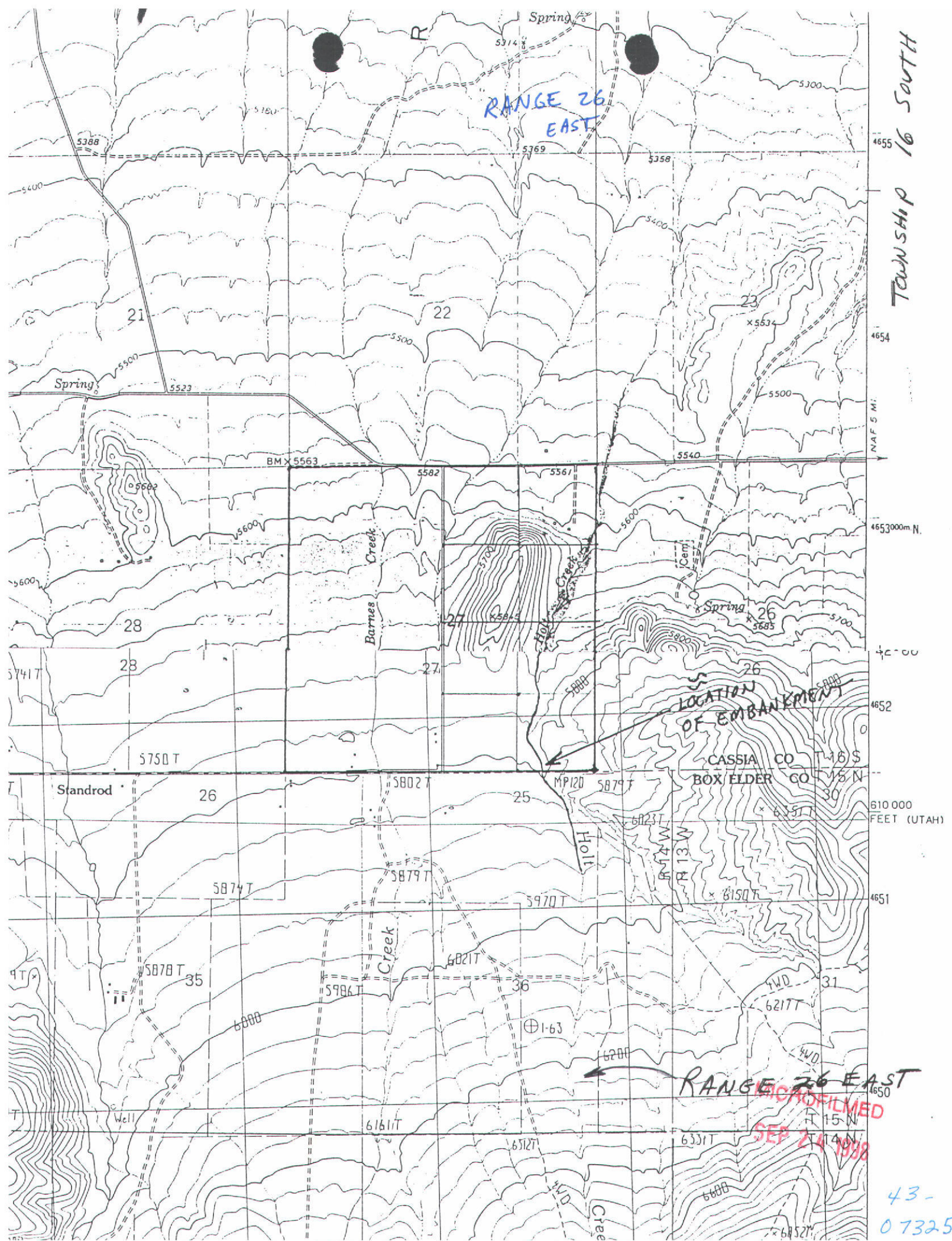
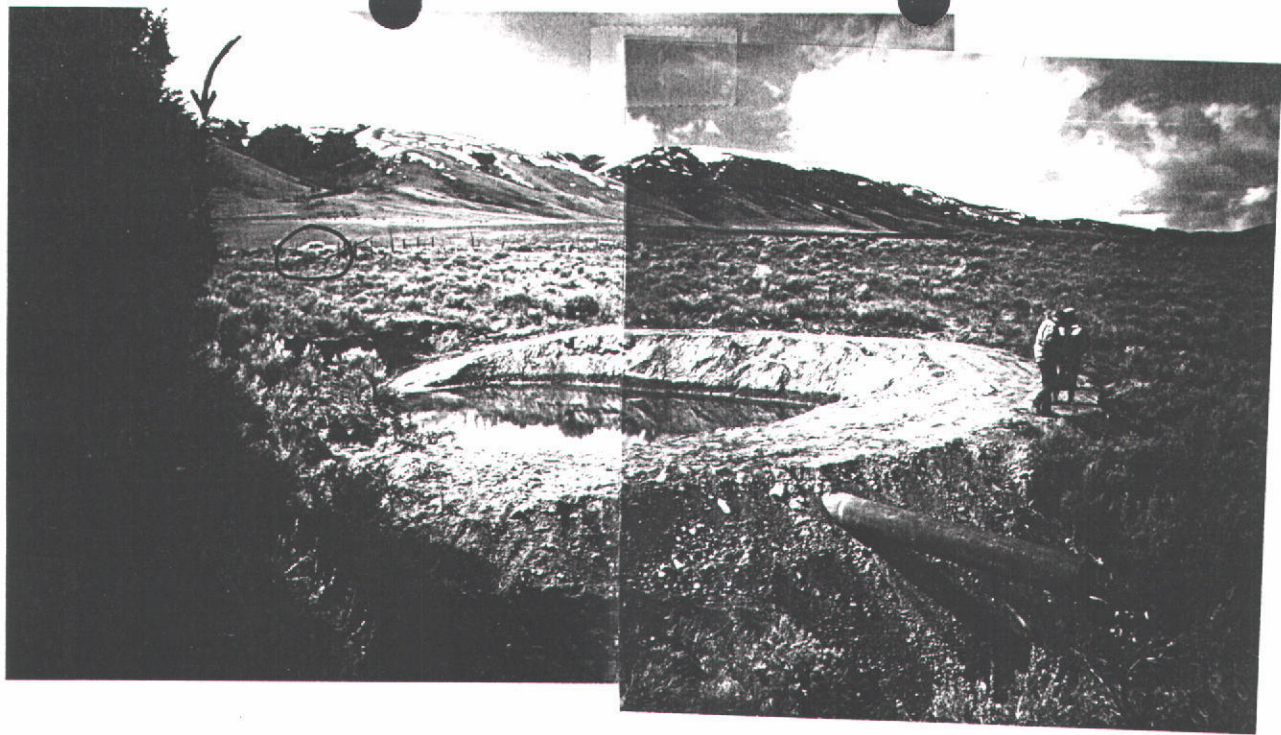






ABOVE: View of downstream slope and crest of embankment on Holt Creek channel from right side. Pickup (circled) was said to have been parked on the Utah/Idaho state line. Arrow indicates the upper end of the drainage area above the reservoir. Note other than the 18" steel pipe, there is no spillway for the reservoir. Also note the loose fill material and the steep downstream slope of the embankment.



LEFT: View of the downstream slope of the embankment from the creek channel below. The maximum vertical distance between the downstream toe of the embankment and the steel pipe is about nine feet. Note some seepage water (indicated by arrow) flowing in the creek channel below the embankment.

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SEP 24 1998



View of the intake to the 18" steel pipe that serves as the outlet/spillway for the reservoir.



View from the embankment crest looking down the Holt Creek drainage. Holt Creek winds around and flows in the direction indicated by the arrow, towards the upper right corner of the photo. Mr. Gochmour's place is about $\frac{3}{4}$ of a mile down the channel from where this photo was taken.

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View of upstream slope and crest of embankment from the right side. Note some rip rap placed on the upstream slope and the high water mark in the reservoir. Also note sloughing of upstream slope on the left end of the embankment, beyond rip rap.

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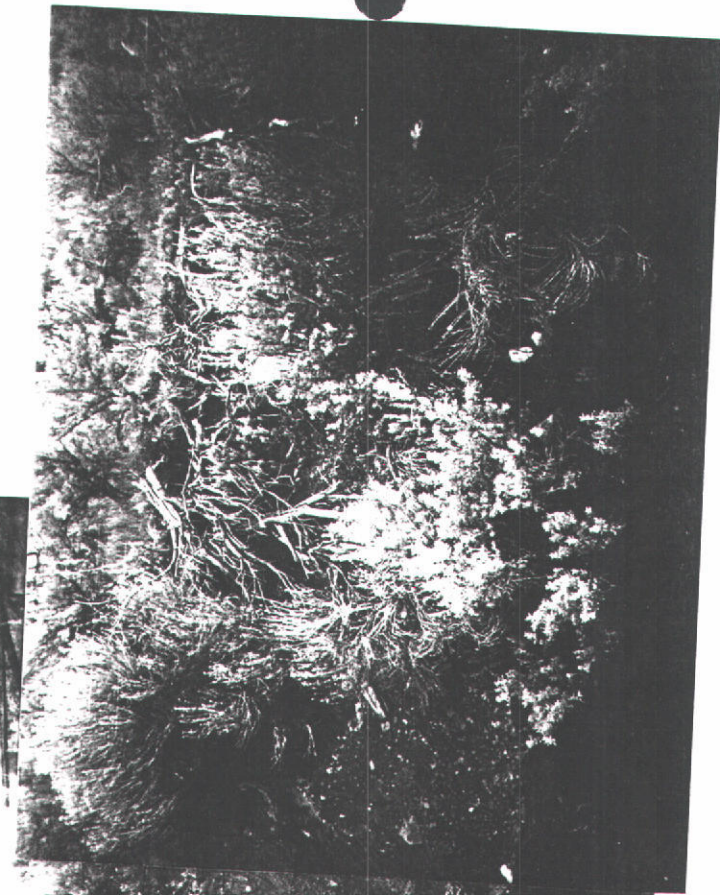
SEP 24 1998



View of reservoir from the left side looking towards the upstream slope of the embankment. The total reservoir surface area is less than 0.10 acre. The distance between the arrows is approximately 60 feet (paced).

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SEP 24 1998



ABOVE: View looking down the Holt Creek channel at disturbed area along the right edge of the reservoir.

LEFT: View looking down the Holt Creek channel from above the reservoir. The flows in the channel upstream of the reservoir were affected by the construction of the reservoir. Note how water is backed up the channel, and appears stagnant, in this view. Further up the channel, water was observed



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SEP 24 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 13 1998

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. 43-07325 Telephone No. 208-536-6693

2. Name(s) of Permit Holder(s): Robert C. and Patricia M. Rietveld

3. Mailing Address: 865 Mae Dr. Twin Falls, ID 83301

4. Source of Water: Holt Creek If GROUNDWATER (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____

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, recreation, aesthetics

6. Total rate of diversion and/or volume for which proof is submitted: _____ cfs OR 0.3 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: \$ 50.00 (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: Robert Rietveld Telephone Number: 208-536-6693

Address: 865 Mae Dr. Twin Falls, ID 83301

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: _____ Date: 10-6-98

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

MICROFILMED

NOV 25 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 43-07325

Proposed Priority: July 8, 1998

Maximum Storage Volume:

0.3 AF

This is to certify, that **PATRICIA M RIETVELD**

ROBERT C RIETVELD

865 MAE DR

TWIN FALLS ID 83301-6897

has applied for a permit to appropriate water from:

HOLT CREEK

tributary of **SINKS**

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		0.3 AF
RECREATION STORAGE	01/01 to 12/31		0.3 AF
AESTHETIC STORAGE	01/01 to 12/31		0.3 AF
	Totals		0.3 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 27, Township 16S, Range 26E
CASSIA County

PLACE OF USE: WILDLIFE STORAGE

TWN RGE SEC

16S 26E 27

SESE

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1999**.
2. Subject to all prior water rights.
3. Use of water under this right shall be non-consumptive.
4. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.
5. Prior to the diversion and storage of water under this right, the right holder shall submit plans for the fish ladder or fish passage facilities to the department for review and approval unless the right holder submits a written waiver to the department from the Department of Fish and Game describing that fish passage facilities are not needed in connection with the storage facility.
6. Recreation and aesthetic storage uses are for a pond.
7. If the above conditions cannot be met, then the pond and dam must be removed and the stream channel restored to pre-construction conditions.

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SEP 24 1998

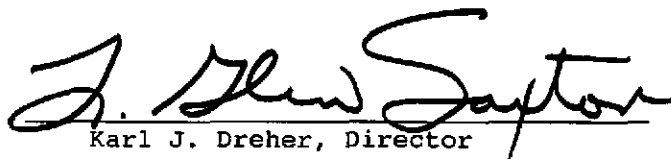
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 43-07325

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

14th day of September, 1998.


Karl J. Dreher, Director



MICROFILMED

SEP 24 1998

RECEIVED

Ident. No. 43-07325

JUL 10 1998

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

RECEIVED

SEP 09 1998

Department of Water Resources
Southern Region

To appropriate the public waters of the State of Idaho

1. Name of Applicant ROBERT C RIETVELD &/OR PATRICIA M RIETVELD Phone 208/536-6656
Post Office address 865 MAE DRIVE TWIN FALLS ID 83301-6897
2. Source of water supply HOLT CREEK which is a tributary of SINKS
3. Location of point of diversion is 1/4 of SE 1/4 of SE 1/4, Govt. Lot
Sec. 27 Township 16S Range 26E B.M. CASSIA County; additional points of
diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.33 AFA for AES, WILD, REC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 0.33
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
b. Height of storage dam 9' feet; active reservoir capacity _____ acre-feet; total
reservoir capacity 0.33 acre-feet; period of year when water will be diverted to storage:
01/01 to 12/31 inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____
7. Time required for completion of works and application of water to proposed beneficial use is 90 days years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity if KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. POND STORAGE FOR WILDLIFE, AESTHETIC AND RECREATION USES

MICROFILMED

SEP 24 1998

THORN REGION OFFICE.

*Received by	Date	Time	Preliminary check by
C.O.	7-8-96	12:02 PM	J.S.KINNEAR
Fee \$ 50.00	Received by	#	Date
M.A.	L.S.KINNEAR	5021321	7/10/98
Publication prepared by	Date	Published in	S.E.D.#8355
M.A.	7/14/98	8/a/98	
Publication approved by	Date		

SEP 24 1998
MICROFILMED

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

13. MAP OF PROPOSED PROJECT ATTACHED X Show clearly the proposed point of diversion, place of use, section number, township and range number.

12. Remarks:

၆၂၂၂

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make

b. Who owns the land to be irrigated or place of use?

11. a. Who owns the property at the point of diversion?

10. Describe any other water rights used for the same purposes as described above.

Total number of acres to be irrigated.

[illegible]

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

use below. See instructions for standard symbols.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 43-07325 Reviewed by [Signature] Date 11-10-98

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Wildlife Storage

Correct Uses? yes

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

yes Required?

50- Amount Submitted

yes Correct?

MEASURING DEVICE

NO Required?

☐ Installed?

☐ Waiver requested?

PRIORITY CALCULATION

Date proof received

Date proof due

No. of days late

Priority Date

New Priority Date

_____	-	_____
_____	=	_____
_____	+	_____

DEFICIENCIES OR ACTION ITEMS

Proof Acceptable

DATA ENTRY

New Address [X]

Proof Made 10-13-98



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

November 10, 1998

Robert and Patricia Rietveld
865 Mae Dr
Twin Falls ID 83301

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 43-07325

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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.

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.

If you have questions concerning the field examination, please contact the **SOUTHERN** Regional Office of the department in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

MICROFILMED

NOV 25 1998



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

September 14, 1998

PATRICIA M RIETVELD
ROBERT C RIETVELD
865 MAE DR
TWIN FALLS ID 83301-6897

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 43-07325

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.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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SEP 24 1998

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

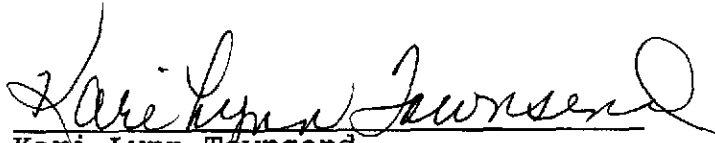
SEP 24 1998

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of September, 1998, 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. 43-07325

PATRICIA M RIETVELD
ROBERT C RIETVELD
865 MAE DR
TWIN FALLS ID 83301-6897


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 24 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by Cindy Lou
 No.: 43-7325 Name: Rietveld Date: 9/10/98 Ad OK? ☒ ☒ Gvmt Lts: ☒

AREA OF CONCERN:

- ~~Yes~~: ESRP Mor / Raft R. GWMA / Trust / Non-trustPROTESTED: (late)

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- North / East / West

≤ 0.24 cfs/5 acres

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

WMD Supplemental use

> 0.24 cfs/5 acres

- No MD

≤ 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED:

- Yes / No; RESPONSE: special conditions

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 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)

- *W22 -P04, NA

(02/03-irr)

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

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

Weiser R (67)

- 086, 087

USE:

Domestic surface

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

>1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

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

Stockwater

- R37 (BLM/USFS); NA

Storage (✓3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

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

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- M

Non-Trust (1)

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

- 048-049 (Consumptive Uses), NA

- 004 (PD/PU)

OWNERSHIP:

OTHER CONDITIONS:

- 027

STANDARD REMARKS:

- ① Rec-Acc/pound

BENEFICIAL USE DUE:

- 9/1/ 1999

COMMENTS:

SEP 9 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Craig Skinner DATE 07/13, 1998
APPLICATION NO. 43-07325

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions, subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use) ^{AE}
☒ Description of diverting works.
☒ Time required for beneficial use of water. NOT GIVEN ON APPLICATION
☒ Place of use or acres irrigated. SYSTEM IS EXISTING
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality of signator is required)
☒ Fee
☒ Yes No* In form to receipt

-----PROPOSED PRIORITY DATE
07/08 1998

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to previous application on the back. NONE)
☒ Overlapping point of diversion.
☒ Yes No Field check required
Field check by P. SKINNER
☒ Yes No Field report attached SEE PREVIOUS MEMOS & PHOTOS
☒ Yes No Critical Ground water area IN FILE.
☒ Yes X No Groundwater management area
☒ Yes X No Send Dam safety information
☒ Yes X No Send power requirement letter
☒ Yes X No Send fish farm requirement letter
☒ Yes X No Power residency affidavit.
☒ Yes X No Power efficiency form
☒ Yes No Within trustwater boundary (If yes, attach trustwater supplementary analysis sheet.)
☒ Yes X No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

Date Requested , 19

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No ~~Statewide~~ Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☒ ☒ Idaho Dept of Fish & Game (7/15/98) ☐ USFS
☐ Idaho Dept of Lands ☒ Water Dist. 43-B
☐ Adjudication Bureau Unit ☒ Other LANE
GOCHNOUR

* FISH & GAME RESPONSE RECEIVED 9/7/98

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates and paper, recorded on App.

☐ Yes ☒ No Protests received

☐ Yes ☒ No Final date for Protest

☒ Yes ☐ No Protests, dates, resolution of protest, recorded on app.

☒ Yes ☐ No Recommendations attached

☐ Yes ☒ No Measuring device required

☐ Yes ☒ No Access port required

☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist.

☐ Yes ☒ No Special conditions of approval or cover letter below.

See Memo 9/8/98

See below for additional information

Date of priority recommended 7/8, 1998
By AD Date 8/12/98, 1998
9/8/98

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 1998

ADDITIONAL INFORMATION:

FROM: Allen Merritt

DATE: September 8, 1998

TO: Application No. 43-07325
In the Name of: RIETVELD

SUBJECT: Review and Recommendation

This application covers a pond that was constructed early this year without a water right. (See memos in the file regarding early investigation.) Once the developer was contacted he filed this application.

As constructed the size of the pond appears insignificant so the application was processed as non-consumptive.

Although a wateruser downstream (Gochmour) initially complained about the development and was provided protest forms, the application was processed without protest. After the protest period was over Gochmour filed a late protest. It was returned with letter dated 8/13/1998. Gochmour was given 21 days in which to provide information to be considered. As of this date no additional information has been provided.

We did receive comment from F&G regarding the development (See letter dated 8/4/98 from Nellis). As constructed the pond is a fish barrier.

RECOMMENDATION

I recommend that the application be approved subject to the following conditions:

277 -This right is non-consumptive.

120 -The director retains jurisdiction over the permit to require mitigation of use if it is determines injury to other rights.

200 -A fish ladder or other fish passage feature acceptable to the F&G be constructed and maintained at the pond site or a written waiver of such condition be obtained from the F&G and submitted to the department.

200 -If the above conditions cannot be met, then the pond & dam must be removed and the stream channel restored to pre-construction condition.

MICROFILMED

SEP 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 1998

Lane Gochmour
HC 72 Box 2360
Malta, ID 83342

RE: Application for Permit No. 43-07325 in the name of Rietveld

Dear Mr. Gouchmour:

Our office received your protest of the "Rietveld" application for permit today. It is considered late. Since the protest period ended August 7th, 1998, I must reject your protest and return your fee submitted pursuant to §42-203A, IDAHO CODE and IDAPA 37.03.08040.03.a.ii.

Please find enclosed your check #8217. (Please also find enclosed a copy of the "Water Appropriation Rules" IDAPA 37.03.08, a copy of the "Rules of Procedure" IDAPA 37.01.01 and copy of §42-203A, IDAHO CODE, for your reference.)

Please note that no timely protest of the "Rietveld" application was received by our office so there is no opportunity to intervene. Under the department's "Rules of Procedure" IDAPA 37.01.01, a hearing is not required to be held on unprotested applications.

Please note that regardless of whether the application was protested or not, §42-203A, IDAHO CODE, and IDAPA 37.03.08045 sets forth the criteria which the department must consider for approving or denying applications for permit. In connection with its evaluation, the department will allow twenty-one (21) days within which time you may submit any information to the department which you believe to be pertinent to the department's evaluation of the application. If such information is submitted, the department will provide a copy of it to the applicant who will also be allowed twenty-one (21) days to respond.

After reviewing the information and any response, the department may conduct a fact-finding hearing, if the department determines such a hearing is necessary. The department will ultimately issue a "Preliminary Order" granting or denying the application. As a "Preliminary Order", the applicant or interested parties may file petitions for reconsideration, exceptions or briefs in connection with the order and then may pursue legal review of the order if they choose.

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SEP 24 1998

If you have questions about this process, please feel free to contact our office.

Sincerely,



Allen Merritt, PE
Southern Region Manager

CC: IDWR - Norm Young, Glen Saxton
Robert &/or Patricia Rietveld

MICROFILMED
SEP 24 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

AUG 13 1998

Department of Water Resources
Southern Region

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application For permit #43-07325 of Robert Rietveld
2. Name of protestant Lane Gochmour
3. Protestant's representative for service (If different than protestant)

4. Service mailing address HC 72 Box 2360 Malta ID 83342

5. Service telephone no. 208-824-5518

6. Basis of protest (including statement of facts and law upon which the protest is based)
Mr Rietvelds proposed pond will interfere with 1920 claim
A43-04083 belonging to Lane and Carla Gochmour

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? to allow Holt Creek holder of claim
A43-04083 to control the dam bypass system or to
remove the dam.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 27 day of July, 19 98

Lane Gochmour
PROTESTANT

PROTESTANT'S REPRESENTATIVE

MICROFILMED

SEP 24 1998

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

\$25.00 fee Receipted by _____ # _____ Date _____

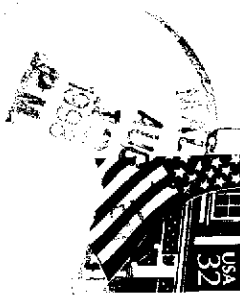
MICROFILMED
SEP 24 1998

Lane Cow Horses
Lane and Carla Gochinour
HC 72, Box 2360
Malta, ID 83342

RECEIVED

AUG 13 1998

Department of Water Resources
Southern Region



MICROFILMED

SEP 24 1998

IDWR
1341 Fillmore St. Suite 208
Twin Falls ID 83301-3380

LANE OR CARLA GOCHNOUR

11/97

92-358/1241

8217

518-60-7724 519-62-8636
HC 72 BOX 2360 824-5518
MALTA, ID 83342

Date 7-27-98

Pay to the
Order of

LDWR

\$ 25.00

Twenty five and 00/100

Dollars

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Check on Back

D.L. EVANS
BANK

(208) 678-9076
P.O. Box 1188
Burley, Idaho 83318
24-HOUR EXPRESS BANKING
1-888-873-9777

D.L. EVANS
BANK

For protest

James Johnson

⑆ 26103582⑆ 93 40633 8⑈ 8217

MICROFILMED

SEP 24 1998



IDAHO FISH & GAME

Magic Valley Region
868 East Main • P.O. Box 428
Jerome, Idaho 83338
(208) 324-4350
Fax (208) 324-1160

Philip E. Batt/Governor
Stephen P. Mealey/Director

August 4, 1998
RECEIVED

AUG 07 1998

Department of Water Resources
Southern Region

RECEIVED

AUG 07 1998

Department of Water Resources
Southern Region

Mr. Corey Skinner
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Water Right Application 43-07325 - Robert C. &/or Patricia Rietveld

Dear Corey,

We have reviewed the above referenced information supplied with the new water right application for Robert or Patricia Rietveld on Holt Creek, a headwater stream to the Raft River system. Overall, we have little fisheries information on Holt Creek, however, we have found Yellowstone cutthroat (*Oncorhynchus clarki bouvieri*) within adjacent drainages so we will make comment based on the assumption that Yellowstone cutthroat are present within the stream. This is also consistent with our 5-Year Fisheries Management Plan 1996 - 2000 which emphasizes protection of Yellowstone cutthroat within the Goose Cr./Raft River headwater drainages. With this in mind, our recommendations are as follow:

1. Impoundment of flowing streams often results in an increase in water temperatures. If this permit is allowed we recommend planting of native trees and riparian shrubs on the south side of the pond to provide shading. This will not only help to reduce water temperature fluctuations, but, will be a source of woody debris recruitment to the stream system. We recognize this is a proviso which probably can't be mandated by IDWR as a condition of this application, however, we would appreciate this being a suggested mitigation opportunity for approval of the water right.
2. The dam or diversion structure should not be a fish passage barrier for fish moving upstream or downstream. We recommend a condition of the permit be that a fish ladder or other fish passage device be installed in the diversion structure if the dam or weir is in excess of 1' in height.

Thank you for the opportunity to review and comment on this application. If you have further questions please contact Dave Parrish, Natural Resources Biologist at this office.

Sincerely,

Carl H. Nellis
Magic Valley Regional Supervisor

MICROFILMED

SEP 24 1998

cc: IDFG-NRPB
Mr. and Ms. Rietveld

**SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION**

County of Cassia)
) ss
STATE OF IDAHO)

Ruth Holmes, being first duly sworn, deposes and says that she is the Legals clerk of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of the South Idaho Press for 2 consecutive week(s), commencing with the issue dated July 20 19 98, and ending with the issue dated July 27 1998.

Ruth Holmes

STATE OF IDAHO)
COUNTY OF)
MINIDOKA)

On this 27th day of July in the year of 1998 before me, a Notary Public, personally appeared Ruth Holmes, known or identified to me to be the person whose name is 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.

James Burns

Notary Public for Idaho

Residing at: Rupert, Idaho

My commission expires: 6-28-2000

Cost of Publication 46.20
Affidavit Fee 5.00
Total Cost 51.20

OK
MB
8/3/98

RECEIVED

JUL 28 1998

Department of VARS - RECORDS
Southern Region
MICROFILMED

SEP 24 1998

NOTICE OF APPLICATION FOR
WATER PERMIT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

ROBERT C RIETVELD & OR
PATRICIA M RIETVELD
865 MAE DRIVE
TWIN FALLS ID 83301-6897

Application for Permit No. 43-07325

Source: Holt Creek tributary to Snake

(existing development)

Diversion Pt(s): SE1/4SE1/4, S27,

T16S, R26E; Cassia County.

Use: I/I-12/31

Aesthetic 0.33 afa

Wildlife 0.33 afa

Recreation 0.33 afa

Total Diversion: 0.33 afa

In: SE1/4SE1/4, S27, T16S, R26E;

Cassia County.

Date Filed: 7/8/98

Any protest against the proposed
application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301
together with a protest fee of \$25.00 on
or before August 7, 1998 to be
considered by the Department in its
decision to grant or deny any part of
the proposed application(s). The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on July 20
& 27, 1998.

NOTICE OF APPLICATION FOR
WATER PERMIT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

ROBERT C RIETVELD &/OR
PATRICIA M RIETVELD

865 MAE DRIVE

TWIN FALLS ID 83301-6897

Application for Permit No. 43-07325

Source: Holt Creek tributary to Sinks
(existing development)

Diversion Pt(s): SE1/4SE1/4, S27,
T16S, R26E; Cassia County.

Use: 1/1-12/31

Aesthetic 0.33 afa

Wildlife 0.33 afa

Recreation 0.33 afa

Total Diversion: 0.33 afa

In: SE1/4SE1/4, S27, T16S, R26E;
Cassia County.

Date Filed: 7/8/98

Any protest against the proposed
application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301
together with a protest fee of \$25.00 on
or before August 7, 1998 to be
considered by the Department in its
decision to grant or deny any part of
the proposed application(s). The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on
7/20 & 7/27/98.

MICROFILMED

SEP 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
SOUTH IDAHO PRESS
PO BOX 190
BURLEY ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

JUL 24 1998

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

ROBERT C RIETVELD &/OR
PATRICIA M RIETVELD
865 MAE DRIVE
TWIN FALLS ID 83301-6897

Application for Permit No. 43-07325

Source: Holt Creek tributary to Sinks (existing development)

Diversion Pt(s): SE1/4SE1/4, S27, T16S, R26E; Cassia County.

Use: 1/1-12/31

Aesthetic	0.33 afa
Wildlife	0.33 afa
Recreation	0.33 afa

Total Diversion: 0.33 afa

In: SE1/4SE1/4, S27, T16S, R26E; Cassia County.

Date Filed: 7/8/98

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before August 7, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 7/20 & 7/27/98.

MICROFILMED

SEP 2 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

July 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN DAVE PARRISH
ID DEPT OF FISH & GAME
PO BOX 428
JEROME ID 83338

Re: Application for Permit No. 43-07325 - RIETVELD,
Robert C. &/or Patricia

Dear Mr. Parrish:

The Department is seeking a written Comment &/or Recommendation from your agency regarding the above referenced application for surface water; a copy of the application is enclosed for your information and reference.

Processing of an application can be completed in 20 days; therefore, your prompt response to this request will be appreciated.

If you have any questions about an application, please contact this office or the applicant.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

Enclosure(s)

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SEP 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVE SUNDBERG WATERMASTER
WATER DISTRICT #43-B
PO BOX 1
MALTA ID 83342

Re: Application for Permit No. 43-07325-RIETVELD, Robert
&/or Patricia

Dear Mr. Sundberg:

Enclosed is a copy of an Application for Permit within
your District.

We also have enclosed a Watermaster's Recommendation Form
for your comment and/or recommendation.

Processing of an application can be completed in 20 days;
therefore, your prompt response to this request will be
appreciated.

If you have any questions about an application, please
contact this office or the applicant.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

Enclosures

MICROFILMED

SEP 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT C RIETVELD &/OR
PATRICIA M RIETVELD
865 MAE DRIVE
TWIN FALLS ID 83301-6897

Re: Application for Permit No. 43-07325

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the South Idaho Press for 7/20 & 7/27/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

cc: LANE GOCHNOUR
HC 72 BOX 2360
MALTA ID 83342

MICROFILMED

SEP 24 1998

MEMORANDUM

TO: Rietveld Application For Water Right Permit on Holt Creek File
FROM: Corey Skinner/CS
DATE: July 13, 1998
SUBJECT: Staff Review

The enclosed application for permit, filed by Robert C. &/or Patricia M. Rietveld, seeks to obtain a water right for an existing pond located on Holt Creek near the Idaho/Utah state line in the upper Raft River valley. The pond was constructed on May 11th, without a water right, and after receiving a complaint from Lane Gochnour, a downstream water user, I visited the site. In addition, at a later date, Terry Blau (Southern Region Stream Channel Specialist) and I visited the site. These visits have been previously documented, so an additional field check of the site was not performed.

The enclosed application should be pretty straightforward. About the only problem with the application is that the time required for completion of the project (item #7) was not completed. Since the application is for an existing project, this probably should not be much of a problem. If the application is approved, I recommend that Proof of Beneficial Use be required to be submitted immediately.

Lane Gochnour has two SRBA claims (both based on statutory claims) filed for irrigation of land in the same section where the pond described in this application is located. One of Mr. Gochnour's claims, A43-04083, is for water out of Holt Creek, downstream of the pond. On July 10th, Mr. Gochnour called and said he wanted to protest the enclosed water right application for the pond. Today, I sent Mr. Gochnour a copy of the application, and a protest form. I recommend that copies of all correspondence regarding the processing of this application be sent to Mr. Gochnour, since he has expressed concern several times to the Department regarding the pond on Holt Creek. Mr. Gochnour's address is as follows:

Lane Gochnour
HC 72
Box 2360
Malta, ID 83342

MICROFILMED

SEP 24 1998

43-07325



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 13, 1998

Lane Gochnour
HC 72
Box 2360
Malta, ID 83342

Dear Mr. Gochnour:

Pursuant to your recent request, please find enclosed a copy of the application filed by Robert C. &/or Patricia M. Rietveld for the pond on Holt Creek located south of your property. As you requested, I have also enclosed a Protest form.

If you submit a protest to the application, a \$25.00 protest fee is required. In addition, the application number that you are protesting will need to be specified. As of this date, the Rietveld application has not yet been assigned a number. A number will be assigned when the public notice advertising is prepared. The application should be advertised in the South Idaho Press sometime in the near future.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosures

MICROFILMED
SEP 24 1998

43-07325

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO:

F & G - Mountaintop
DEG - Nick Cizmich
Carp - Rob Brochu

TOTAL PAGES

DOCUMENT

Allen,

FROM:

PHONE:

FAX:

SENDER

CHARGE

Here is a memo, photos, notes,
 etc. on the recent Holt Creek
 complaint. I did not draft a
 letter. Terry thinks we could
 probably go ahead with the
~~Stream~~ Stream Channel NOV process.
 Maybe a combination Stream Channel/
 Water Right NOV and Cease and Desist
 order could be issued? The landowner's
 name and address are in the file.
 I told Mr. Gochneur (the guy who
 complained) we would keep him in
 the loop.

[Signature]

SOURCES

Date	6-14	# of pages	3
From	T. Blay		
Co.			
Phone #			
Fax #			

not counted. Two (2)
 per page. (\$0.50)

statement.

[Signature]

COMMENTS:

MICROFILMED

SEP 24 1995

MEMORANDUM

TO: Holt Creek Illegal Pond File

FROM: Corey Skinner

DATE: June 10, 1998

SUBJECT: Meeting with Elvin Young and Lane Gochnour

This day, Terry Blau and I met Elvin Young at the site of the recently constructed pond on Holt Creek near the Utah/Idaho state line. During our meeting, Terry and I discussed the situation resulting from the pond construction with Mr. Young. We reiterated the fact that the pond is viewed as an unauthorized stream channel alteration unless a water right is obtained. Terry discussed with Mr. Young the various remediation work that would have to be done if the pond were removed. I also explained to Mr. Young the steps to obtaining a water right, mentioning that Lane Gochnour had told me (during telephone conversations on 05/26/98 and 06/09/98) that he would protest any application for a water right on Holt Creek. Mr. Young said that he had talked with Mr. Gochnour, and that he was under the impression that Mr. Gochnour no longer had any problem(s) with the pond. Mr. Young suggested that we go visit Mr. Gochnour so everyone could be on the same page. We then proceeded to drive to Mr. Gochnour's ranch.

Upon arriving at the ranch, Mr. Gochnour, Mr. Young, Terry, and I proceeded to discuss the pond and possible scenarios that could possibly resolve the situation. After discussing the matter, a possible consensus was reached. The consensus was that Mr. Young (or his boss who is the actual landowner) and Mr. Gochnour would try and attempt to come up with a written agreement outlining a scenario where the pond would stay and a water right application would be filed (presumably without protest from Mr. Gochnour). Mr. Young wanted the agreement to protect Mr. Gochnour's water right(s) enabling him to get his water if need be. He also discussed scenarios that would enable Mr. Young to route water around the pond. Terry and I stated that it would be up to them to come up with an agreement. I mentioned to Mr. Young that even with such an agreement that an application could still be protested by another party.

A 30 day period was established as a deadline for the agreement and a water right application to be submitted to the department. Mr. Young indicated that they may still decide to remove the pond anyway instead of attempting to obtain a water right. I recommend that if a water right application is not received by this office by July 10th, that a stream channel notice of violation be sent to the landowner and that the pond be removed and that appropriate mitigation and repair work be performed to repair possible damage to the Holt Creek channel.

MICROFILMED

SEP 24 1998

MEMORANDUM

TO: Allen Merritt and Terry Blau

FROM: Corey Skinner /CS

DATE: May 18, 1998

SUBJECT: Possible Illegal Diversion &/or Stream Channel Violation on Holt Creek.

On May 14th, I telephoned Lane Gochmour to respond to a complaint from Mr. Gochmour that was received by Dave Hollingshead on May 13th. Apparently, Mr. Gochmour had called regarding a recently constructed "dam" on Holt Creek in the upper Raft River Valley. Upon speaking with Mr. Gochmour, I arranged a meeting at his place for Friday morning May 15th.

On May 15th, I met Mr. Gochmour at his ranch house located about 5½ miles west of Naf. We proceeded to walk up Holt Creek towards the Utah/Idaho state line. Mr. Gochmour stated that he noticed that the flows in Holt Creek had decreased drastically, despite the recent rains. He said that he had water rights out of Holt Creek and that he irrigated some pasture around his house with the Holt Creek water. I observed irrigated pasture around Mr. Gochmour's house and a ditch that was flowing some water (less than the ditch's capacity). The ditch appeared to be running from the Holt Creek channel.

After walking up Holt Creek for about ¾ of a mile, a recently constructed embankment was observed on the Holt Creek channel. Upon arriving at the embankment, Mr. Gochmour and I were greeted by Elvin Young. Mr. Young said that he was involved with the construction of the embankment and that he worked for the landowner who owned the property where the embankment was located. I explained to Mr. Young why Mr. Gochmour and I were there and asked if we could take a look at the embankment. Mr. Young said that he did not have a problem with us looking around, and proved to be quite cooperative.

The embankment was built across the Holt Creek channel and appeared to have a maximum hydraulic height of about nine feet (measured from lowest spot on the downstream toe). Material had been excavated from the left (west) side of the channel upstream of the embankment in order to form a reservoir behind the embankment. I estimated (by pacing) that the total reservoir dimensions were about 50 feet by 60 feet (total surface area less than 0.10 acre). In addition, I estimated the average depth of the reservoir to be 4.0 to 5.0 feet (estimated storage volume of approximately 0.30 acre-feet). An 18" diameter steel pipe was placed through the embankment, near the crest, to serve as an outlet/spillway for the reservoir.

MICROFILMED

SEP 24 1998

Mr. Young said that the embankment was constructed on Monday (May 11th). He said that he was disappointed that the reservoir had not yet filled. Apparently, the water in the reservoir was seeping away, instead of filling the reservoir. Judging by the Holt Creek flows above the reservoir, the reservoir should have definitely filled since it had been more than three days since the reservoir was constructed.

I explained to Mr. Young that in order to divert any amount of surface water in the State of Idaho, a valid water right is required. I also explained to Mr. Young that it appeared that the reach of Holt Creek where the embankment was constructed appeared to be a jurisdictional stream channel and he and the landowner were more than likely in violation of the Stream Channel Protection Act. I also expressed concern regarding the adequacy of the 18" pipe to carry large runoff events that could occur due to the size and elevation of the basin above the reservoir.

I informed Mr. Young that the landowner would be receiving at the very minimum, a letter from us, advising him of the situation and the possible consequences of constructing the embankment. Mr. Young mentioned that they might just remove the embankment since it did not appear to be filling the small reservoir, and they did not intend to interfere with the creek flows below the embankment.

On my way back to the office, I stopped by the Cassia County courthouse to determine the ownership of the land involved with the situation. According to assessor records, Mr. Gochmour owns 40 acres within the NENE $\frac{1}{4}$ of Section 27 (T16S, R26E). The rest of the east $\frac{1}{2}$ of Section 27 is owned by Robert and Patricia Rietveld. The Rietveld's address is:

865 Maple Drive
Twin Falls, ID 83301

734-7637

A search of the department's database revealed that Mr. Gochmour has two claims, A43-04083 and A43-04084, filed in the SRBA for the irrigation of his land located in the NENE $\frac{1}{4}$ of Section 27. Claim A43-04083 is for the diversion of 1.13 cfs from Holt Creek and claim A43-04084 is for the diversion of 0.35 cfs from a spring located in the NENE $\frac{1}{4}$ of Section 27. It appears that the construction of the embankment has interfered with the flows of Holt Creek in the channel below, resulting in less water in the lower reaches of the Holt Creek channel.

I have enclosed field notes, photos, and other information detailing my findings. I recommend that a letter be sent to Mr. Rietveld requesting that he obtain a water right or SCA permit.

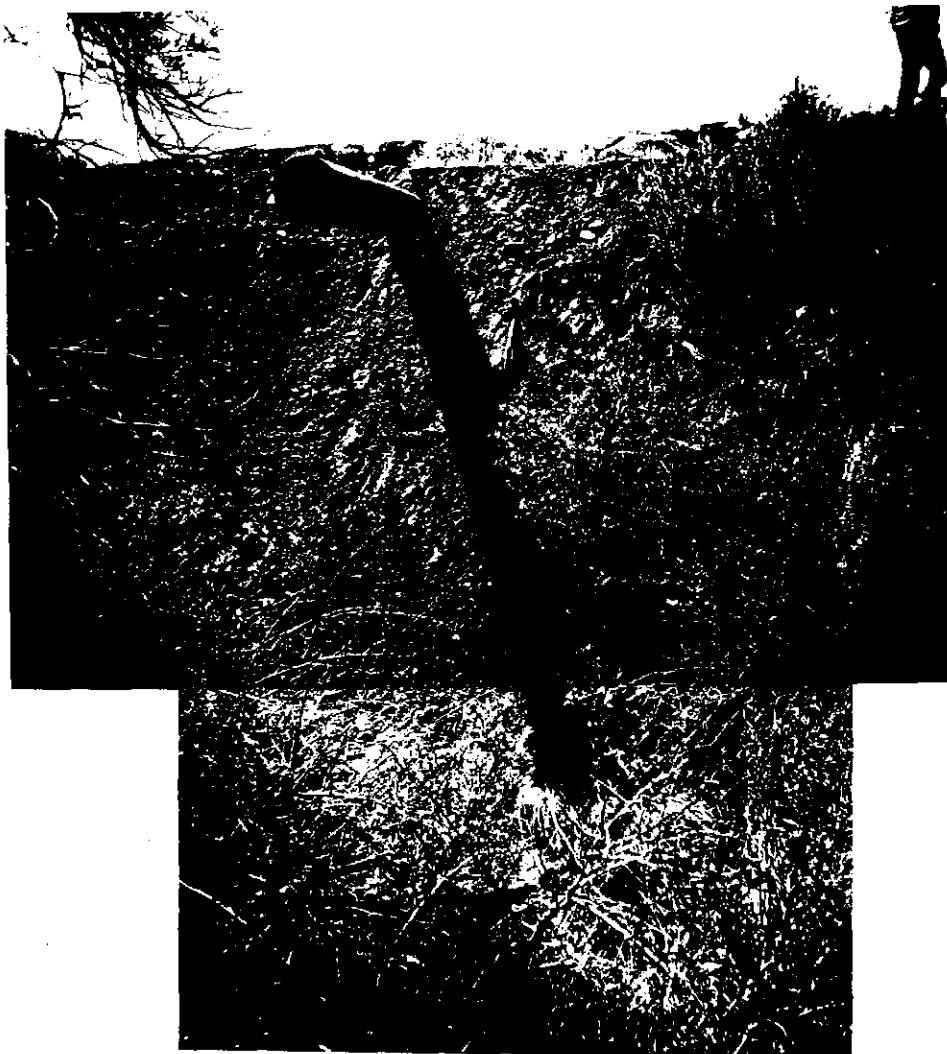
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SEP 24 1998



ABOVE: View of downstream slope and crest of embankment on Holt Creek channel from right side. Pickup (circled) was said to have been parked on the Utah/Idaho state line. Arrow indicates the upper end of the drainage area above the reservoir. Note other

than the 18" steel pipe, there is no spillway for the reservoir. Also note the loose fill material and the steep downstream slope of the embankment.



LEFT: View of the downstream slope of the embankment from the creek channel below. The maximum vertical distance between the downstream toe of the embankment and the steel pipe is about nine feet. Note some seepage water (indicated by arrow) flowing in the creek channel below the embankment.

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View of the intake to the 18" steel pipe that serves as the outlet/spillway for the reservoir.



View from the embankment crest looking down the Holt Creek drainage. Holt Creek winds around and flows in the direction indicated by the arrow, towards the upper right corner of the photo. Mr. Gochmour's place is about $\frac{3}{4}$ of a mile down the channel from where this photo was taken.

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SEP 2 1968



View of upstream slope and crest of embankment from the right side. Note some rip rap placed on the upstream slope and the high water mark in the reservoir. Also note sloughing of upstream slope on the left end of the embankment, beyond rip rap.

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View of reservoir from the left side looking towards the upstream slope of the embankment. The total reservoir surface area is less than 0.10 acre. The distance between the arrows is approximately 60 feet (paced).

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ABOVE: View looking down the Holt Creek channel at disturbed area along the right edge of the reservoir.

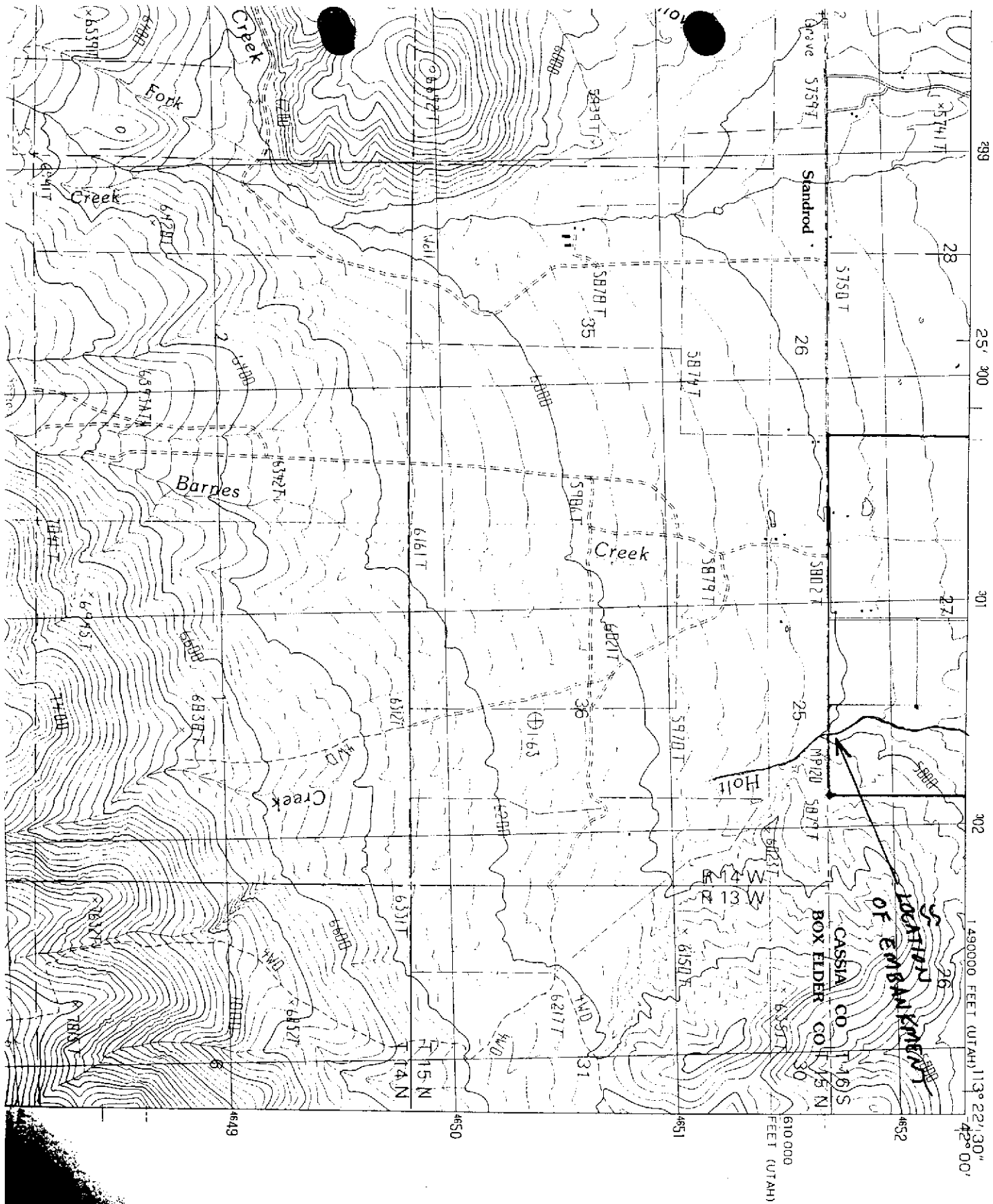


LEFT: View looking down the Holt Creek channel from above the reservoir. The flows in the channel upstream of the reservoir were affected by the construction of the reservoir. Note how water is backed up the channel, and appears stagnant, in this view. Further up the channel, water was observed

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7.5 MINUTE SERIES (TOPOGRAPHIC)



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