

MEMORANDUM

To: Gary Spackman
From: Bob Haynes
Subject: Request for revocation of Permit No. 95-9058
Date: March 10, 2005

Attached is a letter from a Mr. Rod Holte asking that Permit No. 95-9058 in the name of Ross Welburn be revoked. Dave LePard did a field review of the area and his report, as well as photos submitted by Mr. Wellburn are also attached.

RECEIVED
DEC 29 2004
IDWR/North

December 28, 2004
771 E. Buckles Road
Hayden, ID 83835

Robert G. Haynes, P. E.
Idaho Dept. of Water Resources
1910 Northwest Boulevard, Suite 210
Coeur d'Alene, ID 83814

Dear Mr. Haynes:

This is a formal request for the Idaho Department of Water Resources to revoke pond permit #95-9058 issued to my neighbor, Russ Welburn. Mr. Welburn's property is southeast of mine and the dam he has built to fill his pond has caused water to back up over 3-5 acres of my property, rendering it useless for agriculture or grazing. I was unable to have a crop of grass hay this year and the roots are rotting from being flooded, so I will not have a crop again next year.

I have approached Mr. Welburn about modifying his pond to solve the flooding of my property but his efforts have not resolved the problem. The overflow culvert in his dike does not adequately handle the water right now and we have not had snow melt. The dike must be removed to remedy the problem. I am requesting the Idaho Department of Water Resources inspect the site and evaluate the situation.

This is a time sensitive situation as Mr. Welburn has submitted a request to the the Kootenai County Building and Planning Department for preliminary subdivision approval for this property. This hearing is scheduled for Thursday, January 13, 2005. The site description is a portion of the northeast quarter of the southeast quarter of Section 12, Township 51 North, Range 4 West Boise Meridian, Kootenai County, parcel number 51N04W-12-7200. This pond and waterway is a feature of the subdivision and its impact on neighboring properties must be considered before approval is given. I am sending a copy of this letter to the Building and Planning Department.

I look forward to hearing that the permit has been revoked and a site inspection will occur. I can be reached at 772-4662.

Sincerely,



Rod Holte

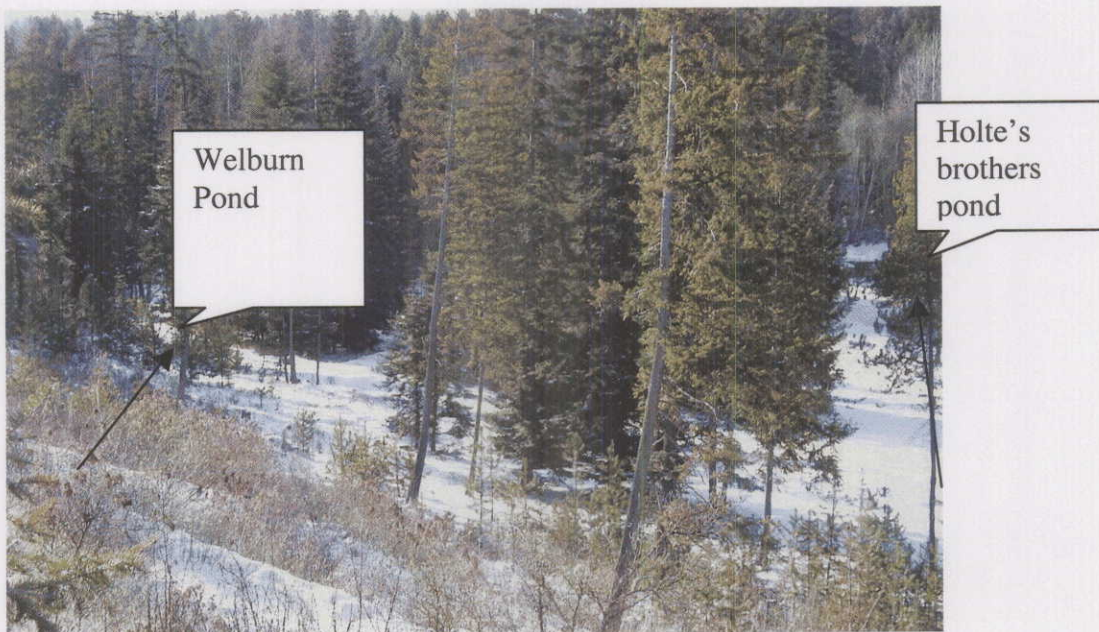
cc: Kootenai County Building and Planning Department

TO: File 95-9058

SUBJECT: Site visit on 1/ 14/ 05

BY: David LePard

I visited Mr. Welburn's property, at his request, to observe the changes made to his small pond on approximately December 21, 2004. The changes made were to lower the maximum storage level in the pond to prevent water from being impounded on his neighbors (Mr. Holte's) property. I took the following pictures.





Upstream side of
dam showing
new outlet pipe
(in the middle)
installed late last
year.



Downstream side
of dam.



Upstream side of
Welburn's dam.
The pipe in the
middle is new.



Upstream side of
dam at the height
of the runoff.



Holte's field and the creek channel at the upstream end of Welburns property, approximately 100 yds. above the backwaters of the pond

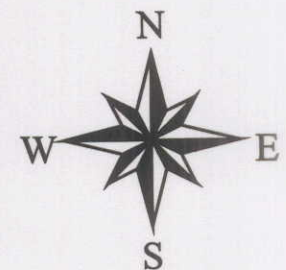


Holte's field during the height of the runoff. Note the water in the field is not coming from the creek.

View1

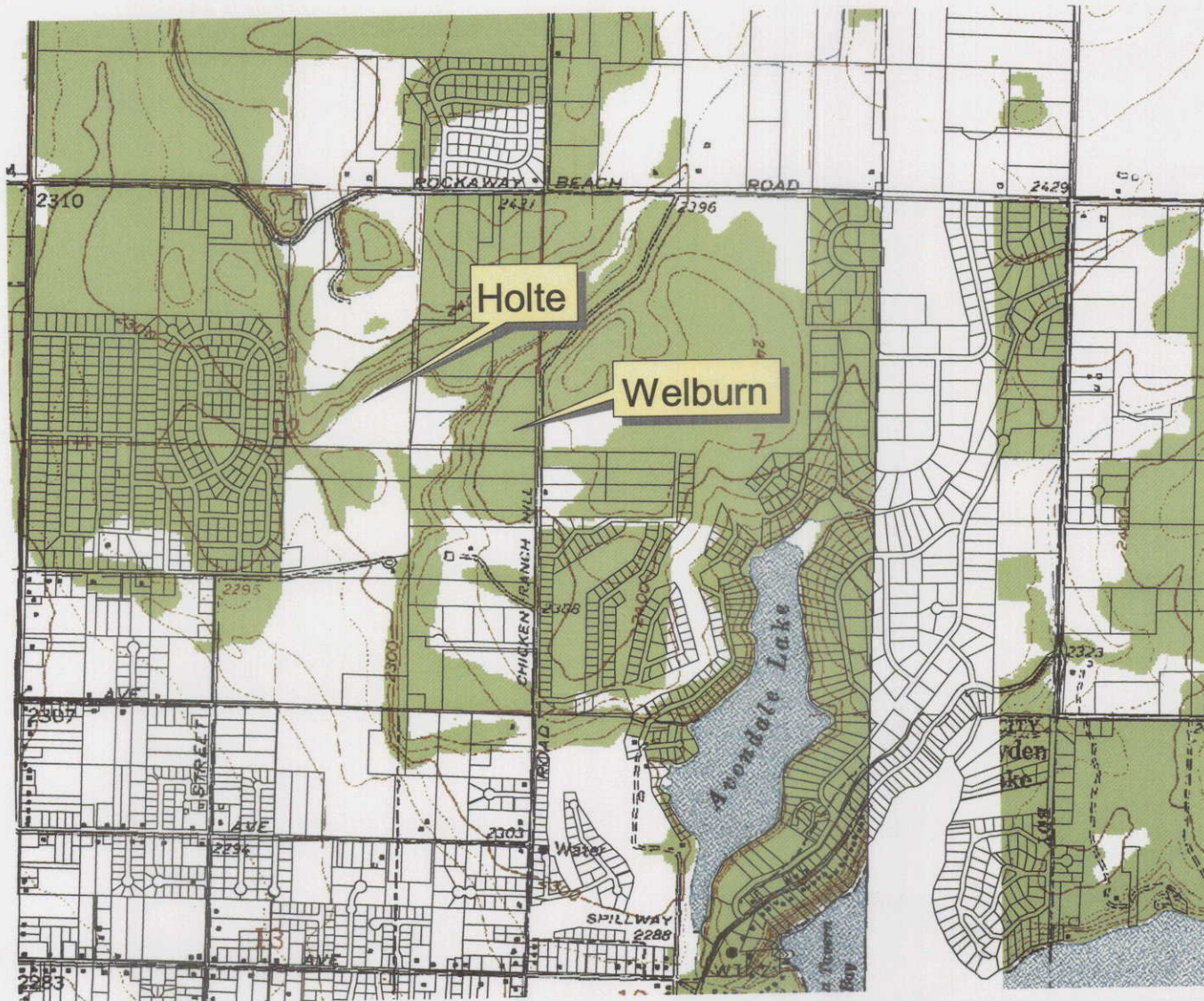


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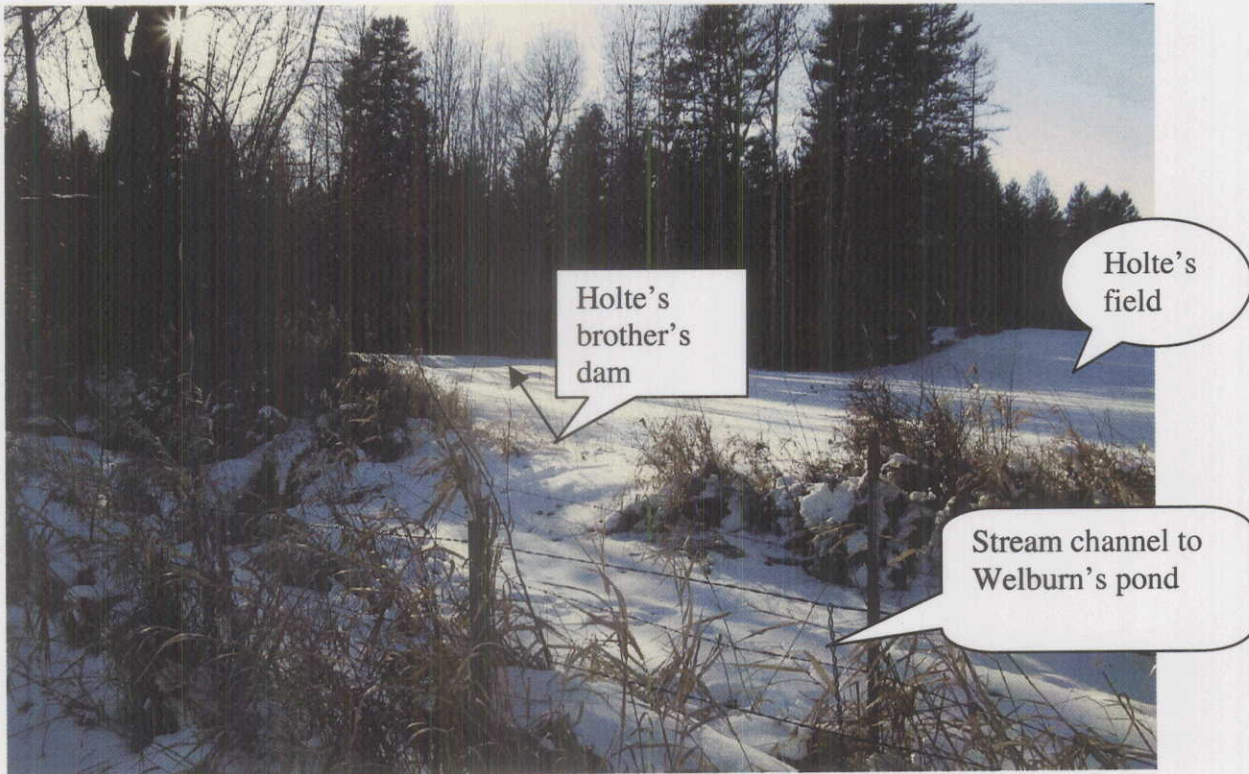


Unknown Units: View1

View1

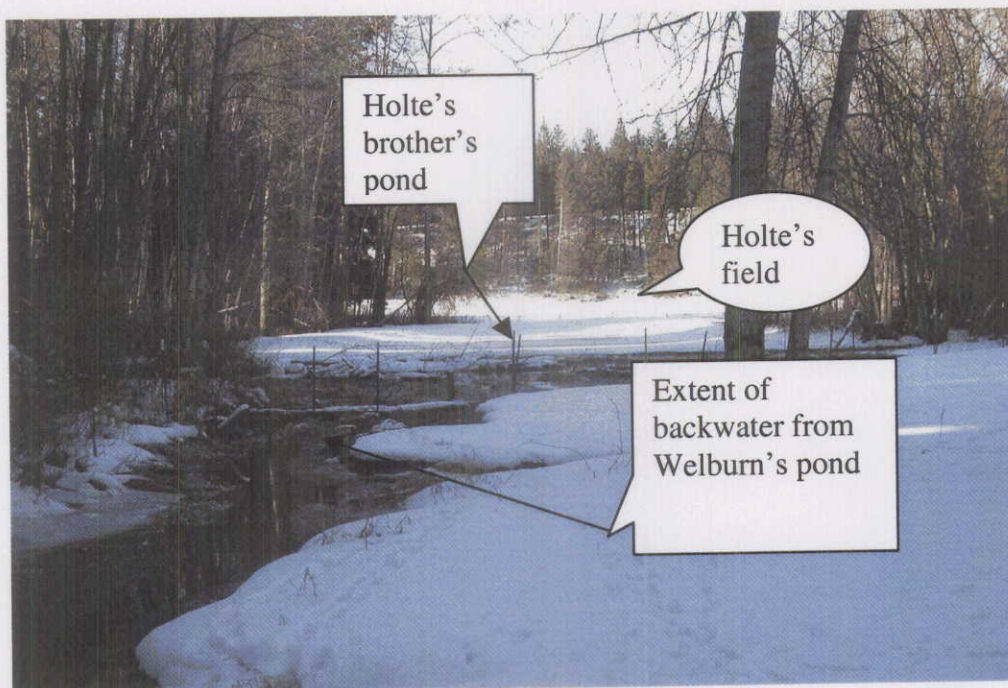
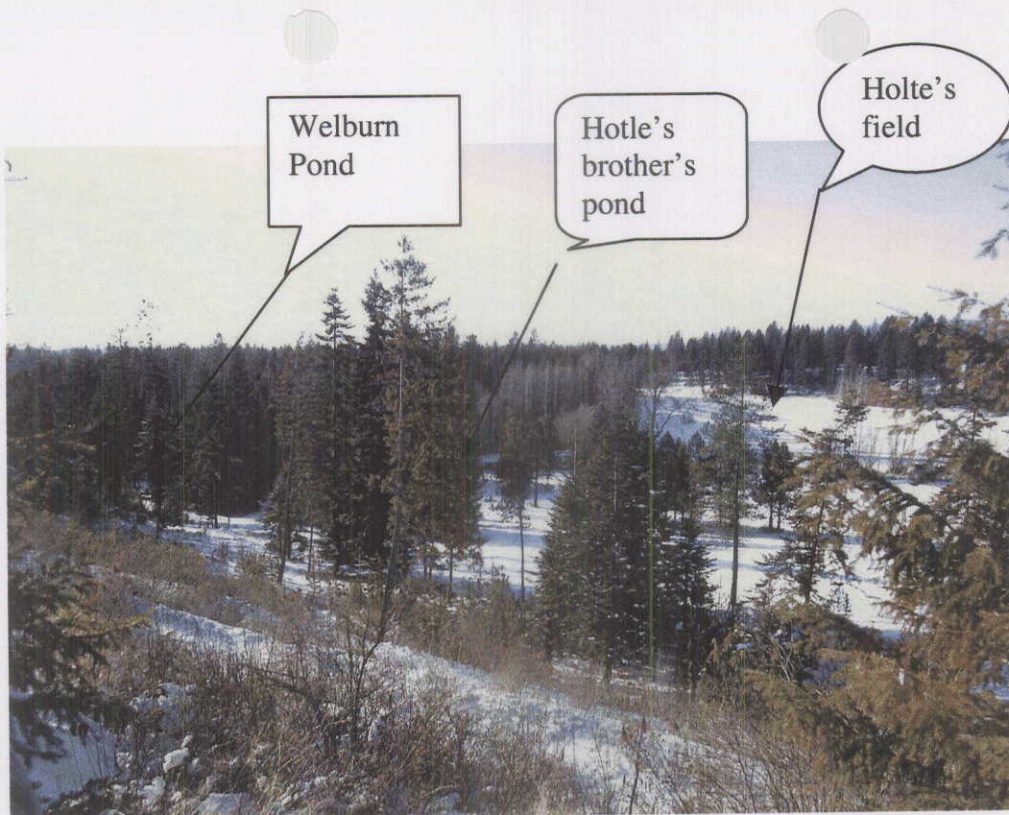


Unknown Units: View1



Looking downstream

From my observations Mr. Welburn's dam at this time does not affect Mr. Holte's property. Mr. Holte's field is higher in elevation than Mr. Welburn's pond and the pond does not back water up in the creek channel beyond Mr. Welburn's property line. If anything affects Mr. Holte's field it would be his brothers small embankmet.



Looking upstream from Welburn pond



Inflow to the Welburns pond at the property line fence. The wooden object attached to the fence is a yardstick with duct tape at one foot intervals



Property line fence at Height of runoff. Flow is not being controlled by the reservoir stage, but is just overland flow since no real channel exists at this point.



