



May 8, 2014

Idaho Department of Water Resources
Attn: John Westra
2735 Airport Way
Boise, ID 83705

Subject: Confirmation regarding Proposed Regulation Pond for Irrigation in Lake Fork, Idaho

Dear John,

This letter is a written request for confirmation regarding a phone conversation that we had in April, 2014 about a proposed regulation pond for irrigation in Lake Fork, Idaho that is scheduled to proceed in the upcoming weeks. Below I have outlined the proposed project and our understanding of the project. If you would respond to this letter with a small confirmation response of our understanding of the permitting requirements of the project either in e-mail or on paper, we and our client would be grateful.

The proposed regulation pond for irrigation is located at 65 Elk Haven Lane, Lake Fork, Idaho on parcel no. RP17N03E145855 and is owned by Shawn and Trina Moss. This parcel is approximately 39 acres and has a water right (no. 65-22967) of 0.79 cfs to be used for irrigation. The Mosses also own the adjacent parcel (RP17N03E157655) of approximately 74.5 acres that has a water right (no. 65-22969) of 1.12 cfs to be used for irrigation. The legal description for the project is the SW 1/4 of Section 14 and the SE 1/4 of Section 15, T.17N, R.3E., BM, Valley County, Idaho.

Attached with this letter is a print-out from the Idaho Department of Water Resources website showing the referenced water rights. The print out does not reflect the current ownership but it has been communicated to Crestline Engineers, Inc. that the Mosses have filed paperwork for the change in ownership of the water rights.

Historically, the properties have been flood irrigated from the West Side Lake Fork Ditch. The proposed project is to dig a regulation pond on the edge of an existing area of high ground water and irrigate the properties by a pumped system necessary but also have the option to irrigate using the current flood irrigation system. Drawings attached with this letter show the intent of the project and are provided for your records.

Based on conversations Crestline Engineers has had with you regarding this project, the proposed pond cannot have a footprint larger than 10,000 S.F. (equivalent to 100'x100'). It is our understanding that a pond larger than 10,000 S.F. would require a new water right, that would likely be denied, to account for evaporation lost by the pond.

As we understand it, approval/notification is not required to build the 10,000 S.F. regulation pond but we are hoping to receive confirmation from you about our understanding of the project.

May 8, 2014

Please reply to this letter with a short letter or e-mail acknowledging the project and that our understanding of the project is correct and that it is allowed and/or what additional steps must be taken to proceed.

If you have any questions regarding this project or would like additional information please contact Sam Larrondo of Crestline Engineers, Inc. by phone ((208) 634-4140) or e-mail (slarrondo@crestline-eng.com).

Respectfully submitted by,

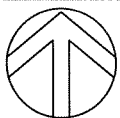
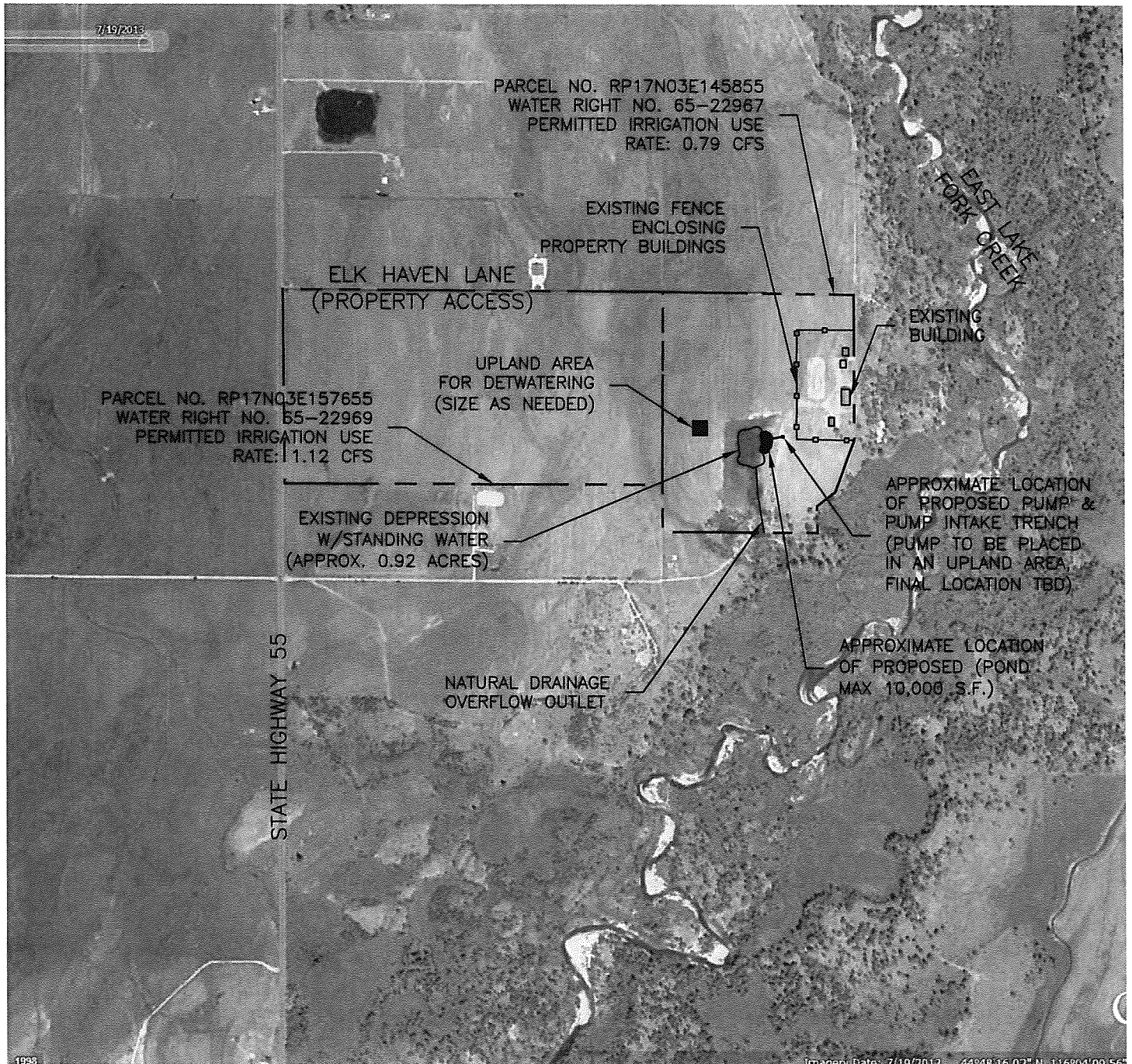
Crestline Engineers, Inc.



Sam Larrondo, E.I.T.
Associate Engineer

Enclosures:

1. Moss Irrigation Pond (4 total)
2. Moss Irrigation Pond, Current IDWR Water Rights Print Out (6 Pages)



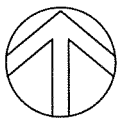
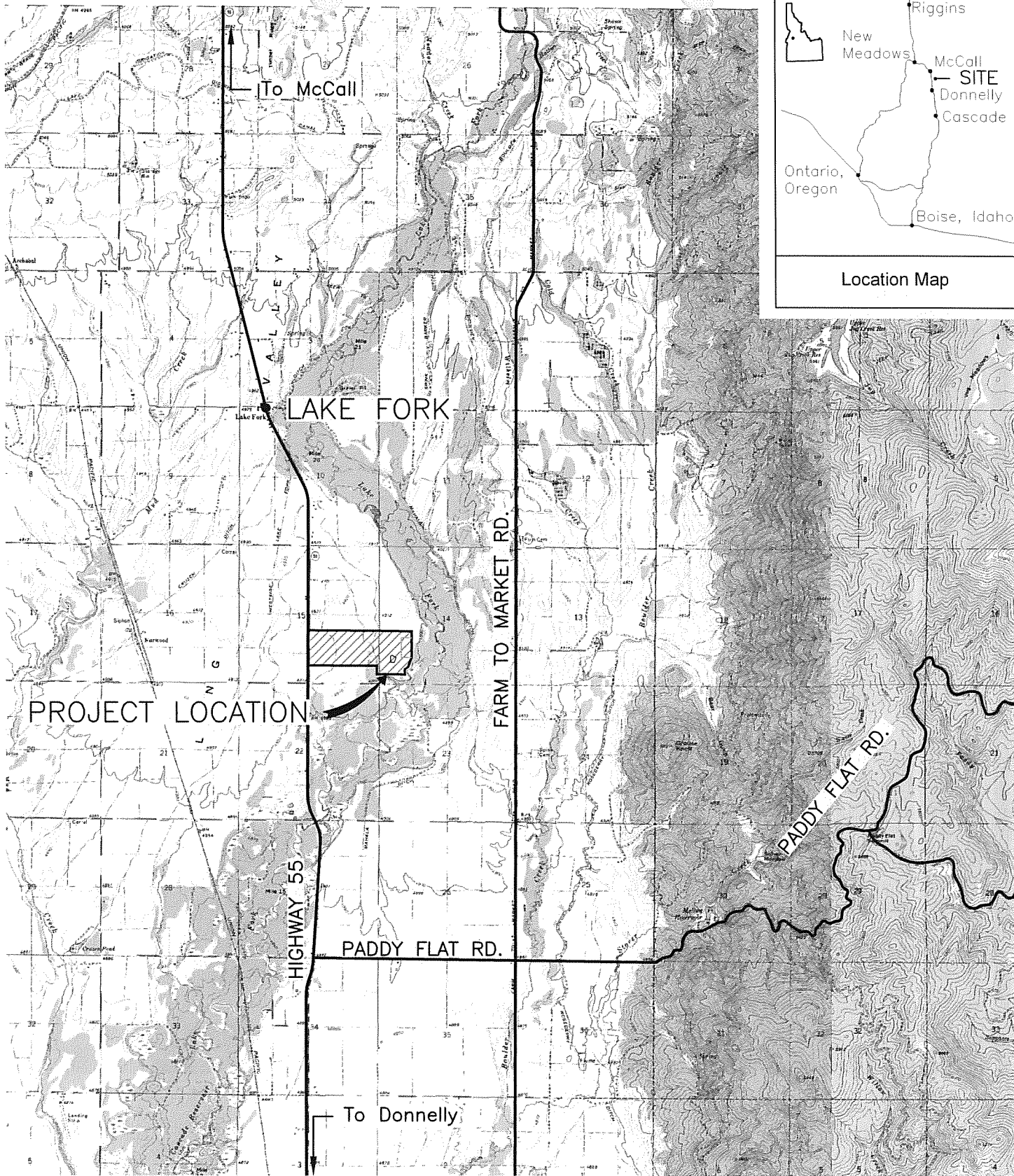
NORTH
SCALE: 1" = 1000'

CRESTLINE
ENGINEERS

323 DEINHARD LANE, SUITE C · PO BOX 2330
McCALL, IDAHO 83638
208.634.4140 · 208.634.4146 FAX

MOSS IRRIGATION POND
FIGURE 2, C-1

PROJECT	14009	DRAWN	FIGURE NO.
DATE	5/8/2014	SSL	2 OF 4



NORTH
SCALE: 1" = 5000'

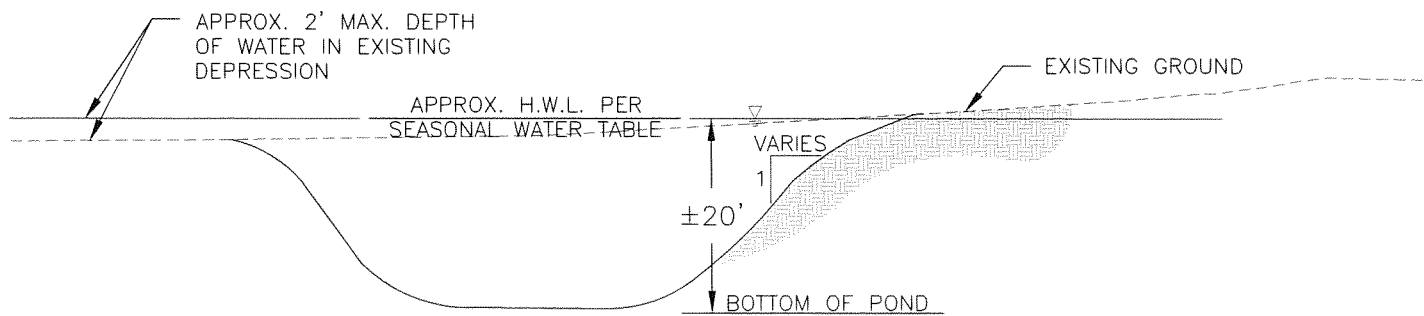


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MOSS IRRIGATION POND
FIGURE 1, VICINITY MAP

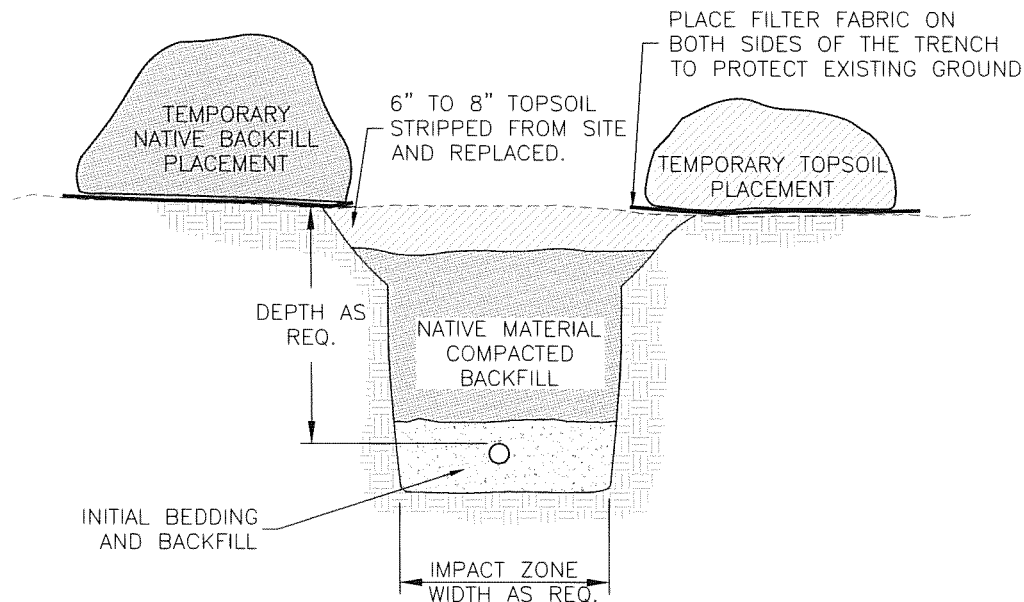
PROJECT	14009	DRAWN	FIGURE NO.
DATE	5/8/2014	SSL	1 OF 4



(A) POND EXCAVATION DETAIL
TYP SCALE 1" = 20'

NOTES:

1. POND SLOPES TO BE CREATED USING MACHINE TO EXCAVATE MATERIAL ONLY. GRADING, PUSHING AND FINE GRADING OF MATERIAL IS NOT ALLOWED.
2. EXCAVATED MATERIAL TO BE HAULED TO AN ON SITE UPLAND LOCATION. RESEEDING OF ALL STOCKPILED MATERIAL SHOULD BE COMPLETED IMMEDIATELY AFTER PROJECT CONSTRUCTION.
3. TEMPORARY DEWATERING WILL BE COMPLETED BY THE CONTRACTOR AS NECESSARY DURING EXCAVATION. WATER WILL BE PUMPED TO A NON-WETLAND AREA AND INTO A STRAW BALE SEDIMENT TRAP W/SILT FENCE PERIMETER OR A FILTER/DEWATERING BAG AS DETERMINED BY THE CONTRACTOR.
4. ALL CONSTRUCTION METHODS WILL MINIMIZE IMPACTS TO THE GREATEST EXTENT POSSIBLE.

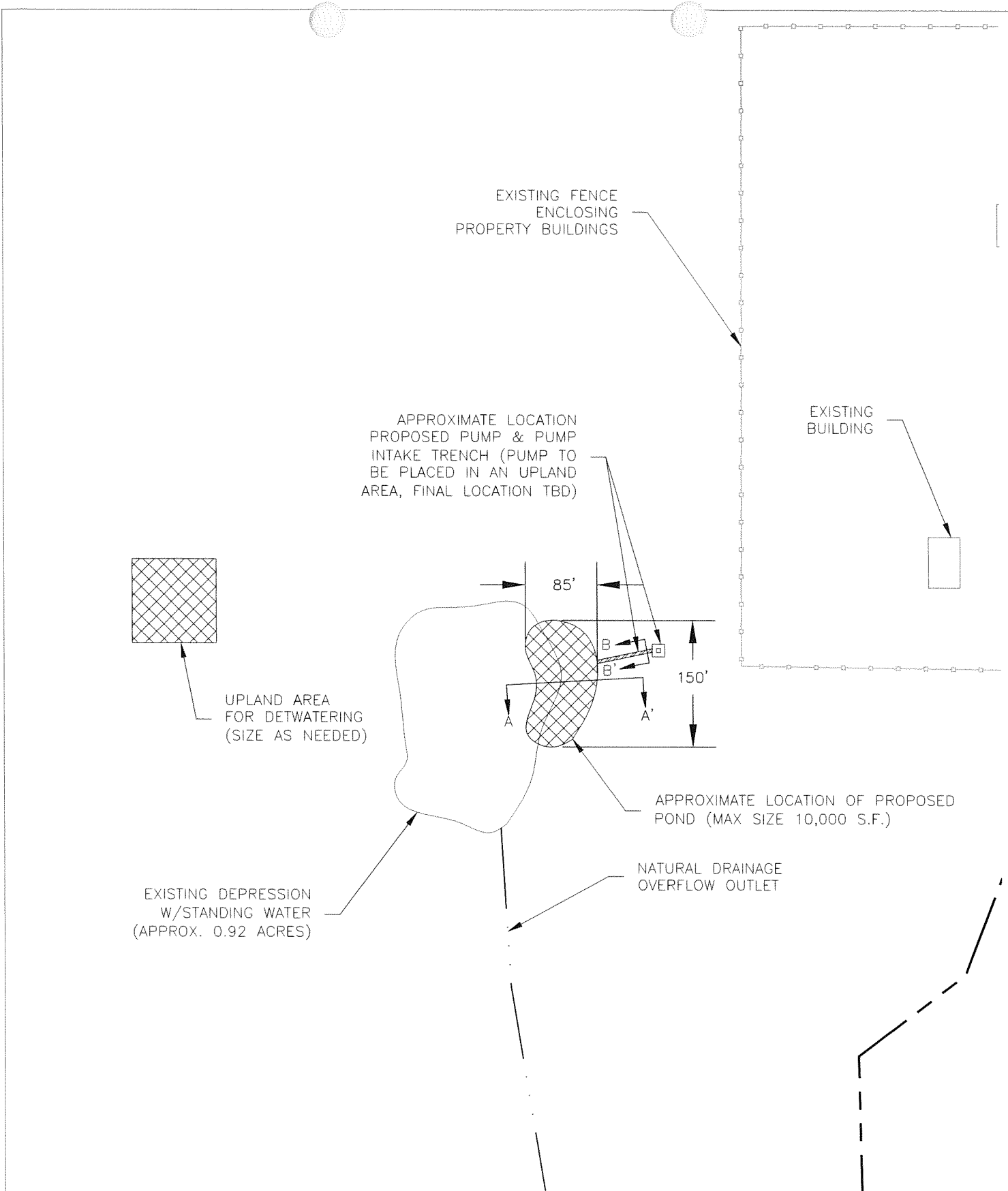


(B) TEMPORARY TRENCH DETAIL FOR PUMP INTAKE PIPE
TYP NOT TO SCALE

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MOSS IRRIGATION POND TYPICAL SECTION DETAILS

PROJECT	14009	DRAWN	FIGURE NO.
DATE	5/8/2014	SSL	4 OF 4



NORTH
SCALE: 1" = 150'

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MOSS IRRIGATION POND
FIGURE 3, C-2

PROJECT	14009	DRAWN	FIGURE NO.
DATE	5/8/2014	SSL	3 OF 4

5/15/2014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHAN A WHITE PO BOX 1150 BEND, OR 97709 (541)389-9385

Status: Active

Tributary
NORTH FORK PAYETTE RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
05/01	09/15	0.790 CFS
Total Diversion		0.790 CFS

Volume

LAKE FORK SENE Sec. 3, Twp 17N, Rge 03E, VALLEY County

IRRIGATION within VALLEY County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	03E	14										20.0	19.0						39.0

POU Total Acres: 39.0

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	W13	Use of this right is combined with water from Lake Irrigation District.
3.	C20	Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977. This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
4.		This right is a split of former right no. 65-3194.
5.		Water is diverted through Westside Lake Fork Ditch.

Page 1 of 6

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/15/2014

Dates and Other Information

Decreed Date: 10/26/2007
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 65K
Mitigation Plan: False

Combined Use Limits

N/A

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	4/13/2006	dshaff			Closed
POD	4/13/2006	dshaff			Closed
Source	4/13/2006	dshaff			Closed
POU	4/13/2006	dshaff			Closed
Use	4/13/2006	dshaff			Closed
Season	4/13/2006	dshaff			Closed
Quantity	4/13/2006	dshaff			Closed
Summary	4/13/2006	dshaff	4/13/2006	dshaff	Closed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
General	4/13/2006	dshaff	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	4/13/2006	dshaff	Updated shape
POD	4/13/2006	dshaff	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	4/13/2006	dshaff	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	4/13/2006	dshaff	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	4/13/2006	dshaff	Updated shape for Active POU
Use	4/13/2006	dshaff	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/15/2014

Season	4/13/2006	dshaff	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	4/13/2006	dshaff	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	4/13/2006	dshaff	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

SubCase:

N/A

Water Supply Bank:

N/A

5/15/2014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHAN A WHITE PO BOX 1150 BEND, OR 97709 (541)389-9385

Status: Active

1
NORTH FORK PAYETTE RIVER

Volume

1.120 CFS

1.120 CFS

Sec. 3, Twp 17N, Rge 03E, VALLEY County

IRRIGATION within VALLEY County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
17N	03E	15													20.0	19.0	19.5	16.0	74.5

POU Total Acres: 74.5

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	W13	Use of this right is combined with water from Lake Irrigation District.
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4.		This right is a split of former right no. 65-3201.
5.		Water is diverted through Westside Lake Fork Ditch.

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Proof Report

5/15/2014

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