

RECEIVED

MAY 27 2025 DE

WATER RESOURCES
WESTERN REGION

May 20, 2025

To: Director, Department of Water Resources, Western Region

From: Jeff & Linda Bass, Garden Valley, ID 83622

Subject: Protest of the Transfer of Water Right No. 65-24076 by Mr. Frank Powell from Irrigation to a .03 Acre Pond.

This is in response to and protest to the "notice of Proposed Change of Water Right transfer No. 89940" as published in the Idaho World newspaper 5/7/2025.

We protest the transfer of water use from irrigation to a pond for the following reasons:

1. Mr. Powell disregarded and did not follow Idaho Code. As stated in Idaho Code S-42-222 the applicant "shall first make application to the Department of Water Resources for approval of such change." The applicant, Mr. Powell, dug the .03+ acre pond without any application to the Idaho Department of Water Resources at least two years ago. Now, Mr. Powell wants a permit to change from irrigation to an aesthetic pond. Again, bending Idaho Code 42-222.
2. The pond is unprecedented on the irrigation ditch, and blocks irrigation water from returning to the Middle Fork of the Payette River. At .03 acres surface coverage, this pond holds back between 39,000 to 48,000 gallons of water all year with an average 4-5 ft. depth: water that belongs in the Payette River Water District, not in a private aesthetic pond.

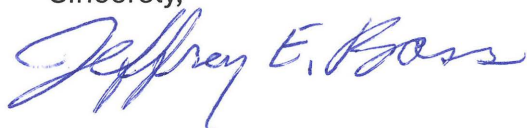
We do not believe the Applicant Water Right #65-24076 was ever intended to be used for anything but irrigation: definitely not an unpermitted pond holding back tens of thousands of gallons of water from those downstream within the District.

Already dug, the pond has created an earthen dam that blocks an intermittent stream. This pond's dam has created flooding on our adjacent property. The pond has also blocked seasonal run-off water from reaching the Middle Fork of the Payette River: yet, another questionable action in violation of Idaho Code 42-222. (See photos).

As per the application, the pond in question is requested for aesthetic reasons. In our opinion, this pond clashes with and does NOT enhance the aesthetic of Mr. Powell's (applicant) property, or the property of adjacent landowners (See photos).

In conclusion, the applicant has exhibited flagrant disregard for official policy, and continues to do whatever he wants, while using irrigation ditch and water at his pleasure. No consideration was given to neighboring water right holders, and the decades of maintenance performed by those on the irrigation system using the water for irrigation as intended. The state allowing this pond is in direct violation of Idaho Code, and is a detrimental precedence to set in the Payette River Irrigation System.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey E. Bass". The signature is written in a cursive, flowing style.

Jeff & Linda Bass

350 Middle Fork Rd.

Garden Valley, ID 83622

Idaho Water Right License # 65-12972

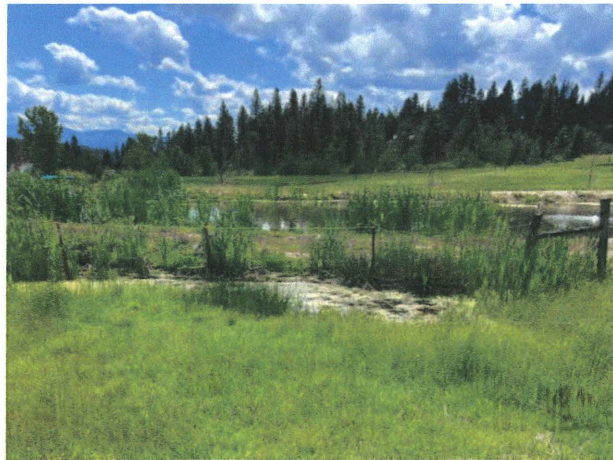
Protest of the Transfer of Water Right No. 65-24076 from Irrigation to Pond
Supplemental Photographs



Overview of Pond and Construction
Remnants



View from adjacent property north of the
pond.



Adjacent property with flooding as a
result of pond/dam.