

Valley County Planning and Zoning

PO Box 1350 • 700 South Main Street
Cascade, ID 83611-1350



Phone: 208-382-7115
Email: cherrick@valleycountyid.gov

STAFF REPORT: CUP 26-021 Gold Fork River Ranch Pond Borrow & Reclamation
MEETING DATE: October 5, 2026
TO: Planning and Zoning Commission
STAFF: Cynda Herrick, AICP, CFM
Planning and Zoning Director
APPLICANT: Gold Fork River Ranch LLC, PO Box 1001, Donnelly, ID 83615
PROPERTY OWNER: Peter Dinsdale, PO Box 357, Independence OR, 97351
REPRESENTATIVE: Crestline Engineers Inc, PO Box 2330, McCall ID 83638
LOCATION: 50 Davis Creek Lane
Parcels RP16N03E255310 & RP16N03E254804 in the SW ¼
Section 25, T.16N, R.3E, Boise Meridian, Valley County, Idaho
SIZE 25.83-acres
REQUEST: Commercial Sale of Aggregate from Excavating Ponds
EXISTING LAND USE: Bare Land approved for CUP 24-24 Gold Fork River Ranch

BACKGROUND

Gold Fork River Ranch LLC was approved to sell aggregates on site that would be extracted during the excavation of three pre-approved ponds. Two other ponds on the property have been completed. The proposed excavation and reclamation are limited to the three proposed ponds located in Gold Fork River Ranch Phase 2. Total affected land associated, including pond footprints, stockpile and topsoil salvage areas, and internal haul paths, is 25.83 acres within the 160.88-acre parcel RP16N03E255310.

The excavated aggregated would be used, as follows:

- *On-site for Phase 2 infrastructure and roadways (already approved through CUP 24-24);*
- *Used on other project sites owned by the applicant within Valley County; and*
- *Commercial sales to the public.*

A short access road would be constructed connecting to Davis Creek Ln to access the proposed ponds. Truck traffic would use Koskella Road and Davis Creek Lane to haul off-site.

An application for Reclamation Plan Approval is being submitted to the Idaho Department of Lands concurrently with the CUP and all aggregate extraction activities would comply with requirements established by IDL and the Reclamation Plan.

Upon completion of excavation, the ponds would be reclaimed as permanent water features providing stormwater retention and treatment, fire protection water storage, irrigation water storage, and aesthetic/recreational benefit.

Proposed Timeline:

Fall 2026	Phase 1	Pond 3 excavation and stormwater management improvements
Fall 2029	Phase 2	Pond 3 reclamation
	Phase 3	Pond 4 excavation and stormwater management improvements
Fall 2032	Phase 4	Pond 4 reclamation
	Phase 5	Pond 5 excavation and stormwater management improvements
Fall 2035	Phase 6	Pond 5 reclamation

Brief Explanation of Current Request:

CUP 24-24 Gold Fork River Ranch approved as a 2 phase subdivision. Ponds were included in the conditional use permit. The applicant was going to use the material from the ponds for his own projects at other locations. Phase 1 was recorded 10/6/2026.

In the summer of 2026, the applicant decided there would be too much material and applied for a conditional use permit to sale the material.

P&Z Commission approved CUP 26-021 Gold Fork River Ranch Sales in August, 2026. However, **after the public hearing closed** they placed an unattainable condition of approval on the project. "Shall not start pond excavation until water rights are secured."

My simple explanation causing unattainability as explained by Dave Tuthill (previously the Director of Idaho Dept of Water Resources): cannot obtain a water right until you need the water for the ponds, Gold Fork Irrigation holds the water rights, the development has shares....what really needs to happen is changing the water rights from an irrigation use to an aesthetic pond use. This all has to be done with approval of Gold Fork Irrigation after pond construction.

So, after a lengthy meeting with Mr. Tuthill, Craig Groves, and his engineers, we came up with the following solution.

Ask the P&Z Commission to re-word the condition of approval, as follows:

(From) Shall not start pond excavation until water rights are secured.

(To) Shall not fill the three additional ponds until water rights are secured.

The outcome is the same, but the timing is changed.

I also think he can proceed with excavation of the dirt based on the first CUP for the subdivision. The second CUP does not deactivate/negate the first CUP. He just can't sale the material until he is in compliance with the 2nd CUP. With the second CUP he also needs an updated Development Agreement.

Concern from Gold Fork Irrigation is CUP 24-24 conditions of approval and their timing:

COA #35 Water will be piped to adjoining properties and will be a closed system on-site.

COA #36 Surface water cannot leave site.

The request from the irrigation company is to define the timing for compliance of COA #35 and COA #36 to indicate this shall be done first to prevent runoff of sediment into their 5,000 feet of irrigation lines.

CURRENT STAFF RECOMMENDED ACTION:

- 1) Modify COA # 17 in order to change the timing of obtaining water rights from, "*Shall not start pond excavation until water rights are secured*" to "*Shall not fill the three additional ponds until water rights are secured.*" with a requirement to pipe water in accordance with COA #35 and place a berm along the western property line prior to March of 2027 in order to protect the irrigation lines.

This additional requirement should protect the irrigation lines and will give the applicant an appropriate amount of time to install the closed system.

Attached you will find streams of emails concerning the modified condition of approval and the irrigation company request.

END OF STAFF REPORT

Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350
Phone: 208-382-7115
Email: cherrick@co.valley.id.us



Instrument # 2026-004605
Valley County, Cascade, Idaho
08-25-2026 04:08:41 PM Fees: \$0.00 Pages: 3
Gabrielle Knapp Recorded for: VALLEY COUNTY PLANNING
Ex-Officio Recorder Deputy



CONDITIONAL USE PERMIT

CUP 26-021

Gold Fork River Ranch

Aggregate Sales

Issued to:

Peter Dinsdale
PO Box 357
Independence OR 97351

(Owner)

Gold Fork River Ranch LLC
PO Box 1001
Donnelly ID 83615

(Applicant)

Property Location:

The 87.90 and 72.98-acre parcels, RP16N03E255310 & RP16N03E254804, are in the SW ¼ Section 25, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

There have been no appeals of the Valley County Planning and Zoning Commission's decision of August 13, 2026. The Commission's decision stands, and you are hereby issued Conditional Use Permit No. (CUP 26-021) with Conditions for establishing gravel material sales as described in the application, staff report, and minutes.

The effective date of this permit is August 25, 2026.

Conditions of Approval:

1. The application, the staff report, and the provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and, may include revocation or suspension of the conditional use permit.
2. Any change in the nature or scope of land use activities shall require an additional Conditional Use Permit.
3. The issuance of this permit and these conditions will not relieve the applicant from complying with applicable County, State, or Federal laws or regulations or be construed as

permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.

4. The use shall be established within one year or a permit extension will be required.
5. Must comply with requirements of the Donnelly Fire District.
6. Must have an approved storm water management plan and site grading plan approved by the Valley County Engineer prior to any work being done on-site. The fee for engineering review shall be reimbursed at 105%.
7. All lighting must comply with the Valley County Code. All exterior lights, including temporary lights, shall be fully shielded so that there is not upward or horizontal projection of lights. Lights cannot project onto other properties.
8. The site must be kept in a neat and orderly manner.
9. Perimeter landscaping, where it is possible to plant without interference with construction and excavation, shall be installed prior to October 1, 2028.
10. Hours of operation are limited to 7:00 a.m. – 7:00 p.m., Monday through Friday.
11. A site address of 50 Davis Creek Lane shall be posted at the driveway entrance in an area where it is visible year-round (i.e. not hidden by snow or plants). Numbers should be at least 3 ½ inches in height, contrast with their background, and be visible during both daytime and at night from the road.
12. Shall obtain a sign permit prior to installation of any signs.
13. Building permits will be required for any fencing over 6-ft in height. Fencing over 6-ft in height cannot be located within the setback areas.
14. Shall work with Valley County Road Department and Planning and Zoning Director on a Development Agreement for off-site infrastructure improvements that will be approved by the Board of County Commissioners.
15. Excavation, reclamation, and sales of material shall be completed by December 2035. If not, a new conditional use permit application and approval will be required per VCC 9-5F-2-E.5.
16. Stockpiles of aggregate material shall not exceed a height of 8-ft above existing ground level. Stockpile shall be started on the western portion of the property and wrap to the east.
17. Shall not start pond excavation until water rights are secured.

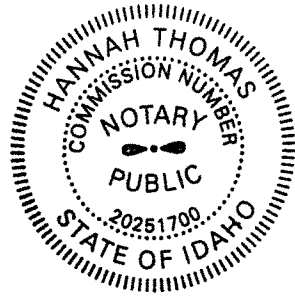
END CONDITIONAL USE PERMIT

Date August 25, 2026

Approved by [Signature] ***

On this 25 day of August, 2026, before me, a notary public in and for said State, Cynda Herrick personally appeared, and is known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.



[Signature]
Notary Public
Residing at: Valley County
Commission Expires: 4/28/31

Valley County Planning and Zoning

PO Box 1350 • 219 North Main Street
Cascade, ID 83611-1350
Phone: 208-382-7115
Email: cherrick@co.valley.id.us



Instrument # 2025-001615
Valley County, Cascade, Idaho
04-07-2025 04:06:22 PM Fees: \$0.00 Pages: 4
Douglas Miller Recorded for: PLANNING & ZONING
Ex-Office Recorder Deputy

A handwritten signature in black ink, appearing to be "CM".

CONDITIONAL USE PERMIT

N O. 24-24

Gold Fork River Ranch

Issued to:

Gold Fork River Ranch LLC
PO Box 1001
Donnelly ID 83615

Peter B Dinsdale
PO Box 357
Independence OR 97351

Property Location:

The site is 160.88 acres and is parcels RP16N03E254804 and RP16N03E255310, located in the SW ¼ Section 25, T.16N, R.3E, Boise Meridian, Valley County, Idaho.

The Board of County Commissioners held a public hearing on an appeal of the Planning and Zoning Commission approval on February 10, 2025. The final decision was made on April 7, 2025.

The Board of County Commissioner's upheld the Valley County Planning and Zoning Commission's decision of December 12, 2024. The P&Z Commission's decision stands, and you are hereby issued Conditional Use Permit No. 24-24 with Conditions for establishing a 69-lot single family subdivision as described in the application, staff report, and minutes.

The effective date of this permit is April 8, 2025.

Conditions of Approval:

1. The Application, the staff report, development agreement, and the applicable provisions of the Land Use and Development Ordinance are all made a part of this permit as if written in full herein. Any violation of any portion of the permit will be subject to enforcement and penalties in accordance with Title 9-2-5; and may include revocation or suspension of the conditional use permit.
2. Any material change in the nature or scope of land use activities shall require an additional Conditional Use Permit.

3. The issuance of this permit and these conditions will not relieve the Applicant from complying with applicable County, State, or Federal laws or regulations or be construed as permission to operate in violation of any statute or regulations. Violation of these laws, regulations or rules may be grounds for revocation of the Conditional Use Permit or grounds for suspension of the Conditional Use Permit.
4. The final plat for Phase 1 shall be recorded by December 31, 2026; Phase 2 shall be recorded by December 31, 2030, or this permit will be null and void.
5. A letter of permit from the U.S. Corps of Engineers is required if wetlands are determined to be jurisdictional.
6. Sanitary Restrictions must be removed by Central District Health prior to the recording of the final plat.
7. A letter of approval is required from the Donnelly Fire District.
8. The locations of the fire hydrants shall be shown on the final plat.
9. Must follow Idaho State water law in regard to the ditch that conveys water under the auspices of the Gold Fork Irrigation District.
10. A site grading and stormwater management plan must be approved by the Valley County Engineer prior to construction of roads, excavation of gravel and ponds, and installation of utilities.
11. Shall prepare a dust mitigation plan for extraction activities.
12. All easements shall be shown on the final plat.
13. A Declaration of Installation of Utilities shall be noted on the face of the plat referencing electrical power, phone, and fiber.
14. A shared driveway maintenance agreement shall be recorded with the final plat. Shared driveways shall be constructed prior to the recordation of the plat.
15. Phase 2 Lot 31 must be accessed from the new road, not Davis Creek Lane.
16. The Wildland Urban Interface Protection Plan shall be recorded and noted on the face of the plat.
17. Shall place addressing numbers at the residences and at the driveway entrance if the house numbers are not visible from the road.
18. Must have a fencing plan with adjacent properties if they run livestock for over 30 days per year.

19. CCR's should address lighting; noxious weeds; septic maintenance; wildfire prevention; firewise wildland urban interface landscaping requirements; recommend limiting or prohibiting the use of fertilizer, herbicide, and pesticide, unless environmentally friendly; maintenance of the landscape buffer; maintenance of the dry hydrant system; maintenance of the ponds and drainage systems; prohibiting the feeding of animals and wildlife (except for birds); prohibiting the roaming of pets; require fencing for pets; and, limit each lot to one wood-burning device.
20. Prior to recording the final plat, the applicant will enter into a Development Agreement that is negotiated with the Board of County Commissioners.
21. The applicant shall prepare a deed for transfer of the road right-of-way to the county.
22. The applicant shall transfer private roads to the association at the time of recordation of each plat.
23. Shall provide a location for a centralized mailbox along Koskella RD.
24. The following notes shall be placed in the notes on the final plat:
 - The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed.
 - All lighting must comply with the Valley County lighting ordinance.
 - Only one wood burning device per lot.
 - Surrounding land uses are subject to change.
 - Lots shall not be reduced in size without prior approval from the Health Authority and Valley County Planning and Zoning
 - The floodplain note is required.
25. Wetlands shall be shown on the final plat.
26. Shall provide letter of credit to reclaim property if abandoned prior to completion.
27. Best Management Practices (BMPs) will include 40-foot bioswales around the five upper ponds encompassed by the proposed lots as described during the December 12, 2024, public hearing.
28. Shall work with irrigation company to ensure water delivery; should irrigation company not cooperate with applicant to ensure water delivery, or unreasonably withhold, delay, or condition the water delivery, such an impediment will not cause applicant's permit to be revoked or suspended.
29. Shall work with Valley County Engineer or other appropriate authorities to create a testing plan for irrigation water that leaves the site, if necessary.
30. The deeds for the lots in the subdivision must note that the lot is located next to an industrial use and agricultural uses, the property owner acknowledges there are associated impacts from these uses, and accepts them as they are with no recourse to sue for their termination.

31. Noxious weeds must be controlled.

32. If the gravel from the pond excavation is sold commercially, developer will need a separate conditional use permit and a Development Agreement for road impacts.

33. Fugitive dust shall be controlled during construction.

34. Hours of construction are limited to 7 a.m. to 7 p.m., Monday through Saturday.

35. Water will be piped to adjoining properties and will be a closed system on-site.

36. Surface water cannot leave site.

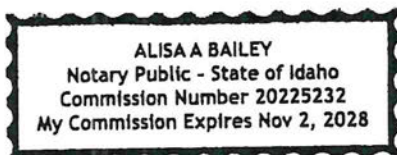
END CONDITIONAL USE PERMIT

Date April 7, 2025

Approved by Cynda Herrick

On this 7th day of April, 2025^{***}, before me, a notary public in and for said State, Cynda Herrick personally appeared, and is known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate above written.



Alisa A Bailey
Notary Public
Residing at: Valley Co
Commission Expires: 11.2.28

Re: Gold Fork Irrigating Company water rights

From Ken Roberts [REDACTED]
Date Tue 10/6/2026 8:27 AM
To rcgroves <rcgroves@parkpointe.com>
Cc Dave Tuthill <dave@idahowaterengineering.com>; Cynda Herrick <cherrick@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>; gtankersley <gtankersley@crestline-eng.com>; Brian Oakey <boakey@valleycountyid.gov>; Scott Nicholson [REDACTED]; Kristin Koskella [REDACTED]; Kevin Koskella [REDACTED]; a b [REDACTED]; Bryce Farris <bryce@sawtoothlaw.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Craig,

I appreciate your response to my email and agree with you regarding identifying and resolving the issues centered around the water rights. I believe there is a path forward to address those concerns while follow IDWR's requirements and recommendations.

You asked me to provide you with the CUP condition that requires the western berm, pipeline, headworks and discharge improvements to be completed prior to and dirt work occurs in Phase 2. The condition was added by the Board of County Commissioners during their February 24th 2025 meeting. They did not exactly address when this should occur.

The whole purpose of the pipeline is to prevent sediments and contaminants from entering the water source for downstream water right holders. The maximum risk of sediments leaving the Gold Fork River Ranch Subdivision is during construction and early dirt work which removes vegetation and exposes the soils to heavy spring runoff caused by rapid snow melt. This erosion will most certainly deposit sediments into our downstream irrigation ditches and existing underground pipelines unless these items are in place prior to exposing raw soil. The natural slope of the land in Phase 2, where the new ponds are to be located, slopes directly into the ditch that is to be replaced with the pipeline.

We are simply asking that the pipeline and western berm be built now, instead of later, to provide assurance that the water delivery system is protected and to prevent storm and spring water from leaving the property which is required by another condition of approval.

Sincerely,

Ken Roberts



Outlook

RE: Gold Fork Irrigating Company water rights

From Gregg Tankersley <gtankersley@crestline-eng.com>

Date Mon 10/5/2026 9:08 AM

To rcgroves <rcgroves@parkpointe.com>; Dave Tuthill <dave@idahowaterengineering.com>; Ken Roberts
[REDACTED]

Cc Cynda Herrick <cherrick@valleycountyid.gov>; Cynda Herrick <cherrick@valleycountyid.gov>; Brian Oakey
<boakey@valleycountyid.gov>; Scott Nicholson [REDACTED]; Kristin Koskella
[REDACTED]; Kevin Koskella [REDACTED]; a b [REDACTED]

Bryce Farris <bryce@sawtoothlaw.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Ken,

I'd like to add that I'm also not sure I agree that this should be characterized as an attempt to work around the requirements, and I would like to clarify a few things from an engineering design and approval standpoint.

We have approvals in place from the Valley County Engineer for the construction of the ponds, including approval of the anticipated stormwater management measures and the sizing of the bypass piping, as well as designed stormwater management measures for all areas of the entire 156-acre site. These plans account for stormwater impacts associated with the development of both phases, including construction of the future residences. The excavation associated with the ponds is intended to help manage stormwater runoff by providing additional storage and treatment for both on-site and off-site runoff. Given the purpose and design of these improvements, it is unclear what negative environmental impacts are being anticipated or identified.

Importantly, all of these plans and approvals were in place prior to applying for the Gravel Extraction CUP. These are also items that we discussed during our meeting last week, which you were unable to attend.

I believe it would be helpful for the group to discuss the details, the existing approvals, and any specific environmental concerns that have been identified so that we can make sure everyone has a clear understanding of the proposed improvements and their intended purpose. Please provide some available dates and times when we can meet to review these items together.

Thank you,

Gregg

Gregg Tankersley, P.E. | Principal Engineer

Crestline Engineers, Inc.

323 Deinhard Lane, Suite C
PO Box 2330 | McCall, Idaho 83638
T 208.634.4140 | C 208.989.1051 | F 208.634.4146
www.crestline-eng.com

From: Craig Groves <rcgroves@parkpointe.com>

Sent: Monday, October 5, 2026 8:41 AM

To: Dave Tuthill <dave@idahowaterengineering.com>; Ken Roberts [REDACTED]

Cc: Cynda Herrick <cherrick@co.valley.id.us>; Cynda Herrick <cherrick@valleycountyid.gov>; Gregg Tankersley <gtankersley@crestline-eng.com>; boakey@co.valley.id.us; Scott Nicholson <[REDACTED]> Kristin Koskella [REDACTED]; Kevin Koskella [REDACTED] a b [REDACTED]

Bryce Farris <bryce@sawtoothlaw.com>

Subject: RE: Gold Fork Irrigating Company water rights

Ken,

Thank you for the detailed follow-up and for identifying the issues that Gold Fork Irrigating Company believes need to be addressed.

I agree that the irrigation company's existing water rights, the continued delivery of water to downstream users, and any actual change in the place or nature of use of those rights need to be properly addressed. We are not proposing to interfere with Gold Fork Irrigating Company's water rights or the rights of downstream users.

I do think, however, that several different issues are being combined together in your email and that we need to distinguish between excavation and grading activity, continued irrigation-water delivery, and the eventual filling and use of the proposed ponds.

The discussion on Thursday specifically addressed this distinction. As reflected in the meeting summary, the discussion was that the existing Gold Fork Irrigating Company rights may need to be modified before those rights are used to fill or maintain Ponds 3, 4 and 5, but that the construction or excavation of the ponds itself may not necessarily constitute the exercise of those water rights. That is precisely why the County is considering clarification of the timing contained in the existing CUP condition.

We understand your position regarding groundwater exposure and evaporation. Rather than either party making assumptions regarding what constitutes a consumptive use or when an IDWR transfer is required, I believe that issue should be confirmed directly with IDWR based upon the actual pond design, elevations, groundwater conditions, proposed lining, source of water and intended use. If IDWR determines that a transfer, amendment, mitigation plan or other approval is necessary, we will address that requirement through the appropriate process.

Regarding the western berm and 24-inch pipeline along Koskella Road, we recognize the importance of maintaining downstream deliveries and controlling runoff and sediment. Please provide us with the specific CUP condition, development agreement provision, approved plan sheet, or other recorded approval that you believe requires the berm, pipeline, headworks and discharge improvements to be completed before any dirt work whatsoever occurs in Phase 2. We want to make certain that everyone is working from the same approved documents and not from differing recollections of prior discussions.

The recorded CUP already requires the applicant to work with the irrigation company to ensure water delivery. Importantly, that same condition also provides that an irrigation-company impediment will not cause the applicant's permit to be revoked or suspended if cooperation is unreasonably withheld, delayed or conditioned. We therefore believe the appropriate approach

is for the parties to continue working cooperatively toward a design that protects downstream water users while allowing the approved project to proceed.

We are also prepared to pay reasonable applicant-related engineering, legal and administrative expenses necessary to evaluate a specific request, provided those expenses are identified in advance and are directly related to this project.

I agree that we should memorialize the outstanding irrigation issues in an agreement with Gold Fork Irrigating Company. I would suggest that agreement address:

1. our agreement to relocate the point of diversion from the existing location to the new location approximately 2,000 feet directly south of our SE property corner with a buried 12" pipe extending from the new headgate along your eastern boundary to our SE property corner providing continued delivery of irrigation water to downstream users;
2. the design and timing of the Koskella Road berm and conveyance improvements capturing Weilmunster runoff and piping the waste water through our property to the western boundary for the downstream water right holders;
3. responsibility for operation and maintenance of the irrigation facilities;
4. the process for obtaining any required IDWR approval associated with filling or maintaining Ponds 3, 4 and 5;
5. allocation of reasonable engineering and administrative costs; and
6. confirmation that excavation and grading may proceed in accordance with County-approved grading, stormwater and excavation plans while the separate water-use approvals are being processed, provided no unauthorized use of irrigation water occurs.

I do not agree that clarification of the CUP constitutes a "rushed workaround." The issue identified during Thursday's meeting is that the current wording appears to tie excavation to a water-right approval that may relate primarily to the subsequent use and filling of the ponds. Clarifying that sequencing does not eliminate the irrigation company's rights or IDWR's jurisdiction. It simply allows the County's land-use approval and the State's water-right process to operate within their respective areas of authority.

I would be happy to meet with you, Bryce, Dave and the other affected parties to work through the engineering and water-right issues and develop language that protects the downstream users while allowing the project to move forward.

Craig

From: Dave Tuthill <dave@idahowaterengineering.com>

Sent: Monday, October 5, 2026 6:36 AM

To: Ken Roberts [REDACTED]

Cc: Cynda Herrick <cherrick@co.valley.id.us>; Cynda Herrick <cherrick@valleycountyid.gov>; Gregg Tankersley <gtankersley@crestline-eng.com>; Craig Groves <rcgroves@parkpointe.com>; boakey@co.valley.id.us; Scott Nicholson <[REDACTED]> Kristin Koskella <[REDACTED]> Kevin Koskella <[REDACTED]>

[REDACTED]; a b [REDACTED] Bryce Farris <bryce@sawtoothlaw.com>

Subject: Re: Gold Fork Irrigating Company water rights

Good morning Ken,

Thank you for the detailed feedback and for outlining these requirements. I have responded to your comments in blue below.

Regards, Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
2918 N. El Rancho Pl., Boise, ID 83704
Office: (208) 378-1513
Cell: (208) 870-0345
email: dave@idahowaterengineering.com
website: www.idahowaterengineering.com

On Sun, Oct 4, 2026 at 8:56 AM Ken Roberts [REDACTED] wrote:

Apologies for missing the meeting on Thursday.

Dave, thank you for sharing the recording of the meeting.

There are a few items that need some additional attention.

1. Thank you for understanding the Gold Fork Irrigating Company owns and controls the underlying irrigation water rights on the entire 160 acre parcel. Because of this, any modification to the water rights "place of use" area, is subject to IDWR's transfer process. Basically, when ponds are built there is a reduction of the amount of land that was previously irrigated by surface water rights and requires a mitigation to the water right. Gold Fork Irrigating Company would need to agree by resolution, similar to what is recorded within the IDWR as a result of actions taken approximately 20 years ago on the original transfer. You may also want to read the Gold Fork Irrigating Company letter that was submitted during the Valley County CUP process. Thank you.
2. Prior to any dirt work in Phase 2, the western berm along Koskella Road and the 24" pipeline including head works and discharge shall be installed from the Weilmunster property to the west side of the property for downstream water rights holders. This condition of approval is part of the original CUP. The design has not yet been discussed with the affected downstream water rights holders even after several requests. The reason for this is to prevent spring snow melt runoff from washing sediments into the downstream water users delivery system and to retain storm water on the applicants property. Understood.
3. All associated costs and administrative fees to evaluate and process this request shall be paid by the applicant. Understood.
4. A discussion of what constitutes a consumptive use should be conducted. This includes exposing groundwater in a pond. For example, as discussed on Thursday, if the ground water level at anytime during the year is at 3' below the surface of the ground and the pond is excavated to a lower level there is a consumptive use. If the ponds are lined the water is still coming from somewhere and there is a consumptive use due to evaporation. For reference see the previous transfer and the supporting evaporation study that was included. All of these

items can be found on the IDWR public facing website. [Understood.](#)

Item 2 must be constructed and there needs to be an agreement with the irrigation company how the other items are to be addressed prior to excavation activity on the south portion (Phase 2) of the project. Simply changing the wording of the condition of approval for the Gravel Extraction CUP to allow a rushed workaround without addressing these issues is unacceptable. [This is being shared with Craig and his team for further action.](#)

Sincerely,

Ken Roberts
President - Gold Fork Irrigating Company

Sent from my iPad

Gold Fork River Ranch Water Discussion

 Dave Tuthill  Gregg Tankersley and 4 others  Meeting summary - Thursday Oct 1, 15:28 - 16:19

 Template: General template

Quick recap

The meeting focused on resolving water rights issues for pond excavation in a development project. Craig and his team discussed challenges with securing water rights before starting pond excavation as required by the CUP condition of approval. Dave explained that while the property already has existing water rights through the Gold Fork Irrigating Company for ponds 1 and 2, obtaining water rights for ponds 3, 4, and 5 would require a modification of use from irrigation to aesthetic purposes, which needs approval from both the irrigation district and Idaho Department of Water Resources. The team determined that the current condition requiring water rights before excavation is not achievable and needs to be modified to allow for pond construction without water rights, with water rights only required for filling the ponds. Cynda agreed to discuss the proposed modification with Oki and potentially present it to the Planning and Zoning Commission to change the timing requirement.

Next steps

Cynda

- Contact Oki (legal counsel) to discuss the proposed modification to the CUP condition and determine if a public hearing is needed. 
- Attempt to get the CUP modification on the Planning and Zoning Commission agenda for next week or November 12. 

Dave

- Draft proposed revised language for the CUP condition regarding water rights, and send to the group via email. 

Richard

- Call Kirsten to work on the development agreement for the gravel extraction and berm construction. 📅
- Meet with Granite to discuss stockpiling material and shaping berms along Davis Creek. 📅

Rob

- Send the recorded CUP language to Dave for reference in drafting the proposed modification. 📅

Collaboration

- Dave and Richard: Schedule a virtual call with Bryce Ferris (Gold Fork Irrigating Company's attorney) to discuss securing approval for the change in water use. 📅

Summary

Site Development and Planning Discussion

The group had an informal conversation about neighbors and work tenure, with Cynda mentioning she has been with her current job for over 30 years and plans to retire in 2-3 years after her grandson graduates. The discussion then shifted to a site development matter, where Richard mentioned receiving an email from Josh Davis/Brad about plans to scrape the site and build berms in preparation for spring. Cynda advised that they need to review the conditions of approval and development agreement for this project.

Phase 2 Development Agreement Discussion

Cynda and Richard discussed the need to establish a development agreement for phase 2, particularly regarding the condition of approval for selling rock and excavating ponds. Dave explained that the water rights associated with the existing spring pond are limited and not sufficient for their needs. Richard proposed using an abandoned wet well and Clearwater screen to pump water for supplementary use, but Dave indicated this would require additional permit applications and inspections.

Water Rights for Pond Excavation

The group discussed water rights requirements for pond excavation in a phased development project. Richard explained that while they have county approval to excavate three ponds in Phase 2, they cannot start pond excavation until water rights are secured, creating a circular dependency issue. Dave clarified that existing water rights through the irrigation district could potentially be extended to the new ponds, though this would require approval from the irrigation company and possibly a new permit. Rob noted that the three proposed ponds were already included in the approved Phase 1 construction plan set.

Pond Construction Water Rights Conflict

The group discussed construction plans for a project with approved Phase 1 that included pond excavation, though water rights were not required at the time of initial approval. Gregg shared screen details showing engineering plans for pond excavation, grading, and stormwater management that were submitted before the CUP requirement for water rights was implemented. Cynda clarified that while Phase 1 approvals allowed for pond construction, the current CUP now includes a condition requiring water rights to be secured before starting pond excavation, creating a potential conflict that would need to be addressed with the Planning and Zoning Commission.

Water Rights for Ponds Discussion

The group discussed water rights for ponds 1-5, with Dave explaining that while the irrigation company currently holds water rights for ponds 1 and 2, any expansion to include ponds 3, 4, and 5 would require both written consent from the ditch company and approval from the Idaho Department of Water Resources. Dave noted that the ditch company had not yet consented to such changes, as indicated in a February 18, 2025 letter from Bryce Ferris. Gregg clarified that their current use of water for irrigation purposes also serves fire suppression, which Dave confirmed could be done without additional water rights.

Water Rights for Pond Construction

The group discussed water rights and approval processes for pond construction in phases one and two. They clarified that existing water rights can be modified for changing use from irrigation to aesthetics, and construction itself doesn't require water rights, only filling the ponds does. The team considered whether approval for water use change should be required before

excavation, with Dave suggesting it could be prohibited until water approval is obtained, though other filling options exist.

P&Z Commission Condition Modification

The team discussed modifying a condition in the P&Z Commission approval that requires securing water rights before starting pond excavation. Cynda agreed to take the issue back to the P&Z Commission to change the timing requirement, as the current condition makes it impossible to start excavation as water rights cannot be secured. The group clarified that there are multiple options for securing water rights, including through the irrigation company, groundwater, or piped spring water, and that the ponds will be lined and filled through snow melt and runoff. Dave agreed to draft proposed modified language for the condition change, and Cynda will consult with Oki about presenting the modification to the P&Z Commission either next week or in November.

Re: Gold Fork River Ranch

From Cynda Herrick <cherrick@valleycountyid.gov>

Date Fri 10/2/2026 10:12 AM

To Dave Tuthill <dave@idahowaterengineering.com>

Cc rcgroves <rcgroves@parkpointe.com>; Ben Groves [REDACTED] gtankersley
<gtankersley@crestline-eng.com>; Rob Pair <rpair@crestline-eng.com>

That seems like a great massage of the condition that will make it attainable.

I will put it in front of the P&Z Commission, unless legal tells me something different.

Thanks, Cynda

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
(208)382-7116

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

Service Transparent Accountable Responsive

From: Dave Tuthill <dave@idahowaterengineering.com>

Sent: Friday, October 2, 2026 8:00 AM

To: Cynda Herrick <cherrick@valleycountyid.gov>

Cc: rcgroves <rcgroves@parkpointe.com>; Ben Groves [REDACTED] gtankersley
<gtankersley@crestline-eng.com>; Rob Pair <rpair@crestline-eng.com>

Subject: Re: Gold Fork River Ranch

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, all, and thank you for the helpful discussion yesterday.

Cynda, you helpfully stated this is one of the existing conditions of approval for this project:

1. Shall not start pond excavation until water rights are secured.

Based on our discussion yesterday, and subject to input from others on this email, my suggestion for alternative wording is as follows:

1. Shall not fill the three additional ponds until water rights are secured.

Might this work?

Thanks, Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
2918 N. El Rancho Pl., Boise, ID 83704
Office: (208) 378-1513
Cell: (208) 870-0345
email: dave@idahowaterengineering.com
website: www.idahowaterengineering.com

On Tue, Sep 29, 2026 at 8:02 AM Craig Groves <rcgroves@parkpointe.com> wrote:
No problem. I can make Thursday.

Craig

From: Dave Tuthill <dave@idahowaterengineering.com>
Sent: Tuesday, September 29, 2026 6:45 AM
To: Cynda Herrick <cherrick@valleycountyid.gov>
Cc: Craig Groves <rcgroves@parkpointe.com>; Ken Roberts [REDACTED] Ben Groves [REDACTED]
[REDACTED] gtankersley <gtankersley@crestline-eng.com>; Rob Pair <rpair@crestline-eng.com>
Subject: Re: Gold Fork River Ranch

Good morning, all.

Ken Roberts replied that he will be out of town and cannot attend the meeting this afternoon. He suggested Thursday afternoon at 3:30.

As Ken is an important participant I moved the meeting time at his request. Please advise if we need to move the meeting time again. I think it is important that all of the invitees can attend.

Regards, Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
[2918 N. El Rancho Pl., Boise, ID 83704](http://2918.N.ElRanchoPl.Boise.ID.83704)
Office: (208) 378-1513
Cell: (208) 870-0345
email: dave@idahowaterengineering.com
website: www.idahowaterengineering.com

On Mon, Sep 28, 2026 at 4:01 PM Dave Tuthill <dave@idahowaterengineering.com> wrote:

Invitation sent. Craig, please advise if we should modify this.

Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
[2918 N. El Rancho Pl., Boise, ID 83704](#)
[Office: \(208\) 378-1513](#)
[Cell: \(208\) 870-0345](#)
[email: dave@idahowaterengineering.com](#)
[website: www.idahowaterengineering.com](#)

On Mon, Sep 28, 2026 at 3:51 PM Cynda Herrick <cherrick@valleycountyid.gov> wrote:

Works for me...

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
[\(208\)382-7116](tel:(208)382-7116)

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

Service Transparent Accountable Responsive

From: Dave Tuthill <dave@idahowaterengineering.com>

Sent: Monday, September 28, 2026 3:15 PM

To: rcgroves <rcgroves@parkpointe.com>

Cc: Cynda Herrick <cherrick@valleycountyid.gov>; Ken Roberts [REDACTED] Ben Groves [REDACTED]
gtankersley <gtankersley@crestline-eng.com>; Rob Pair <rpair@crestline-eng.com>

Subject: Re: Gold Fork River Ranch

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Craig, this works for me. Would you like for me to set up a Zoom meeting?

Cheers, Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
[2918 N. El Rancho Pl., Boise, ID 83704](#)

Office: [\(208\) 378-1513](tel:(208)378-1513)
Cell: [\(208\) 870-0345](tel:(208)870-0345)
email: dave@idahowaterengineering.com
website: www.idahowaterengineering.com

On Mon, Sep 28, 2026 at 1:35 PM Craig Groves <rcgroves@parkpointe.com> wrote:

Can we do 3:30 on Tuesday?

R. Craig Groves


On Sep 28, 2026, at 1:03 PM, Dave Tuthill <dave@idahowaterengineering.com> wrote:

Either time works for me, except 2-3 on Tuesday.

Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
[2918 N. El Rancho Pl., Boise, ID 83704](#)
Office: [\(208\) 378-1513](tel:(208)378-1513)
Cell: [\(208\) 870-0345](tel:(208)870-0345)
email: dave@idahowaterengineering.com
website: www.idahowaterengineering.com

On Mon, Sep 28, 2026 at 12:57 PM Cynda Herrick <cherrick@valleycountyid.gov> wrote:

I am available Tuesday afternoon and Wednesday.

Cynda Herrick, AICP, CFM
Valley County
Planning and Zoning Director
Floodplain Coordinator
PO Box 1350
Cascade, ID 83611
[\(208\)382-7116](tel:(208)382-7116)

"Live simply, love generously, care deeply, speak kindly, and leave the rest...."

Service **T**ransparent **A**ccountable **R**esponsive

From: Dave Tuthill <dave@idahowaterengineering.com>

Sent: Thursday, September 24, 2026 7:43 PM

To: rcgroves <rcgroves@parkpointe.com>

Cc: Ken Roberts <kenaroberts@hotmail.com>; Cynda Herrick

<cherrick@valleycountyid.gov>; Ben Groves <groves.benjamin@gmail.com>;

gtankersley <gtankersley@crestline-eng.com>; Rob Pair <rpair@crestline-eng.com>

Subject: Re: Gold Fork River Ranch

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the update, Craig.

A virtual meeting is a good idea. Would you like for me to set up a Zoom meeting?

Next week is generally good for me.

Cheers,

Dave

David R. Tuthill, Jr., Ph.D., P.E.

Idaho Water Engineering, LLC

[2918 N. El Rancho Pl., Boise, ID 83704](#)

[Office: \(208\) 378-1513](#)

[Cell: \(208\) 870-0345](#)

[email: dave@idahowaterengineering.com](mailto:dave@idahowaterengineering.com)

[website: www.idahowaterengineering.com](http://www.idahowaterengineering.com)

On Thu, Sep 24, 2026 at 5:18 PM Craig Groves <rcgroves@parkpointe.com> wrote:

Hi Dave,

Sorry for the delay in responding to your email.

I am copying Ken Roberts, Gold Fork Irrigating Company, and Cynda Herrick, Planning & Zoning Director, on this email response.

Phase 2 of Gold Fork River Ranch will include 39 homesites and 3 ponds. These 3 ponds will be interconnected with the 2 existing ponds on the

property and feed by surface water rights associated with the property. I hope to on complete the surface water delivery system before next irrigation season.

Phase 1 and 2 consists of 160+ acres and 69 homesites. We installed an irrigation pumping facility that pumps irrigation and fire suppression water to every homesite out of the existing western lake. We are using the irrigation surface water to fill this pond as well as the 3 new ponds.

As for the stock water right 65-9679 we had hoped to be able to pump 1 CFS to the western pond to supplement the water storage associated with the western pond.

Valley County has approved digging the 3 ponds, but we need to receive a permit to develop an irrigation water right associated with these ponds.

Let's schedule a virtual meeting with Gregg, Rob, and I to make sure we know who is doing what.

Thanks

Craig Groves

From: Dave Tuthill <dave@idahowaterengineering.com>
Sent: Thursday, September 3, 2026 10:18 AM
To: Craig Groves <rcgroves@parkpointe.com>
Cc: Ben Groves [REDACTED] Gregg Tankersley
<gtankersley@crestline-eng.com>; Rob Pair <rpair@crestline-eng.com>
Subject: Re: Gold Fork River Ranch

Good morning, Craig.

I reviewed your preliminary plat and checked my files; I'm happy to assist you with this.

Regarding your two items:

1. Permit from IDWR to develop a water right for Gold Fork Irrigating Company LTD associated with (3) ponds we have approval to build located in phase 2.

To move forward on this,

1. Do you have a description of your proposed uses? Number of homes. Acreage to be irrigated. Pond filling? Other uses?
2. Do I have your permission to contact the Gold Fork people on your behalf after receiving this information? Who is the best contact there?

2. Convert a stock water spring right to supplemental irrigation right 69-9579. We want to recirculate this water to the upper pond that we will be using for irrigation delivery.

Water right 65-9579, in the name of Peter Dinsdale, is for these uses:

<image001.png>

These uses are considered to be non-consumptive so this right cannot be used for irrigation purposes.

Let's discuss further after I receive your information about proposed uses and have a chance to talk with the Gold Fork people.

Cheers, Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
[2918 N. El Rancho Pl., Boise, ID 83704](#)
Office: [\(208\) 378-1513](#)
Cell: [\(208\) 870-0345](#)
email: dave@idahowaterengineering.com
website: www.idahowaterengineering.com

On Tue, Sep 1, 2026 at 7:27 PM Dave Tuthill
<dave@idahowaterengineering.com> wrote:

Good evening, Craig. Congrats on your progress toward this milestone!

Sure, I will take a look this week and get back to you.

Cheers, Dave

David R. Tuthill, Jr., Ph.D., P.E.
Idaho Water Engineering, LLC
[2918 N. El Rancho Pl., Boise, ID 83704](#)
Office: [\(208\) 378-1513](#)
Cell: [\(208\) 870-0345](#)
email: dave@idahowaterengineering.com
website: www.idahowaterengineering.com

On Tue, Sep 1, 2026 at 3:10 PM Craig Groves
<rcgroves@parkpointe.com> wrote:

Good Afternoon Dave,

Hope all is well with you. We are getting close to recording our phase 1 of the Gold Fork River Ranch project you worked on in 2025.

I wanted to reach out to see if you are still able to help me secure the following:

1. Permit from IDWR to develop a water right for Gold Fork Irrigating Company LTD associated with (3) ponds we have approval to build located in phase 2.
2. Convert a stock water spring right to supplemental irrigation right 69-9579. We want to recirculate this water to the upper pond that we will be using for irrigation delivery.

I am attaching the original Preliminary Plat for phase 1 and 2 for reference.

Thanks

<image002.png>