

Saxton, Craig

From: Carter Fritschle <cfritschle@earthlink.net>
Sent: Wednesday, November 06, 2019 8:35 AM
To: Saxton, Craig
Subject: Re: Fernan Lake Question

Hey, i am not officially retired until December 27! I am very willing to help with the transition in any way I can.

I got to thinking the Payette Lake water right could be different in that the structure is used to store water for irrigation that will be used downstream from the lake. So, the Twin Lakes and Avondale Lake water rights are the ones that are the most similar to the Fernan Lake water right.

And yes, I would like to know where this all ends up. I really miss you guys, and I really do miss being involved in completing the objection resolution for the CSRBA.

Carter

On 11/6/2019 7:04 AM, Saxton, Craig wrote:

> Thanks Carter,
>
> After I e-mailed you, Garrick, Jennifer and I started digging and looked into the Twin Lakes decree, and you are correct, the storage rights list the source as Twin Lakes. This sounds like a similar situation. I will look at Payette Lake and Hayden Lake as well.
>
> Well, I did feel bad asking you so I appreciate you being willing to
> continue to help out. However, I am preventing your move into
> retirement by enabling you by asking questions :)
>
> I will let you know where we end up...for fun...if you are interested.
>
> Talk to you later.
>
> Thanks!
> c
> _____
> From: Carter Fritschle [cfritschle@earthlink.net]
> Sent: Tuesday, November 05, 2019 8:41 PM
> To: Saxton, Craig
> Subject: Re: Fernan Lake Question
>
> An additional thought is that Fernan Lake operates a lot like Twin
> Lakes. The outlet structure is used to maintain the summer time level
> of the lake. And if I remember correctly, the storage water rights in
> Twin Lakes list Twin Lakes as the source.
>

Saxton, Craig

From: Carter Fritschle <cfritschle@earthlink.net>
Sent: Wednesday, November 06, 2019 7:42 AM
To: Saxton, Craig
Subject: Re: Fernan Lake Question

Hi Craig,

I thought of another rather significant water right that lists the lake as the source of the water passing through the lake. 95-2067, the Governor's water right, has its source listed as Coeur d'Alene Lake.

Also, while certainly less significant, water rights 95-12A and 95-12B list Avondale Lake as the source. Those two rights are nearly identical to 95-4463. It definitely seems we have a pattern (at least in Basin 95) of listing the source of water as the lake when additional water is impounded on top of the natural lake.

Carter

Saxton, Craig

From: Carter Fritschle <cfritschle@earthlink.net>
Sent: Tuesday, November 05, 2019 4:19 PM
To: Saxton, Craig
Subject: Re: Fernan Lake Question

Hi Craig,

I am thinking that is because the original statutory claim described it that way. That is also how it was described in the dam safety file. I think it was customary at one time to describe storage on top of a natural lake as having the source be the lake. But if Shelley prefers to call it Fernan Creek, that should be fine.

A somewhat similar situation exists at Payette Lake. Does the right for the storage of water in Payette Lake describe the North Fork of the Payette River as the source or the lake? If it is the river, then this one should probably be the creek.

The storage structure Fernan Lake is also similar to the one on Hayden Lake in that the water is diverted before it has a chance to leave the lake. However, I am not sure if anyone has claimed the right to store water in Hayden Lake, so that probably wouldn't help.

I will think about this one some more to see if any "new" ideas come to me.

And, thanks for asking. I can't just stop thinking about this stuff.

:) In fact, I remembered today while I was out on the tractor that I forgot to write a letter to Eastern Idaho Grazing Association requesting more information for their deferred stockwater claims. I was also supposed to write a letter to the person that signed the claims for Eastern Idaho Grazing Association for his claims as well. I think the name was Rich or something like that.

Carter

On 11/5/2019 12:09 PM, Saxton, Craig wrote:

> Hey Carter,

>

> Ok. I am sorry but I am going to ask you a question.

>

> We are trying to push an ADR through for City of Fernan Lake Village. This is a Rec Storage right where we said the source was Fernan Lake. We were going to add some language about not including IDL lands and fix the Tributary as you can see in the attached. However, I put it in front of Shelley to sign and he asked why we are calling the source for a storage right Fernan Lake instead of Fernan Creek.

>

> To be honest, I haven't been able to figure that out. I think he has a point. We do recognized multiple diversions from the lake where the source is Fernan Lake, but those are live flow rights. If we are storing water in the lake by backing up the flow, shouldn't the source be Fernan Creek?

>

> Here is the link to the web documents

> <https://idwr.idaho.gov/apps/ExtSearch/RelatedDocs.asp?Basin=95&Sequence=4463&SplitSuffix=>

>

> I was just wondering if there was some key piece of information I am missing as to why we went with the source being the lake.

>

> If you don't remember, don't worry about it. I just thought I would check with you :) (and Garrick though you might know).

>

> I hope your whole 3.5 days of retirement are treating you well. Lots of people talking about you and missing not having you around.

>

> Take care.

>

> c

>