

Cefalo, James

From: Rob Harris <rharris@holdenlegal.com>
Sent: Friday, June 26, 2020 3:55 PM
To: Fritz, Cooper
Cc: Cefalo, James
Subject: RE: Love Family Ventures, LLC Water Right Applications for Permit
Attachments: RE: Amended Page for Love Family Ventures LLC Application; Love Family Ventures apps; Amended Page for Love Family Ventures LLC Application

Cooper:

Thanks for your email. I am copying James on this email as I had conversations with him on these applications and Michael preliminarily reviewed the applications (specifically the fire protection application and flow through component) before they went to advertising (see attached emails), so I am copying him as well

In terms of the fire protection descriptions, I believe the way they have been submitted is accurate, but I understand the point being raised. You are correct that the flow through component is to keep the pond clean and prevent stagnation, which is best for these fire protection ponds because the pump truck that the County uses to pump water from these ponds can get clogged with moss and other material. You are assuming that the flow through component can only be for aesthetic purposes, but I think we may differ on where we draw the line on the type of beneficial use. I think the flow through provides fire protection and aesthetic benefits because the flow through component is necessary to ensure this is a properly functioning fire pond. At the end of the day, I'm not sure the actual description (aesthetic/fire protection) is a major concern to me as my main point is that we need a flow through component, but I do not want to readvertise this application. Stated another way, if you are suggesting to change the 1.0 cfs fire protection element to aesthetic without readvertising the permit, I would not object to that.

As far as evaporative loss, the pond is 0.08 acres in size, and when Moose Creek water is not flowing into the pond, there is subwater in the pond. The water level raises about 3 feet with the Moose Creek water, so there has already been natural evaporative loss as this is in a wetland area. I will confirm with Kagel Environmental and get back to you early next week.

As for the diversion rate calculation for the commercial water right, the property owner is not entirely sure what the wells can divert, so we erred on the high side. We recognize that the rate will likely be reduced when the permit is licensed after the water discharge is measured, and for that reason, it is best to estimate high. The estimates were provided by Y2 Consultants and are based on maximum uses of 125 gallons per minute (diversion rate), with a maximum daily volume demand of 30,000 gallons per day. That is where I got my numbers. Our calculations were based on peak amounts for each day of the year, but we know that the average volume demand will be less than that.

The waste water is returned via septic tanks.

Let me know if you have any further questions.

Thanks,

Rob Harris

From: Fritz, Cooper <Cooper.Fritz@idwr.idaho.gov>
Sent: Thursday, June 25, 2020 4:40 PM
To: Rob Harris <rharris@holdenlegal.com>
Subject: Love Family Ventures, LLC Water Right Applications for Permit

Hello Rob,

I am starting to conduct a final review for Applications for Permit 22-14374 and 22-14376. Application 22-14374 proposes three beneficial uses (Fire Protection, Fire Protections Storage, and Diversion to Storage). Although the Fire Protection Storage, and Diversion to Storage elements make sense, the Fire Protection (flow through) element is somewhat misleading. If the water flowing through the pond won't constantly be used for Fire Protection, then the flow through is serving some other purpose and should be described with a different beneficial use. My guess is that the flow through element is meant to keep the pond clean and prevent stagnation. This would probably be better characterized as an "Aesthetic" flow. I think you should consider changing the one element from "Fire Protection" to "Aesthetic."

I am also concerned about the possibility of injury if the pond remains connected to Moose Creek throughout the irrigation season. Using evaporation data from ET Idaho, I estimate that the pond will deplete Moose Creek by 0.11 acre-feet per year. As you know, Moose Creek is tributary to streams that are fully appropriated during the summer months. Although the amount of depletion is quite small, it is not zero. Have you spoken with you client about ways to mitigate for the depletion? Perhaps it would be possible to dry up an acre under a ground water irrigation right. Please provide a mitigation plan to consider with Application 22-14374.

I need additional information for Application 22-14376. The application proposes a diversion rate of 0.30 cfs and an annual diversion volume of 22.4 acre-feet. Where do these numbers come from? Is there a table showing the estimated daily and annual demands on the commercial system? If so, could you provide me a copy. Also, it would be helpful to know whether the waste water at the site is returned to the aquifer in a septic system or is sent to a regional wastewater treatment facility.

In advance, I appreciate your time and attention to these matters.

Sincerely,
Cooper Fritz