

Nelson, Dan

From: Nelson, Dan
Sent: Friday, November 15, 2019 10:39 AM
To: 'Erick Powell'
Cc: zach.latham@brockwayeng.com
Subject: RE: Field Report for Permit 37-22769

Erick,

Thank you for your comments. I will speak with my supervisor about some times we can call you about the irrigation questions. I am going to be out this afternoon, so I probably won't be able to set anything up until next week. I will contact you as soon as I can put something together.

Dan Nelson

From: Erick Powell [mailto:erick.powell@brockwayeng.com]
Sent: Friday, November 15, 2019 10:33 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: zach.latham@brockwayeng.com
Subject: RE: Field Report for Permit 37-22769

Dear Dan,

Thank you for your message and comments. I would prefer to use our numbers for the pond volumes, because I know where they came from. Your pond spreadsheet references the Twin Falls 2 NNE station, and we would not want this station to be used as the source for evaporation for this permit.

As for the irrigation recommendation, I'm having difficulty understanding your position. You state that "the Department generally does not recognize water natural/native vegetation as an irrigation beneficial use..." and "have a system installed and usable doesn't constitute a beneficial use." This is contrary to numerous cases that we are aware of or have been involved with in the past. IDWR has never required cultivation or planted seed to be considered irrigation, and I was unable to find that definition in the IDAPA rules or code. Natural/native vegetation is irrigated throughout the State, and IDWR always requires a water right to perform irrigation of native and/or cultivated vegetation. It should also be noted that beneficial use of irrigation does not require harvesting, grazing, or selling of the vegetation growth, otherwise everyone's lawns would not be considered irrigation.

To give you additional data, I compared the 2016 METRIC ET values of this area with the ET Idaho estimates. The April 1 through October 31, 2016 METRIC ET data (Path 39 and 40) shows that this area had 1.63 ft of ET. The Actual ET estimate based on ET Idaho (Ketchum RS) for low maintenance pasture grass is 1.72 ft, where the actual ET for sagebrush is 0.93 ft. Based on this comparison, I conclude that the area more adequately reflects low maintenance pasture (which is irrigated) rather than sagebrush.

Would you like to set up a conference call with you, your supervisor, and Shelley Keen to discuss this further? Please let us know how you would like to proceed, thank you for your time and assistance.

Regards,
Erick

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, November 13, 2019 3:46 PM
To: Erick Powell <erick.powell@brockwayeng.com>
Subject: RE: Field Report for Permit 37-22769

Hello Erick,

I met with my supervisor regarding the irrigation recommendation that evidence of irrigation you supplied, and we both agree that we need more to show actual irrigation. In speaking with my supervisor, she told me we should send out request for clarification letter. I have attached a copy of the letter with this email, and the original will go out in the mail tomorrow morning.

I went over the calculations you sent for the wildlife, recreation, and aesthetic uses, and I believe they are reasonable. I will apply these volumes to these uses. Using our standards, I used a different ET station to calculate the evaporation and came up with a different evaporation volume. I have included one of our pond spreadsheets to show my calculations. Please let me know if you want to use my calculations or if you want to use yours. Either one is acceptable, but mine gives them a bit more volume for the storage components.

If you have any questions, please don't hesitate to contact me.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Erick Powell [<mailto:erick.powell@brockwayeng.com>]
Sent: Tuesday, November 12, 2019 4:13 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: zach.latham@brockwayeng.com
Subject: RE: Field Report for Permit 37-22769

Hi Dan,

Thanks for your email. The annual volumes associated with wildlife, recreation, and aesthetic uses are unclear to us, because of the different approaches that IDWR has used to license/recommend pond water rights in the past. I appreciate your clarification on this issue – as we want to conform with the current IDWR approach on this license of the pond.

Total volume diverted: 50.5 acft (Continuous flow rate of 0.07 cfs)

Pond Storage: 1.5 acft (although the pond is full)

Evaporation: 0.4 acft

Seepage: 0 acft (lined pond)

Irrigation Volume: 13.7 acft (3.9 acres with maximum irrigation diversion volume allowed of 3.5 ft/acre)

Volume for Wildlife, Recreation, and/or Aesthetic Uses: 34.9 acft

You are correct that there is a pipeline that allows water to flow through the pond and the narrative discusses this set up. Please do not hesitate to contact us if you have further questions.

Regards,

Erick

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Tuesday, November 12, 2019 10:27 AM
To: Erick Powell <erick.powell@brockwayeng.com>
Subject: Field Report for Permit 37-22769

Hello Erick,

I just did an initial review of the field report for permit 37-22769. In this quick review, I discovered that you didn't include a volume for the wildlife, recreation, and aesthetic uses. A volume is required for these uses. The volume associated with these uses is for water flowing through the ponds to keep the ponds fresh. We generally calculate this volume as follows:

Total Volume Diverted – Pond Storage including Evaporation and Seepage – Irrigation Volume = Water Flowing Through the Ponds for Wildlife, Recreation, and Aesthetic Uses.

My initial review of the aerial photos you supplied don't suggest any water flowing through the ponds, but there could be a pipeline there that I can't see from the aerial imagery. I want to give you a chance to correct this as I start to go through the information you provided.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)