

Hersley, Jean

From: Nelson, Dan
Sent: Friday, April 3, 2020 2:52 PM
To: Scott King
Subject: RE: Doris Allen permit 65-23493

Importance: High

Hello Scott,

I would like to start off by saying that due to the Governor's Stay at Home Order issued on March 25, 2020, I am working from home. That being said, I am sorry it has taken so long to get back to you. I have had to use my work computer and my home computer to get things accomplished this week. It has slowed down my response time considerably.

I read the condition concerning this permit, and it states the following:

In connection with the proof of beneficial use statement for this permit, the permit holder shall also submit a report demonstrating that the diversion of water for irrigation purposes before April 15 each year and after October 15 each year is a beneficial use of water. The report must be prepared by a licensed professional engineer or similar competent professional. It must respond directly to the season of use analysis in the report titled Development of Standards for Irrigation Season dated January 21, 2000. The report is available from the Department upon request. Failure to submit the required report shall be cause for the Director to reject the proof of beneficial use.

What I see from this condition is that permit holder has to be diverting water during the early season and the late season for the beneficial use of irrigation. I highlighted the pertinent phrase in the condition. If they can't get to the head gate and there is snow on the ground, how can they divert the water and put the water to a beneficial irrigation use? Watering snow is not an beneficial irrigation use. They were not allowed to keep the head gate open after December 1st, so if they are using the water, how did they get up there to turn on the water?

If they got up there to open the head gate and are actually beneficially irrigating the ground, then I would measure the water where it entered the field and show how the irrigation is actually a beneficial use. Then in May or after the irrigation season, when you are documenting the post season use, you could go up and take pictures of the diversion and measure the water at that point. You would also need to show that the irrigation being done in the fall is a beneficial use of the water.

To show the irrigation is a beneficial use, I would expect pictures showing that the field(s) being irrigated are much greener than the surrounding fields. If the fields have snow on them, then is there really a need for the early season on the permit? Running water just for the sake of running water is not a beneficial use, and we wouldn't approve anything that doesn't show true irrigation.

I know my thoughts above are a little scattered, but the whole point of the condition is to show that the early season would be a beneficial use of the water. Going up after the season has started wouldn't proof the beneficial irrigation use prior to April 15. The flows could certainly be measured at the field and again during May to show a comparison of the use, but that really isn't the point of the condition. The condition requires a showing of that early season irrigation will provide some type of benefit or that it is needed.

I hope this helps Scott. If you would like to talk this out a bit more, you can call my normal work number (208) 287-4856. It is routed to my personal phone. If you don't get me, I will call you back, but it will be from an anonymous caller.

Take care and be safe.

Dan Nelson

From: Scott King [SKing@spfwater.com]
Sent: Friday, April 03, 2020 12:30 PM
To: Nelson, Dan
Cc: 'waterdist65@srvinet.com'
Subject: Doris Allen permit 65-23493

Hello Dan,

As you and I discussed on a previous occasion, SPF was planning on visiting this diversion prior to April 14 to make discharge measurements. This permit is for early season (3/15 to 4/14) irrigation use.

Ron Shurtleff was in contact with John (Doris' son), and John verified that there is at least 3 feet of snow on the route to the weir. Based on his experience, John very much doubted it would lessen much before April 14. The only other option is perhaps snow mobiles. Ron said flows on April 14 will be comparable to later spring flows (probably through May). Due to the circumstances, we are requesting to delay the inspection and measurement until the diversion is accessible by truck.

Please let us know your thoughts on this one.

Thank you and stay healthy,
Scott

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