

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, March 14, 2017 10:40 AM
To: 'Terry Scanlan'
Subject: RE: Sabal Whitetail Permits.

Hi Terry,

I am glad to hear that you will be working to help me get these permits licensed. I appreciate the help. I will try to answer your questions below.

If there were no injection and no redirection on Williams Creek, and you sought to appropriate water from Williams Creek, you would still need a headgate and measurement device at the point of diversion, since Williams Creek is part of Water District 65. Since they are injecting water into and re-diverting water from Williams Creek, they need a measurement device to measure the water being injected into Williams Creek and a headgate and measurement device at the point of redirection to ensure that they are not diverting more water than they are injecting. If they file for a new water right on Williams Creek, we would still need to monitor the amount of water they are injecting and re-diverting, so we can account for the amount of water being delivered to Whitetail Pond from each source. Therefore, the answer to their question is yes they will need to monitor the water being injected and re-diverted from Williams Creek regardless of whether or not they have a water right from Williams Creek.

The recommendations that I showed you during the meeting, were what I felt I could recommend for licensing with the information that was available. All of those recommendations are subject to changed based on information you send me, or by further review of the water rights. I didn't include those recommendations with my earlier email, because I don't think it is fair to send your client information that has not been thoroughly reviewed. As you know, there are several people that review my work, and any draft recommendations I make are subject to change until the license is issued. I believe they are really close, but I cannot confirm that until we are ready to issue the licenses. There is an opportunity for your client to petition the Department to reconsider any license that is issued, so you and your client will have an opportunity to voice your concerns if you do not feel the license was issued not issued to their approval.

I hope I answered all of your questions. If you need anything else, please don't hesitate to contact me.

Respectfully,

Daniel Nelson
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From: Terry Scanlan [mailto:TScanlan@spfwater.com]
Sent: Monday, March 13, 2017 4:54 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>; Lori Graves <LGraves@spfwater.com>
Cc: rmooney@shorelodgemccall.com
Subject: RE: Sabal Whitetail Permits.

Hi Dan.

I have contacted Whitetail to discuss. They are very interested in working to get all questions and issues resolved. As you noted in your email, there is still a lot of snow on the ground so we might need several weeks to get answers to any questions that require us to look at facilities on the ground. However, I don't see a problem getting everything complete prior to June 1.

A question came up regarding injection and redirection from Williams Creek. If we obtained a water right permit from Williams Creek for flow-through recreational use at Whitetail Lake, would we need to install measurement and lockable controlling works at the point of injection and redirection from Williams Creek?

Also, you provided preliminary recommendations at our meeting a few weeks ago. Are there any changes to those recommendations?

Terry

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Thursday, March 2, 2017 3:30 PM
To: Lori Graves <LGraves@spfwater.com>; Terry Scanlan <TScanlan@spfwater.com>
Subject: Sabal Whitetail Permits.

Terry and Lori,

I do apologize for taking so long to get this information to you. I wanted to double check a couple of issues with Shelley, before I moved forward with sending you this information.

As you know we have accepted your field exams, but additional information is required to move forward. I met with you a week ago to go over some of this information, and I am hoping that I have covered everything that needs addressed to license these water rights. I have outlined the information that is needed below.

Permit 65-13740 – This permit was field examined by Department staff, but instead of contacting the owner directly, I hoped you could provide the information while you were collecting the information for the field exam reports you performed. What I need to know is how much time does the pump into Douglas Lake run. Does it run 24 – 365 or only as needed? If it runs non-stop, then we will need power records or some other form of documentation to determine total volume of water diverted from the well.

We don't believe they have run this well through the winter months due to snow and freezing weather, so the volume recommended by the field examiner of the pump running 24 hours a day, 365 days a year doesn't seem reasonable. We need a reasonable volume limit for this permit. The evaporation from the pond is 2.3 af, which seems reasonable as a volume for the recreational use of this pond. The well runs at 0.04 cfs, so that would allow 29 days of continuous pumping from the well. There are several other options, and we are willing to review any other information you supply.

ALSO NOTE: It appears from the aerial photography that the surface area of the pond changed from 1992 to 2004. The total surface area in 2004 was 1.6 acres, which is the maximum size that I can recommend for licensing under this permit. The pond size appears to have been increased to 2.89 acre surface area sometime between 2006 and 2011, so another water right will be needed to allow the increase in pond size. The pond volume we can allow will be 9 acre feet [(14 ft max depth X .4) X 1.6 acres = 8.96 acre feet]. The new permit can have a source of the unnamed stream or groundwater, but you will need to show the well can provide enough additional flow to supply to increase in volume.

Permit 65-22911 – This permit has an aesthetic from storage use that was defined as a water diverted from Annie Pond through a manmade channel to Whitetail Lake. It appears as though the channel from Annie Pond

to Whitetail Pond diverts into and out of Williams Creek. If the Department was aware they were going to use a portion of Williams Creek to convey the aesthetic from storage water we would have included a Point of Injection where the water diverts into Williams Creek and Point of Re-diversion where the water is diverted out of Williams Creek. Could you please review this issue and provide us with Point of Injection point and a Point of Re-diversion point for this water right.

There is also a concern that they could be using Williams Creek water in Whitetail Pond without a water right. I can't find any water rights on Williams Creek for the golf course. If they are using Williams Creek water in Whitetail Pond, they will need to secure a water right for this use.

In order to insure they are not using Williams Creek water in the Whitetail Pond, they would be required to have lockable controlling works and measurement devices to ensure that none of the Williams Creek water is used in Whitetail Pond, since they do not have any water rights from Williams Creek for Whitetail Pond. If the Department would have known that they were going to be using Williams Creek as part of the channel conveying water between the two ponds, we would have placed condition similar to the following on the permit:

Ground water diverted from the two points of diversion in SENE, Section 12, Township 18 North, Range 2 East is injected into Williams Creek in Government Lot 3 (NWSW), Section 7, Township 18 North, Range 3 East and re-diverted from Williams Creek in Government Lot 3 (NWSW), Section 7, Township 18 North, Range 3.

The right holder shall install and maintain acceptable measuring devices and lockable controlling works at the point of injection into Williams Creek and at the point of rediversion from Williams Creek.

The right holder prohibited from divert more water from the point of re-diversion on Williams Creek than quantity of water being injected into Williams Creek at the point of injection unless a water right from Williams Creek is secured.

Please note: The above conditions could be altered or changed dependent on the information supplied by you or by Department staff as needed. The above conditions are simply examples of the conditions that would be placed on a water right when water is injected into and re-diverted out of a known stream channel.

Permit 65-13640, 65-13704, and 65-13751 –

For Permit 65-13640, Payette Lake, the point of diversion described in the Water District records doesn't match the point of diversion described in the field exam. Which of these are correct. I am more inclined to use the GPS point of the water district. It isn't that critical, since they are both in the same legal description.

Whitetail Lake:

Whitetail Lake has a volume of 90.6 acre feet

Annie Pond has a volume of 27.6 af

The wells supplying both ponds have a combined diversion rate of 0.76 cfs ($0.76 \times 1.0835 \times 365 = 550$ af)

Measurement Records from SPF from the two wells supplying White Tail Lake and Annie Pond show an annual volume of 14.4 af in 2001 and 89.7 annual acre feet from 2006 to 2008. We can allow 14.4 acre feet of recreation on water right 65-13704 and the full permitted amount of 60 af recreation from storage on water right 65-22911.

The diversion rate recorded from the wells can provide adequate water to fill both ponds. The well pumping records suggest that the ponds were not filled by the wells, but the record keeping was not done until after the

construction of both wells. We feel that ponds could have been filled prior to records being taken and volume shown in the records was only the water needed for aesthetic uses. **Therefore we are going to recommend the full pond capacity for all of the ponds, and limit the aesthetic use for 65-13704 to 14.4 af and the aesthetic from storage for 65-22911 to 60 af.**

Records supplied in the field exam show 197 acre feet in 2008, 234 acre feet in 2009, and 142 acre feet partially through the 2010 season. However, proof was submitted in 2001, so these volumes don't describe the use during the development period. The volumes found in the water deliver records during the development period show a diversion volume of 246 af in 1996 and 292 af in 2001.

The headgate requirement is 3 acre feet per acre. The evapotranspiration for lawn turf for the McCall station says that need approximately 228 af of consumptive use or approximately 1.55 af per acre. Water District records of the surface water diversion shows 371.5 af in 2016, 246 af in 1997, and 292 af in 2000, and a high diversion rate of 1.61 cfs.

Irrigation from Whitetail Lake = 147 acre (147 acres X 3 af/ac standard = 441 af). Aesthetic use on the surface water right was not included in the recommendation, and from the water district records it appears as the majority of the water actually diverted from Payette Lake was used for irrigation purpose. Per water district records it appears as though they only use between 246 af to 371.5 af for irrigation from Payette Lake. This would be about 1.7 to 2.5 acre feet per acre.

Even though permit 65-13640 did have a recreational use to account for water flowing through the pond, but you didn't recommend any recreational use in your field exam. I am assuming that the lake water is not used for recreational use in Whitetail Pond. With the volumes shown in Water District records, it doesn't appear as though much water was diverted to the system for recreation use in Whitetail Pake. Therefore I do not plan to allow any flow through component to Whitetail Lake.

The Water District records show the maximum diversion rate recorded was 1.61 cfs. The pump was not operating at the time of your field visit, so you attempted to use a theoretical calculation. Where the Water District has actual measurements of the water use, we will use the Water District data. This will benefit your client, since the theoretical calculation was lower than the actual water measured.

I am hopeful that the information above is all we need to move forward with the licensing of these permits. Unfortunately, there are times that additional questions arise and more information is needed. According to the IDAPA Beneficial rules, I am supposed to limit the time to submit this information to 30 days. However, I am aware that there is snow on the ground at the location of these permits, and that it may not be feasible to access the property until May or June. Therefore, I am asking that you supply this information by June 1, 2017. I am willing to work with you to seek additional time if needed, but please keep me informed on your progress.

Respectfully,

Daniel Nelson
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