

Nelson, Dan

From: Terry Scanlan <TScanlan@spfwater.com>
Sent: Friday, June 02, 2017 5:25 PM
To: Nelson, Dan
Cc: rmooney@shorelodgemccall.com; Lori Graves
Subject: RE: Sabal Whitetail Permits.

Thanks Dan. We will get the weirs and headgate installed over the summer. Better give me 90 days to complete. Hopefully, it will be quicker.

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Friday, June 2, 2017 2:23 PM
To: Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: Sabal Whitetail Permits.

Hi Terry,

I just finished reviewing the information you sent me concerning the Whitetail files.

Douglas Lake – I will move forward with licensing permit 65-13470 with a volume of 2.3 af. I will not need to wait for the new application for permit on Douglas Lake to move forward, but I would like suggest that you make sure you have adequate storage volume to cover any evaporation and seepage losses prior to submitting the applications for permit. I sent Scott King a spreadsheet we have started using that works pretty well. You might try using that just to double check that volume amounts.

Williams Creek Issue -- I think the weir on the outflow of Annie Pond and the installation of a headgate and a weir/measurement device at the point of rediversion from Williams Creek is reasonable. I also agree that the installment of a weir on the unnamed stream would give the watermaster the opportunity to regulate all three sources once the new applications for permit are approved. Until then, they could subtract unnamed stream amount from the water diverted at the point of rediversion to insure they are not diverting water to the pond that isn't authorized by a water right.

Before we can license any of these permits we will need to do an amendment of permit to include a point of injection and point of rediversion. We will also need confirmation that the measurement devices and headgate are in place. Do you have any idea when they plan to install the head gates and weirs?

I will start preparing the amendments for these permits to send to you, but we won't be able to license the permits until we receive confirmation of the headgate and weir installation. The confirmation can be in the form of pictures you send me by email showing the completed construction.

If I can get an estimated completion date of the headgate and weir installations, I can include that date in the letter I will send out with the amendment and to request confirmation of installation of the measurement devices and headgates instead of the standard 30 days.

Thank you for helping me out on these files. Hopefully, we can clean them up and get them completed soon.

Daniel Nelson
Water Right Analyst 3

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

From: Nelson, Dan
Sent: Thursday, June 01, 2017 8:39 AM
To: 'Terry Scanlan' <TScanlan@spfwater.com>
Subject: RE: Sabal Whitetail Permits.

Hi Terry,

I appreciate you getting me this information. I have one file I am currently working on that I am hoping to finish up today or tomorrow, and then I will get back onto the Whitetail files. I am going to be going into the field a few times over the next few weeks and I am training a couple new staff members, so I will do my best to move these forward as quickly as possible.

I inquired on what was necessary to change the name, and I was told that we prefer to have a signed change of ownership document sent in with the name change documentation. **There is no fee for changing the name as long as it is the same company and/or individual**, but we want to make sure the request comes from the owner of the water rights. I am assuming that the only documentation amending the name is the documentation you sent with your email, so I think that would be all that is needed. We can also change the name on all of these permits as well, so list all of the water rights and water right permits on the form.

Thank you Terry.

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

From: Terry Scanlan [<mailto:TScanlan@spfwater.com>]
Sent: Wednesday, May 31, 2017 8:44 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: rmooney@shorelodgemccall.com; Lori Graves <LGraves@spfwater.com>
Subject: RE: Sabal Whitetail Permits.

Hi Dan.

I met with Rick Mooney at Whitetail yesterday and now have a path forward. Here is a synopsis.

1. **65-13470 diversion volume.** The diversion volume is unknown. The 2.3 AFA volume that you proposed to cover evaporation loss seems appropriate.
2. **Douglas Lake volume.** We will prepare an application for an additional 7.3 AFA (1.3 acres x 14' depth x 0.4) of recreation storage to cover the enlarged pond. Source will be unnamed stream tributary to NF Payette River (similar to 65-7007 and 65-13453).

3. **65-2911 Diversion of Williams Creek.** I walked Williams Creek in the reach where the water from Annie Lake flows through to Whitetail Lake. My recommendation is to (1) install a weir on the Annie Lake outlet stream, and (2) install a weir and headgate on the inlet stream to Whitetail Lake just downstream from the bifurcation from Williams Creek.

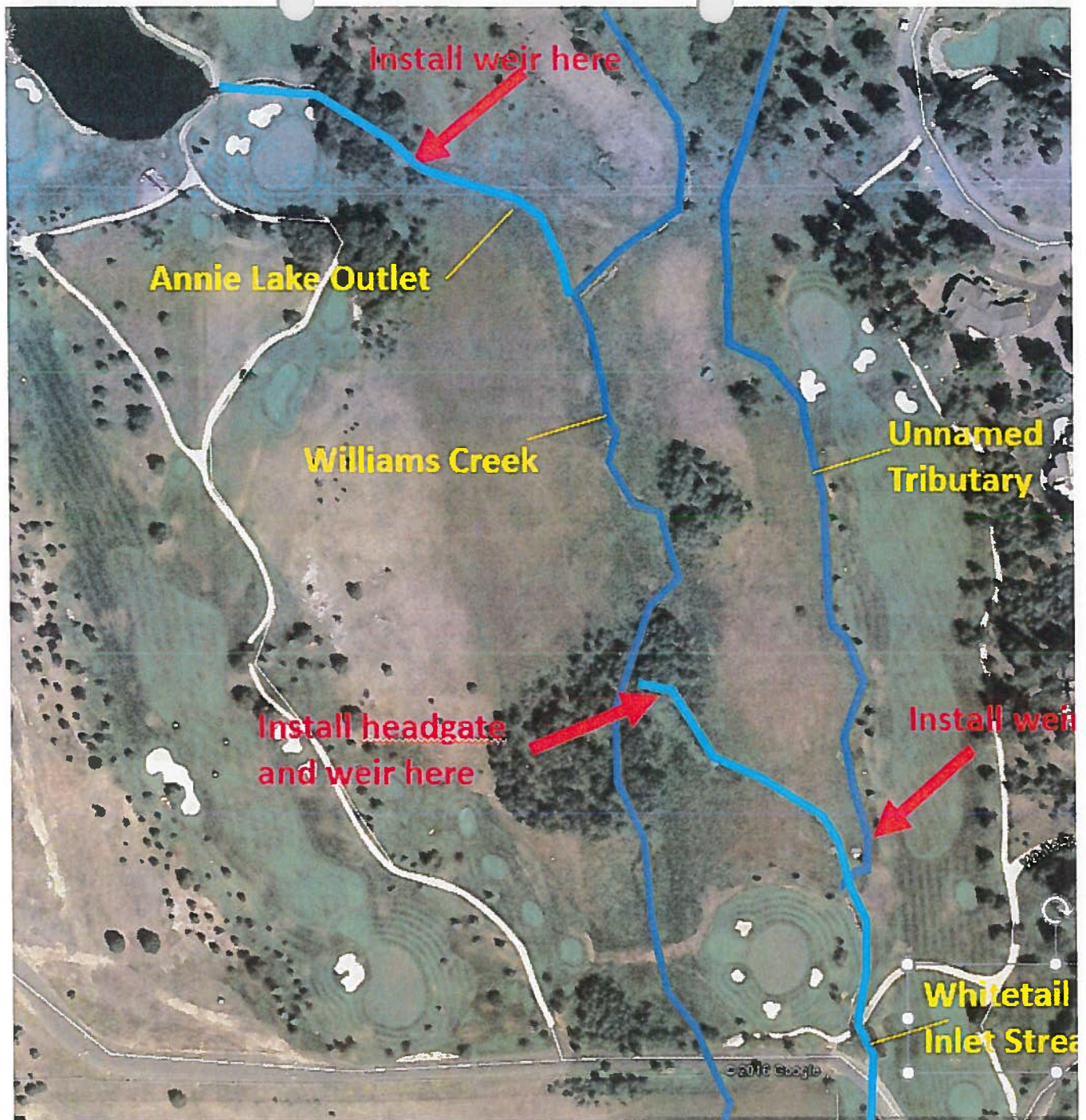
There is also an unnamed stream tributary to Williams that flows to Whitetail Lake inlet stream; it appeared to be flowing less than 0.05 cfs on Tuesday. A weir can be placed on this stream also if necessary.

We will apply for a water right permit from Williams Creek (and from the unnamed stream) for the following uses.

- a. 1 cfs for aesthetic (flow through)
- b. 1 cfs for diversion to storage
- c. 90.6 AF for aesthetic storage (in combination with the other water rights)

I don't think we need to include irrigation or irrigation from storage, as it is adequately covered under the other sources. Let me know if you think otherwise.

The headgate and weir will allow the full flow from Williams Creek to pass by if Williams Creek is not in priority, and the measured amount from Annie Lake diverted. If there is flow in the unnamed tributary, it can be measured, and an equivalent amount of water can be either released from Whitetail Lake or from Annie Lake, or charged to storage by the water district, if the right is not in priority. I don't know how else to handle this little bit of flow. My guess is that the tributary will be dry at any time that the right will be out of priority. If we can ignore the unnamed tributary, it might simplify things. Let me know your thoughts.



4. **65-13640 point of diversion location.** The diversion consists of a pipe out into Lake Payette that feeds a pump at the location shown on the field exam. We can show either (1) the end of the pipe (see image below), (2) the pump, or (3) the water district location. Your choice, but I think the pump station site makes the most sense.



AMENDMENT TO CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

2015 APR -9 PM 3:43

SECRETARY OF STATE
STATE OF IDAHO

(Instructions on back of application)

1. The name of the limited liability company is:

Sabala Whitetail LLC

2. The name of the limited liability company is amended to read:

Shore Lodge Whitetail LLC

3. The date the certificate of organization was originally filed : August 7, 2008

4. The complete street and mailing addresses of the designated principal office is amended to:

5. The mailing address for future correspondence (annual reports) is amended to:

6. The name and address of the managers/members shall be amended as follows:

Name	Address	Add	Delete	Other
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____
_____	_____	☐	☐	_____

7. Signature of an authorized person.

Alscott Real Estate, LLC, Manager

Signature

By: Alscott, Inc., Manager of Alscott Real Estate, LLC

Typed Name

B. D. Naeve

Signature

By: Brian D. Naeve, President

Typed Name

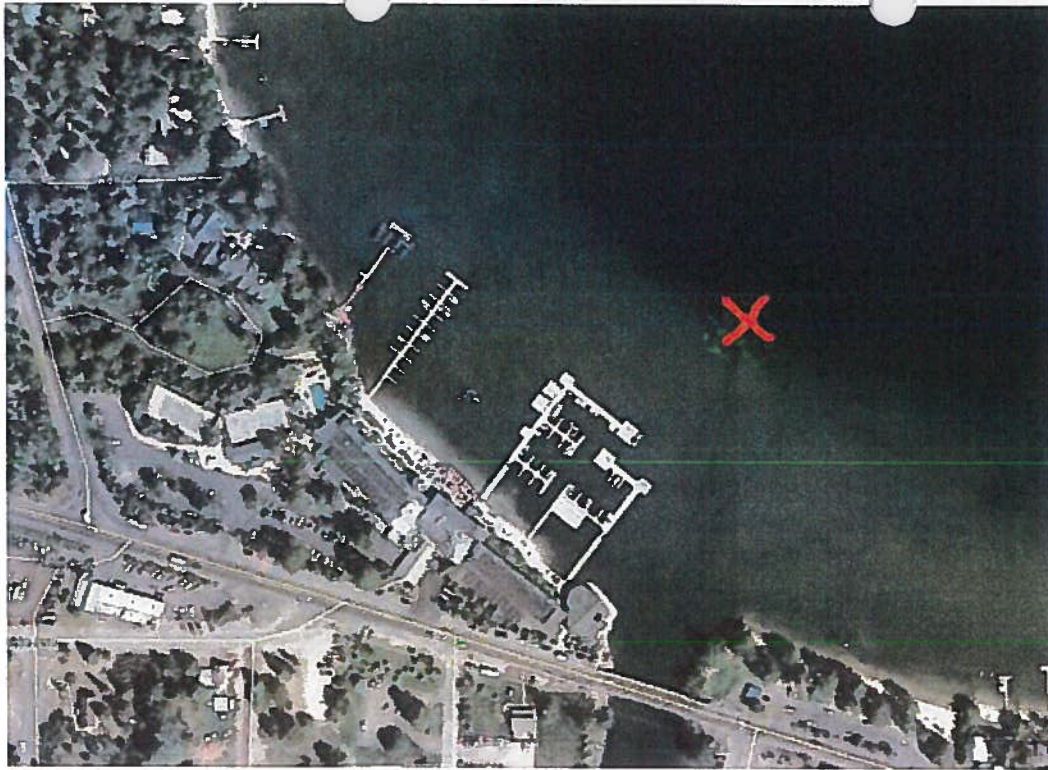
Secretary of State use only

IDAHO SECRETARY OF STATE

04/09/2015 05:00

CK:29238 CT:219086 BH:1470253
1@ 30.00 = 30.00 ORGAN AMEN #2

W76706



5. **Other rates and volumes.** Your recommended rates and volume for 65-13640, 65-13704, 65-13751, and 65-22911 seem to be appropriate.
6. **Name Change.** Sabala Whitetail LLC was changed to Shore Lodge Whitetail LLC in 2015. See attached amendment certificate. No change in ownership, just a name change. Is there anything we need to do to change the name in the database?

We will try to have the two applications for permit described above to you by the end of June.

Terry

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]

Sent: Tuesday, March 14, 2017 10:40 AM

To: Terry Scanlan <TScanlan@spfwater.com>

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

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