

Nelson, Dan

From: Peppersack, Jeff
Sent: Tuesday, December 15, 2015 10:46 AM
To: Keen, Shelley; Nelson, Dan
Subject: FW: FW: FW: FW: Draft approvals

Looks like this explanation didn't make it to the file.
Jeff

From: Peppersack, Jeff
Sent: Tuesday, May 27, 2014 4:52 PM
To: 'David Shaw'
Cc: Skaggs, Pam
Subject: RE: FW: FW: FW: Draft approvals

Hi Dave,
It was a nice holiday weekend.

Regarding the supplemental nature of 63-2958, I think we can agree that it is not now a supplemental right and it never had limitations restricting its use to supplemental. The history in the file suggests it might have been supplemental at one time (see proof filed in 1954), but I think the reference to supplemental might have meant that the ground water was used to fill in the balance of acres on the farm that the Farmers Union water could not cover. Regardless of the historic nature of the ground water, when the Farmers Union water was removed from the farm, that left only 63-2958 to cover 240 acres. The enlargement right filed in the SRBA helped cover the balance of acres, but the water quantity was short. The wastewater presumably made up some of the shortage, at least since 1997, but there were questions about the total use of ground water over time.

As you've suggested before, I think the ground water is the greater concern in the area. One thing I had forgotten is that the wastewater diversion is from a source which is tributary downstream of Star Bridge, so not much of a concern to senior rights on the Boise River at this time. The wastewater is important, because its continued use reduces ground water use. With the current system set-up, I think the use of wastewater will continue to the extent it is available. I think we can make it work with a condition providing for future measurement of the redirection, upon specific notification of the Department.

I'll modify the conditions accordingly and get another draft to you.

Jeff

From: David Shaw [<mailto:dbshaw44@gmail.com>]
Sent: Tuesday, May 27, 2014 9:16 AM
To: Peppersack, Jeff
Subject: Re: FW: FW: FW: Draft approvals

Thank you Jeff,

I did have a good holiday, busy though. Hope you had a good holiday as well.

With your last email I finally understand the motivation for all the measuring devices. The history of canal water on the property is unclear. There is not doubt that canal water shares were available for this property at one time but the actual use, if any, is less certain. I contacted Farmers Union in response to a request from

Steve Lester in March 2013 to learn about any Farmers Union water on this property. I was referred to Lloyd Akins, V.P. of the ditch company who seemed to have personal knowledge of the history of water development on the northern 160 acres of the Hoot Nanney Farms property. Mr. Akins reported Mr. Bolen developed the ground water right because the canal water could not be delivered high enough to spread over the Bolen property because the property was so rough. Mr. Akins believes the ground water right is a stand alone right and was never used in conjunction with the canal water. Mr. Akins' recollection is not inconsistent with Mr. Humphrey's field exam notes. Since the canal water, if used, would have overlapped with the land irrigated by sprinkler it is likely, although probably not required, the overlap area would have been shown in the field exam notes and none is indicated. The canal water was sold prior to Dixon's ownership of the property.

Mike Dixon indicated the current use of waste water began in 1997 but was not filed on until 2004. Perhaps 50 years passed between the time the canal water was sold from the property and the wastewater use began. The SRBA investigation found the ground water use had been expanded to cover additional acreage as land was leveled and additional property was added, but I don't recall anything in the file suggesting the original 120 acre ground water right was ever considered a supplemental water right. Even the expansion right with a 1976 priority predated the use of wastewater.

Jeff, I don't know what additional information I can provide to clarify the original ground water right, 63-2958, was not developed as a supplemental ground water right and whether that would change IDWR's view of what needs to be measured.

Thank you,
Dave

On Fri, May 23, 2014 at 4:07 PM, Peppersack, Jeff <Jeff.Peppersack@idwr.idaho.gov> wrote:
Dave,

Tim said the 12" meter is not currently on the approved meter list but it either has been tested very recently or is scheduled to be tested soon. He wasn't able to confirm today, but would consider a variance to let you use the 12" model.

I understand the frustration regarding cost, but the problem is, we don't know how much wastewater is available. The original ground water right was supplemental to canal water. The canal water was moved off and supposedly replaced with wastewater, but if wastewater was limited, the ground water use was enlarged. We've had conflicting accounts of the use of both wastewater and ground water. If a transducer on the waste ditch is cheaper, and provides us with information confirming limited flows, perhaps we don't need the information indefinitely. Feel free to propose some revised conditions that would be acceptable to your client.

Have a good holiday,
Jeff

From: David Shaw [dbshaw44@gmail.com]
Sent: Friday, May 23, 2014 1:34 PM
To: Peppersack, Jeff
Subject: Re: FW: FW: FW: Draft approvals

Thank you Jeff,

The measurement I am concerned about is the redirection and I believe it is 12 and since it is pressurized the pipe will be full. I am confused by Tim's response since the Seametrics 12" meter is not an approved meter according to the IDWR website. The prices I got were for meters on the approved list.

Rob's review was for the original proposal, under the current proposal the new well will pump into the pond and that pipe can be installed so it will run full. The existing pipe from the 2 existing wells may need to be modified to be certain it runs full, either elbow it up on the discharge end or reslope the section before it goes into the pond.

The \$3,720, if it can be used, is better than the prices I obtained but I am still frustrated by this additional expense for a wastewater right.

Thanks again,
Dave

On Fri, May 23, 2014 at 1:12 PM, Peppersack, Jeff <Jeff.Peppersack@idwr.idaho.gov> wrote:

Dave,

Here's some additional information on meters.

Jeff

From: Luke, Tim
Sent: Friday, May 23, 2014 1:04 PM
To: Peppersack, Jeff
Subject: RE: FW: FW: Draft approvals

Jeff,

The mag meter I had in mind was Seametrics AG2000 as that seems to be the most common meter installation because it is the most economical at the 4 to 10 inch diameter size. I assumed that these mainlines were not more than 10 inches because I thought the total POU was only about 240 acres. If the mainlines are 12 inches and they flowing open discharge to a pond then I am concerned that they are not even full pipe flow in which case a closed conduit flow meter won't work anyway. In any case, costs for Seametrics 12" and 10" are as follows:

AG2000 12" (meter with display/totalizer) \$3,500

AG2000 10" (meter with display/totalizer) \$2,464

Internal Data Logger: \$220

These are the costs for the meter only, not installation. The owner could consider even going with smaller diameter mainlines like 8 inch in order meet a full pipe flow requirement – this would create some cost with changing the mainline but reduce the meter costs. An 8 inch meter is \$2,072.

Costs quoted to me are from distributor but reflect retail prices – so these should be the approximate costs from irrigation equipment suppliers.

I spoke to Rob Whitney who has been on site once and is somewhat familiar with the system and POU, as well as the general area. He seemed to confirm that the mainlines may be 12" and that they probably don't flow full. He also mentioned that the third well that is being added as per the permit or transfer would not go to the pond but be pressurized directly into what he called the south pivot. In the case of that well, I would think a 10 inch line max would be necessary. As to the other two wells with the 12" lines, they may need to run smaller pipe or else run water from the two wells over one weir and go with a transducer and logger, or perhaps manifold the two wells together into one pipe and go with one flow meter in say a 10" or 12" pipe as long as the pipe is full at all times.

Let me know if I can help with any additional info.

Tim

From: Peppersack, Jeff
Sent: Friday, May 23, 2014 8:27 AM
To: Luke, Tim
Subject: FW: FW: Draft approvals

Tim,

I guess the pipelines for Hoot Nanney (Dixon) are 12" – we thought they were less when you estimated meter costs. How much will costs go up if the lines are 12"?

Jeff

From: David Shaw [<mailto:dbshaw44@gmail.com>]
Sent: Thursday, May 22, 2014 4:26 PM
To: Peppersack, Jeff
Subject: Re: FW: FW: Draft approvals

Thank you Jeff,

Do you know what kind of meter Tim was referring to? I believe the discharge is 12" and the prices I have are \$4549 and \$5601. If we can get a meter closer to the cost of a transducer it would be less of an issue.

Thanks again,

Dave

On Thu, May 22, 2014 at 2:30 PM, Peppersack, Jeff <Jeff.Peppersack@idwr.idaho.gov> wrote:

Dave,

I'm open to some alternatives. Sounds like the current set up will use any surface water entering the pond except when the pond overflows (I assume that is rare). Presumably the gw diversions wouldn't be on if there was enough sw to overflow the pond. The supplemental conditions would stay in place to ensure the sw use continues. Information in the file suggests there may be useful flows of wastewater at some times. I think a transducer in the wastewater channel (with datalogger) would give us better information about the sw flows. We would likely add a condition for future measurement of the discharges from the pond if determined to be necessary.

The dilemma created by the requirement for a device in the waste channel is that neither the transfer nor the permit address the wastewater right directly. Current conditions get around that issue by requiring the devices at the diversion and redirection points for the gw rights. If the water right owner is suggesting direct measurement of available wastewater as an alternative to ensure gw is used appropriately, then we could revise the conditions accordingly. Measurement of the gw source would still be required.

I asked Tim Luke about costs for mag meters and dataloggers for the pipelines. He thought each mag meter should be about \$2500 and each datalogger about \$1000. I don't know about installation costs, but perhaps the total would be cheaper than originally thought?

Let me know how you'd like to proceed.

Jeff

From: David Shaw [mailto:dbshaw44@gmail.com]

Sent: Thursday, May 22, 2014 11:46 AM

To: Peppersack, Jeff

Subject: Re: FW: FW: Draft approvals

Jeff,

I am just trying to be sensitive to cost, 3 meters, 2 for the wells and another for the discharge, with installation could exceed \$20k which I believe exceeds the value of the wastewater but now it appears the Dixons are stuck with using it. Another alternative that would isolate the surface water inflow would be to put a transducer in the wastewater channel upstream of the pond, see the attached photos. I realize this would only give ground water and surface water inflow and not use but if my belief is correct it would confirm the surface water component is relatively insignificant.

The requirement to measure the discharge from the wells was expected. Measuring only the pond discharge would seem to be less valuable for administration purposes than measuring the well diversions.

Thank you Jeff,

Dave

On Thu, May 22, 2014 at 11:01 AM, Peppersack, Jeff <Jeff.Peppersack@idwr.idaho.gov> wrote:

Dave,

The intent of the measuring device requirement is to get at the total ground water diversions into the pond and the total water pumped from the pond in order to derive (and confirm) the surface water use and to ensure combined limits are not exceeded. We're not opposed to a single measuring device to measure the combined diversion from the two existing wells. Do you have a suggestion for an acceptable revision to the measuring device and reporting conditions?

Jeff

From: David Shaw [mailto:dbshaw44@gmail.com]

Sent: Thursday, May 22, 2014 10:27 AM

To: Peppersack, Jeff

Subject: Re: FW: FW: Draft approvals

Jeff,

Thank you for the opportunity to comment on the proposed conditions for Hoot Nanney Farms, Application for Permit 63-33721 and Application for Transfer 78338. My concern is that water right 63-32010 has become blown out of proportion.

During the SRBA an IDWR agent worked with Mike Dixon on the water rights for the farm and noted wastewater from an adjoining farm(s) was contributing to the water supply in the pumping pond. Mike filed an application for use of the wastewater. As the application was processed the source was changed to Little Gulch Creek because the pond is located in a low area that the USGS Quad Sheet indicates was the location of the Little Gulch Creek channel. A November 11, 2004 letter from Gene Baily for Farmers Union acknowledges the water reaching the Dixon's pond is waste water originating from Farmers Union and there is no obligation for Farmers Union to provide water.

A review of the aerial photography of the old Little Gulch Channel indicates it no longer crosses the Farmers Union Canal upstream of the Dixon property and there appear to be 2 additional wastewater ponds upstream of the Dixon property. There are no other recorded water rights on Little Gulch Creek and no recorded points of diversion from surface water upstream of the Dixon property. If there is water coming into the Dixon pond at a time that the water cannot be used there is a tiled waste ditch through the Dixon property and the excess water empties into a drain operated by Drainage District #2. The measuring device requirement for 63-32010 was waived by order dated 7/8/2007 and a license was issued on 8/20/2013 without a measuring device requirement.

I understand the desire to use surface water first, but it seems the requirement to measure both ground water diversions and total redirection to isolate the amount of wastewater being used is difficult to justify given the cost of IDWR approved flow meters. Natural flow from Little Gulch Creek does not exist during the irrigation season at the Dixon pumping pond as acknowledged in the 63-32010 application for permit file.

The two existing wells are manifolded together and discharge through a single pipe into the pumping pond. The proposed condition requires recording diversion amounts from each of the points of diversion at least suggesting the requirement to measure each well separately. The new well will have a separate discharge pipe

and can be measured separately but it would be more practical to measure the combined diversion from the two existing wells.

Again, thank you for the opportunity to comment on these proposed approvals. Please let me know if you have questions or if I can provide you with any additional information.

Dave

On Wed, May 21, 2014 at 9:44 AM, Peppersack, Jeff <Jeff.Peppersack@idwr.idaho.gov> wrote:

From: Microsoft Outlook
Sent: Monday, May 19, 2014 6:47 PM
To: Peppersack, Jeff
Subject: Delivery delayed:FW: Draft approvals

Delivery is delayed to these recipients or groups:

[Dave Shaw \(dshaw@eroresources.com\)](mailto:dshaw@eroresources.com)

Subject: FW: Draft approvals

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