

Lester, Steve

From: Hennekey,Ray [ray.hennekey@idfg.idaho.gov]
Sent: Thursday, June 18, 2009 10:02 AM
To: Lester, Steve
Cc: Cadwallader,Dave; Kiefer,Sharon; john.cardwell@ideq.idaho.gov
Subject: FW: Campbell Water Right Application 79-14205

Steve –

I visited the Campbell pond site yesterday. Although it did not appear to me that Campbell had made any of the minor improvements that Dan and I recommended when during our site visit a couple years ago (some armoring of the overflow channel, plantings to provide shade), the overflow appears to provide fish passage and should continue to do so at all but minimal flows, maybe even then. From Fish and Game's perspective, there's no reason to object to permitting the pond.

As a side note, the pond appeared to me to be rapidly filling in with sediment and there was considerably more emergent weed growth than during our previous visit. It appears to me that, unless Campbell dredges the pond occasionally, it will fill in until only a stream channel remains once again. He'll have to take some radical measures to prevent sediment discharges if he does that.

And, Steve, thanks for keeping us in the loop until this was resolved.

On another topic: During my visit to Campbell's I encountered a Fenn Highway District truck pumping water from Johns Creek where it passes under Denver Cemetery Road. The driver/pumper was quick to tell me he didn't know anything – came out of the cab saying, "I just drive for 'em." I didn't even get to say howdy! The driver said he didn't know whether Fenn HD had a permit to take the water (again, he only drives for them), but said, "They've always taken water from here." I haven't reviewed a temp water right application, and I didn't find any records on your website, so I doubt they have a water right. They should get one, especially when they're taking water from the street next to Campbell and others we've required to get permitted. Would you be the one to follow up on that?

Thanks.

ray

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Note my new email!

From: Hennekey,Ray
Sent: Monday, June 15, 2009 7:54 AM
To: 'Lester, Steve'
Subject: RE: Campbell Water Right Application 79-14205

Hi, Steve –

Sorry I missed your call the other day.

6/18/2009

Campbell did send a copy of his application for the expanded area, many months ago now. However, I'm not aware of any attempts to contact me by phone as your memo infers he has claimed. I didn't respond to the written app simply because I thought all of the kinks had been worked out by Dan and it was simply a matter of IDWR permitting the larger area.

The permit conditions you suggest in the email would satisfy IDFG's concerns. One perhaps petty suggestion I might make, however, would be to remove "each year" from condition #1. For two reasons:

- First, the dam is constructed with a spillway/overflow that will impound water regardless of the season and won't change pond volume over the course of the year, or from one year to the next. There is no way for the owner to alter the height of the spillway (i.e., no splashboards, gate, etc.) without building the dam up at the spillway location.
- Second, this kind of infers -- to me anyway -- that an annual inspection might be required. As long as he meets passage requirements to start with, one inspection should suffice. I think we probably covered that base when I was there with Dan, but I'd be happy to stop by there again before you issue the final permit to make sure he did all he promised to do when Dan, Cynthia and I visited him back when.

I hope that makes sense. If not, give me a holler and we can talk it over. Also, let me know if you'd like me to swing by Campbell's to see if he did what he said he would do. I'll be going through Grangeville on Wednesday, so I could work a visit to his place into my day. I'll be in the office Mon-Tues and Thursday of this week, in the field the other days. You can try my cell on the field days (208-816-1241), though the darn thing seems to be out of coverage as much or more than it's in coverage around my Region.

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Note my new email address!

From: Lester, Steve [<mailto:Steve.Lester@idwr.idaho.gov>]
Sent: Friday, June 12, 2009 11:01 AM
To: Hennekey,Ray
Subject: Campbell Water Right Application 79-14205

Hi Ray:

This is the email I mentioned in my phone message to you earlier today.

A couple years ago you met onsite with Dan Nelson and Cynthia Clark from IDWR to inspect Campbell's pond located on John's Creek around Grangeville. This was a complaint involving the pond and a neighbor. Your recommendations from that field visit were very helpful for Dan to complete his field report for the water right covering the pond, no. 79-14012 which is in process of being licensed.

Because the pond was built somewhat larger than covered in 79-14012, IDWR advised Campbell to get another right covering the excess. He filed application 79-14205 to do that, copy attached. He said he contacted IDFG for comments but we are not sure if he did.

Although normally we would tell an applicant that new on-stream ponds should not be approved for that area (your advice in that has been helpful), it seemed ok for an existing system under these circumstances. Otherwise we would wind up in the dubious position of trying to get him to make the pond smaller - probably would not work out.

6/18/2009

As noted in the attached memo, we (Western Region staff) thought your recommendations from the inspection could be used to condition possible approval of the new application. The conditions would be used instead of the typical fish screen condition and would include the following extracted from Dan's 7/17/07 letter to Campbell that was copied to you per Dan's notes:

- 1) Prior to storing water each year, the owner must comply with all IDFG recommendations for maintaining fish migration and habitat for John's Creek.
- 2) The spillway for this dam must be constructed and maintained at all times to allow fish passage and to prevent any erosion of the stream banks and stream channel.

Our State Office liked those ideas but thought we should be sure to run it by you in case the applicant actually did not ask for your comments.

Do you think the above approach will work? Please give me a call if you want to talk it over. If it does sound ok, your reply by email will be fine. Thanks for your help.

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<<79-14205 appl.pdf>> <<79-14205 memo.pdf>>

6/18/2009