

22-14374:

- 1.) The pond was involved in Notice of Violation (NOV) E2020-1603. The NOV was filed for irrigation uses around the lodge and camp area and the pond. The irrigation portion of the NOV was covered by water right transfer 84137, which split water right 22-7681 to created 22-14379 that authorizes 4 acres of irrigation for this property. This permit authorized the use of the pond for fire protection purposes, and an aesthetic use.
- 2.) In the application file, there was a claim that the pond area was a wetland area. Since it was a wetland area there was no additional evaporation or seepage. This is discussed in an email from Rob Harris on June 28, 2020.
- 3.) In the June 28, 2020, email Mr. Harris states that the pond is naturally filled with ground water. When Moose Creek water is diverted into the pond, the pond only raises an additional 3 feet. The field examiner determined the pond was 0.1 acre is surface area, and I found 0.11 acres. I feel the pond volumes calculated by the field examiner are accurate for the entire pond volume. However, if the pond is only 0.1 acre in surface area, shouldn't the volume associated to Moose Creek be limited to 0.3 af according to the information from Mr. Harris?
- 4.) In the same June 28, 2020, email, Mr. Harris states that the flow through water is to keep the pond free from weeds, and he didn't care what the flow through was called. It was determined to call the flow through an Aesthetic use. Also see James Cefalo memo dated July 27, 2020.
- 5.) No measurement was made during the field examination. The field examiner stated that the flows in the ditch were less than the 1.00 cfs authorized by the permit at the time of the field exam. The field examiner stated he thought the capacity of the ditch could be over the 1.00 cfs. No volume calculation was made for the aesthetic use. With the varying flows, a general calculation of 1.00 cfs X 1.9835 X 365 days would not correctly represent the flows through the pond on an annual basis.
- 6.) Overlapping water rights analysis – This property has several overlapping water rights. Water right permit 22-14376 is from a new well for commercial purposes. This property is commercial campground/recreation area. Water right 22-14376 is for an expanded use of the commercial use for the lodge, cabins and recreational vehicle spots throughout the ranch. As described above water right 22-14379 is an irrigation right that was part of a transfer to cover the illegal irrigation found in the NOV E2020-1603. Permit 22-14375 is the accompanying permit to cover stockwater from the old well. City of Victor water rights 22-13265 and 22-13717 were included in the overlap analysis, but there is nothing in the field report that confirms or denies if City of Victor water is used on the property.

Concerns with 22-17374:

If we accept the email from Mr. Harris to exempt this permit from evaporation and seepage losses, wouldn't we limit the volume to the additional 3 feet of head or 0.3 af of water from increasing the volume of the pond with this permit?

Without measurements and volume calculations in the field report, I would consider the field report incomplete. The field examiner should have accurate volume and flow rate calculations for the diversion to storage and aesthetic uses.

If the field examiner is going to add water rights from the City of Victor as overlapping water rights, they need to confirm whether or not these rights are used on the property.

22-14375:

The field examiner didn't provide any measure or volume calculations for this field report. At the minimum, a theoretical calculation is needed for the diversion rate and the standard calculations for the stockwater volume based on the number of animals. If it weren't for the photos, I wouldn't believe the field examiner even visited the property. The field examiner stated that the previous owner filed the permit for stock, but he doesn't have any stock at the property. The owner doesn't even know the Hp of the well. I am surprised the field examiner didn't look at the power panel to see if he could find the Hp information.

Based on the information supplied by the field examiner, I recommend that this permit not be reinstated unless he and the permit owner can provide some evidence of the number of stock and a reasonable determination of the diversion rate and volume diverted. The field report suggests to me that this well may not be in use, and quite possibly has never been used for stockwater.