

From: BVID C <bvidc1@gmail.com>
Sent: Friday, September 25, 2020 5:11 PM
To: Dalgleish, Alex
Subject: 63-34031
Attachments: LTR Reverting Mitigation of 63-34031 9-18-20.pdf

Mr. Dalgleish,

Attached is a letter from Boise Valley Irrigation Ditch Company authorizing the reduction to the above mitigated right.

Please let me know if you have any questions.

Thank You,
Megan Aubrey
Office Manager
Boise Valley Irrigation Ditch Co.
8850 Horseshoe Bend Rd.
Boise, ID 83714
(208) 853-5288
bvidc1@gmail.com

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September 18, 2020

Idaho Department of Water Resources

VIA E-MAIL: alex.dalgleish@idwr.idaho.gov

Attn: Alex Dalgleish

322 East Front Street

Boise, ID 83702

RECEIVED
SEP 25 2020
DEPARTMENT OF
WATER RESOURCES

Re: Partially Reverting Mitigation for Right 63-34031

Boise Valley Irrigation Ditch Company authorizes Idaho Department of Water Resources to reduce the mitigation amount for Mitigation right 63-34031 from 0.05 cfs and 8.8 acre-feet to 0.03 cfs and 4.2 acre-feet.

If you have any questions please let me know.

Thank you,



John Patten

President of the Board

Boise Valley Irrigation Ditch Co.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONPermit No: 63-34031

Exam Date: 8/4/2020

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? X Y N
- Irrigation of 5 acres or less
 - Storage of up to 14.6 AF for stockwater purposes only
 - Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 - Other

2. Current Owner: Name: Lawrence Square HOA Inc.
Owner of Record Correct? X Y N
Address of Record Correct? Y N
If No: Address

3. Beneficial Use Fees have been paid: X Y N Receipt No: W048452

4. **SOURCE****TRIBUTARY**

Ground water

BOISE RIVERAA
10/8/2021Method of Determination: GIS and Taxlot DataChange in Source: Y X N**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: YES Overlap

Water Right No.	Source	Purpose of Use	Basis
United Water Idaho Inc	Various	Municipal	Decree
City of Boise	Groundwater	Municipal	Decree
Boise Valley Irrigation Ditch Co	Various	Irrigation	Decree
63-15325	Groundwater	Domestic	Decree
63-23106	Groundwater	Domestic, Stockwater	Decree

Comments: There are several water rights that appear to overlap the place of use (POU) including municipal rights owned by United Water Idaho Inc. and the City of Boise. The permit POU is in Boise, ID, so the municipality is how the United Water Idaho and City of Boise water rights are indirectly related.

Irrigation water rights owned by the Boise Valley Irrigation Ditch Co (BVIC) also overlap the POU. BVIC is the local irrigation provider in the area and they provided mitigation under their irrigation rights to offset the use of water under this right. The water use will be offset by 2.5 shares from the overlapping BVIC water rights. For simplification, mitigation will be observed under BVIC right 63-31832 but will actually occur through a combination of the overlapping irrigation rights owned by BVIC (63-147A, 63-147B, 63-147D, 63-2360, 63-31198, 63-31832 and 63-31833). Although the overlapping irrigation rights are related to this permit through mitigation, they will not be used in conjunction with the irrigation occurring under this permit.

Additionally, ArcMap shows that domestic and stockwater water right 63-15325 has shapefile that directly overlaps the POU for this permit. Aerial imagery from 2003 shows what appear to be domestic structures at the permitted POU. In the years since then, the structures have been torn down and the parcel has been subdivided. This right does not directly overlap with this permit's POU.

Right 63-23106 also has a shapefile that overlaps the entire 40 acre SWSW QQ. A condition on right 63-23106 describes the place of use on a parcel in the SE quarter of the SWSW QQ. Therefore, this right is in another part of the SWSW QQ and does not directly overlap with this permit.

2. Other water rights with the same point of diversion: X NO Overlap

Water Right No.	Source	Purpose of Use	Basis
NONE			

Comments: There are no overlapping water rights with this permit at the point of diversion.

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.		County
Groundwater			SW	SW	13	4N	1E	B.M.	Ada
								B.M.	

Method of Determination: GIS and Taxlot data.Change in POD? X N Amendment Required? X N**2. PLACE OF USE:** Use: Irrigation

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	13											1.2						1.2
		Lot #																	
Total Acres =																			1.2

Method of Determination: GISChange in POU? X N Amendment Required? X N Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

 Aerial Photo Attached (required for irrigation of 10+ acres). Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements: No measurement is possible for an in-house exam.**E. FLOW CALCULATIONS** Additional Computation Sheets Attached

Measured Method:

This permit authorizes 0.05 cfs over 2.5 acres and it equates to 0.02 cfs/acre (0.02cfs*2.5acres=0.05cfs).

Only 1.2 acres of irrigation were observed at the permitted place of use. 1.2 acre at 0.02 cfs/acre is approximately 0.024 cfs ($0.02 \times 1.2 \text{ acres} = 0.024$). Application processing memo # 17 allows up to 0.03 cfs/acre for irrigation of 5 acres or less. 0.024 cfs will be rounded up to 0.03 cfs since the applicant may have 0.03 cfs/acre and the irrigated area is about 1 acre.

Permit allowed = 0.05 cfs

Recommended for license = 0.03 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1.2 \times 4.5 = 5.4$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.03 \times 260 \times 1.9835 = 15.47$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 5.4$$

2. Volume Calculations for Other Uses: N/A

G. PURPOSE OF USE

Irrigation X Y N # Stock Domestic # of Homes

Other:

Change in Purpose of Use? Y X N

Method of Determination: Taxlot data and Department records.

If Yes: From Use To Use Amount CFS AFA

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-house exam. The Western Regional office received an application for permit from David Marmillion on January 7, 2015. The application proposed to divert water from a shallow well (0-17.5 feet deep) for irrigation purposes at a new subdivision in NW Boise. On January 13, 2020, Mr. Marmillion sent a letter requesting the Department to expedite the application in hopes of starting construction during the winter months. The location of the new subdivision has a very high water table and Mr. Marmillion expected it to be more expensive to construct the diversion works during the springtime since water would have to be pumped from the ground while digging. On January 26, 2016, Shelly Keen responded to Mr. Marmillion via email informing him that many other applications were awaiting processing in priority to his and as a result his application could not be processed any quicker. He was also informed in the email of various issues that needed to be addressed on the application. The main concerns were in regards to the requested diversion rate, an incomplete mitigation plan and tracking the ownership of the water right in the future. The Department followed up with a formal letter to Mr. Marmillion on February 23, 2015 reiterating these concerns and requesting an amended application be submitted. The Department received an amended application on April 2, 2015. The application was considered complete at that time and the priority date was established for the water use.

The diversion rate requested on the original application was 0.019 cfs for irrigating 2.5 acres. Mr. Marmillion was informed that this rate would be inadequate to irrigate 2.5 acres and that irrigation of under 5 acres is authorized to use up to 0.03 cfs/acre. The application was amended to increase the rate to 0.05 cfs, which is 0.02 cfs/acre ($0.02 \times 2.5 = 0.05$). The application was also amended to change the applicant from Mr. Marmillion to Wood River Builders LLC.

The amended application also included a more detailed mitigation plan. In the proposed area of water use, new appropriations are generally held without further processing if requesting to divert groundwater shallower than 200 feet below the ground. This is a result of the Boise River being fully appropriated and all shallow groundwater <200 feet is considered as tributary to the Boise River. Application processing memorandum No. 59 discusses considerations for evaluating new water appropriations in the Lower Boise River Basin. One provision in the memo outlines that an application may be processed if an adequate mitigation plan is included with the application.

Mitigation for this permit is provided by leaving surface water shares for right 63-31832 in a nearby lateral (Lateral 23). The Boise Valley Irrigation Ditch Co (BVIC) owns right 63-31832 which was part of an older Stuart-Decree irrigation right. According to the proposed mitigation plan, this right has provided 2.5 shares at the permitted place of use (POU). One share from the BVIC equals 0.02 cfs and 2.5 shares equates to the requested 0.05 cfs ($0.05\text{cfs}/0.02=2.5$). The mitigation shares will remain unused in the BVID lateral system during the rotation time of right 63-31832 (and other BVID irrigation rights). The shares will be returned to the Drainage District No. 2 at the end of lateral 23, between Hill Road and Sloan Street, both of which are located off N. Bogart Lane.

After reviewing the amended application and mitigation plan, a permit was issued on June 18, 2015. Proof of beneficial use was received by the Department on March 22, 2016. Upon receiving proof, the Department reviewed aerial imagery of the permitted POU and briefly visited by the subdivision site. At that time, it was evident that less than half of the lots in the subdivision had been completed and minimal irrigation had occurred. Mr. Marmillion was informed that unless the proof was withdrawn, the permit could only be licensed for what had been developed as of March 22, 2016. The Department recommended that the applicant withdraw the proof and submit it at a later date when the development was complete. On April 28, 2016, proof was withdrawn with a refund was issued on May 3, 2016. At the same time, the Department received an ownership change request from Mr. Marmillion. However, because the permit was not a water right, an assignment of permit application was necessary. On April 20, 2016, the application was assigned from Wood River Builders LLC to Lawrence Square HOA Inc.

Proof of beneficial use was again submitted on June 30, 2020. Review of 2019 aerial imagery showed irrigation of private lawns/yards and subdivision common areas. I drove by the subdivision on July 30, 2020 and confirmed the full irrigation of common areas throughout the subdivision. No evidence above ground irrigation was apparent. As the application proposed, the diversion works are all underground. No permit or approval was necessary from the Department to drill the well since it was less than 18 feet below the land's surface.

There are no overlapping water rights at the point of diversion. Many water rights overlap the POU including various municipal water rights owned by the City of Boise and United Water Idaho Inc. The POU is within the Boise city limits so that is how the municipal water rights are indirectly related.

Other overlapping rights include irrigation rights owned by the BVIC which provides shares for the local area. These overlapping irrigation rights are 63-147A, 63-147B, 63-147D, 63-2360, 63-31198, 63-31832 and 63-31833. The water use under this permit was offset by shares from the overlapping BVIC water rights. Although the overlapping irrigation rights are related to this permit by mitigation, they will not be used to irrigate the POU and do not directly overlap with the water use.

Domestic and stockwater water right 63-15325 also has shapefile that directly overlaps the POU for this permit. Aerial imagery from 2003 shows what appear to be domestic structures at the permitted POU. Since then, the structures have been torn down and the parcel has been subdivided. This right does overlap with this permit, but it appears that it is not used for the domestic and/or stockwater purposes.

Right 63-23106 has a shapefile that overlaps the entire 40 acre SWSW QQ. A condition on right 63-23106 describes the place of use on a parcel in the SE quarter of the SWSW QQ. Therefore, this right is in another part of the SWSW QQ and does not directly overlap with this permit.

Conditions 1 and 2 will be removed from the permit as is standard. Condition 3 (26A) was also removed.

Condition 4 (170) was carried to the license. However, the calculated amounts will be reduced at licensing. The 2.5 shares will be reduced to 1.5 due to the decreased irrigation from 2.5 acres to 1.2 acres. One share of BVIC water equals 0.02 cfs so 1.5 shares is equivalent to the recommended license rate of 0.03 cfs ($1.5 \times 0.02 = 0.03\text{cfs}$). In addition to the reduced shares, the mitigation rate and volume will be reduced from 0.05 cfs and 8.8 AF to 0.03 cfs and 2.2 AF. The mitigation rate will be reduced to the licensed rate of 0.03 cfs. The permitted mitigation volume was calculated by multiplying the proposed 2.5 acres of irrigation by the local field headgate requirement of 3.5 AF ($2.5 \times 3.5 = 8.8\text{AF}$). Based off the 1.2 acres of irrigation under the license, the volume is 4.2 AF ($1.5 \text{ acres} \times 3.5\text{AF} = 5.3\text{AF}$). A letter was sent to BVIC on September 10, 2020 requesting authorization to reduce the mitigation amounts for the license. A response received by email on September 28, 2020 from BVIC consenting to the reduction.

Condition 5 will also be carried to the license since mitigation is still necessary. Condition 6 (930) was carried to the license since the groundwater used under this permit (shallower than 200 feet) is considered tributary to the Boise River. Condition 7 (R69) was carried to the license since it is still relevant to the water use. Condition 8 (046) was removed at licensing. The language of conditions 9 (X59) and 10 (X60) were updated to reflect the Lots, Blocks and current subdivision name. The permit was approved with Fairmont Square Subdivision for conditions 9 and 10 but 2020 Ada County parcel information lists the subdivision as Lawrence Square Subdivision.

AK
10/8/2021

Have conditions of permit approval been met? ☒ Yes ☐ No

I. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Irrigation	03/01 to 11/15	0.03 CFS	5.4 AF
<u>Totals:</u>		0.03 CFS	5.4 AF

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

Other:

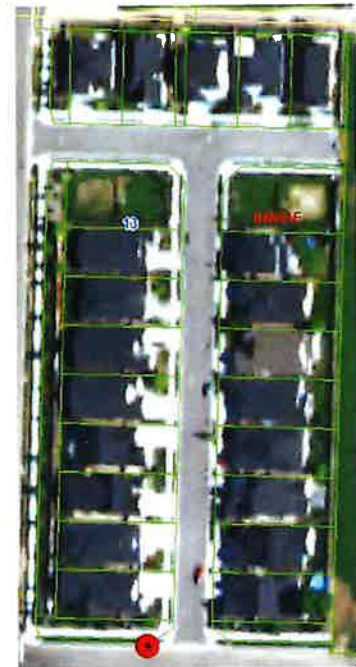
J. AUTHENTICATION

Field Examiner's Name Alex D. [Signature] Date 12/22/2020

Reviewer [Signature] + Angela M. Hansen Date 12/22/20 + 10/8/2021



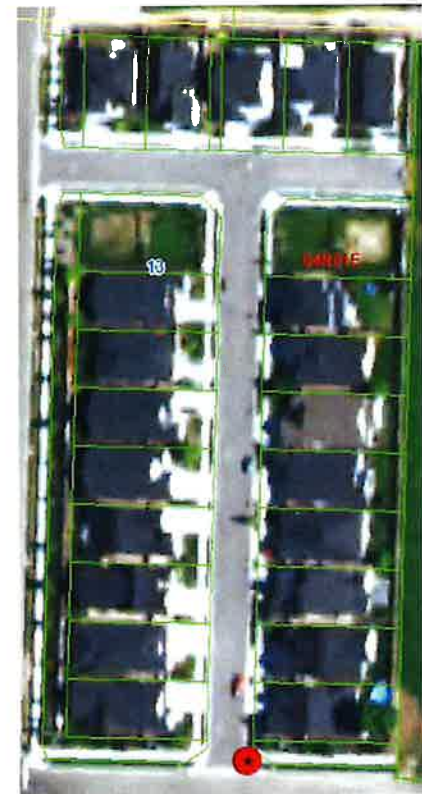
Looking NE. Photo taken from SE corner of Lot 10, Blk. 2



Red dots signifies photo locations at POU.



Looking North. Photo taken at SW corner of Lot 9, Blk. 3





Eastern common lot. Located in Lot 1, Blk. 3. Photo is looking East.



Western common lot located in Lot 2, Blk. 2. Photo is looking West with N. Bogart Lane in the background.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 10, 2020

BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

RE: Partially Reverting Mitigation for Right 63-34031

Dear Boise Valley Irrigation Ditch Co:

The Idaho Department of Water Resources (Department) is working to license permit No. 63-34031. This permit authorizes the diversion of water within a groundwater restricted area. Newer uses of water in this area typically require mitigation to offset the water use. For permit 63-34031, a mitigation plan from the Boise Valley Irrigation Ditch Co (Company) was included with the application in 2015. In the plan, the Company agreed to provide 2.5 shares under water right 63-31832 to mitigate for the irrigation of 2.5 acres under permit 63-34031.

Through a review of the water use under permit 63-34031, it is clear that only 1.2 acres of the proposed 2.5 acres have been irrigated. Due to this, the Department is requesting authorization from the Company to reduce the mitigated amounts described under right 63-31832. Currently, the mitigation of 0.05 cfs and 8.8 acre-feet are authorized. Based on the 1.2 acres developed under right 63-34031, the Department proposes to reduce the amounts to 0.03 cfs and 4.2 acre-feet.

Please send a letter, statement or some form of authorization allowing the Department to reduce the mitigation amounts under 63-31832.

If you have any questions, contact me at 208-287-4913 or email me at alex.dalglish@idwr.idaho.gov.
Thank you for your attention to this matter.

Sincerely,

ALEX DALGLEISH
Water Resource Agent
IDWR State Office

Cc: Ringert Clark Chartered C/O Charles L Honsinger