

MEMORANDUM

TO: Water Right File 63-32366

FROM: Daniel Nelson – Analyst 3

DATE: September 10, 2020

SUBJECT: Licensing Review of Water Right 63-32366

The field exam for this right was performed by Certified Water Right Examiner David Shaw of ERO Resources Corporation. Mr. Shaw Submitted a field report on July 1, 2020, and recommended an annual volume for Aesthetic Storage of 229.4 af.

After review of the field report data supplied by Mr. Shaw in his initial field report, the field report was subsequently rejected for a variety of reasons discussed in My July 23, 2020 letter. Mr. Shaw resubmitted the field exam on September 8, 2020. The field exam was considered complete. There was a concern about the evaporation losses calculated by Mr. Shaw, and I contacted Mr. Shaw by email on September 9, 2020, to request clarification of the evaporation losses. Mr. Shaw replied the same day stating that he agreed that the evaporation losses from the ponds should be the 60.1 af of evaporation using the Kuna (NWS – USC00105038) ET Station.

The field report reports that there were actually 12 ponds developed instead of the 7 ponds requested and authorized in the water right application for permit and permit approval. The 12 ponds have a smaller pond volume and surface area than the 7 ponds approved in the permit. Therefore, we can move forward with the licensing of this permit, with an amendment to show the 12 new points of diversion for each of the additional 5 ponds.

An Amendment of Permit is required to show 12 points of diversion instead of the 7 points of diversion shown on the original permit approval. There is also a place of use description in the NWSE that was not on the permit.

Point of Diversion

As stated above, there is a licensing amendment needed to increase the points of diversion from 7 to 12 points of diversion. Each pond will need a point of diversion located in the middle of the pond. Mr. Shaw didn't include all of the points of diversion on the field report. I contacted Mr. Shaw to give me a complete list of the points of diversion for the field report.

On September 11, 2020, I contacted Mr. Shaw by email about the points of diversion. Mr. Shaw neglected to send a page with the resubmitted field report, so I added it to the field report from the original field report. I listed the points of diversion as I thought they should be, and Mr. Shaw agreed to those legal descriptions. At this point, I feel that the locations of the points of diversion are corrected.

Place of Use:

I don't have any issues with the places of use recommended by Mr. Shaw. I found 21.1 acres of surface area and the area supplied in the field report maps was 20.13 acres, and the measured area by the field examiner was 19.83 acres. Therefore, I feel we are within a reasonable acre amount. I will go with the 20 acres described in the maps and to comply with the significant figure policy.

Diversion Volume:

Mr. Shaw didn't supply adequate information in his first field report to validate the volume amounts, but the second submittal did have an engineering map and the pond volumes included with the field report. This map supplied was adequate to verify that the pond volume was reasonable.

Conditions:

Conditions 123, R05, and the definition condition will be carried forward to licensing. The remainder of the conditions will be altered, changed, or removed. I am concerned that by altering condition R43 to state "upon notification by the Department" it may cause some confusion to the water distribution section when searching these conditions. Therefore, I will carry the condition forward, but I will remove the R43 condition code. The water bearing zone condition will be changed to the standard condition 930 with a water bearing zone of 3 to 25 feet. Condition 220 will be altered to state 12 ponds, 229 af of volume, and 20.1 acres of surface area.

The permit has a condition that limits the total volume for evaporation to 78.5 af from transfers 73900 and 73930, but that amount does not accurately reflect water right transfers 73900 and 73930. Water right transfers 73900 and 7930 were filed to cover the evaporation from the ponds associated with this permit (63-32366). Water right transfer **70620** provided 37.8 af from the Warm Springs Ditch Company water rights 63-192, 63-216C, and 63-19425 for ponds developed by water right **63-31690** in a subdivision across the road to the west that was developed by the same company. Water right transfer 73930 was filed to supply 40.7 af from the Warm Springs Ditch Company water rights 63-192, 63-216C, and 63-19425 for ponds developed by same company for the ponds developed by this permit 63-32366. Water right transfers **70620** and 73930 do have a combined total of 78.5 af of water from the Warm Springs Ditch Company

subdivisions. Water right transfer 73900 and permit 63-32366 are in no way connected to water right **63-31690**, the subdivision across the road, or transfer **70620**.

Transfer 73930 authorizes 0.23 cfs and 40.7 af from the Warm Springs Ditch Company water rights 63-192, 63-216C, and 63-1963-3266425 to provide evaporation losses for this permit (63-32366). Transfer 73900 authorizes 0.16 cfs and 23.9 af from the Thurman Mill Ditch Company water right 63-250 to provide evaporation losses for this permit (63-32366). These two transfers allows a total of 0.39 cfs and 64.6 af of water for evaporation and storage for this permit. Therefore, the following condition will need to replace the condition on the permit:

Per Transfer 73900, Right 63-250 authorizes the diversion of 0.16 cfs and 23.9 af and Transfer 73930, Rights 63-192, 63-216C, and 63-19425 authorizes the diversion of 0.23 cfs and 40.7 af for a total of 0.39 cfs and 64.6 af of water to storage to offset evaporation and seepage losses from the ponds authorized by this right.

The total mitigation needed for evaporation losses according the Kuna (NWS – USC00105038) ET Station should be 60.1 af, so the actual evaporation losses are still within the amounts approved through transfers 73900 and 73930.

In my September 11, 2020, email, I discussed my findings regarding the volume allotted by water right transfers 73900 and 73930, and Mr. Shaw agreed that the 64.6 af was taken from these two rights for the evaporation losses for this permit.