

MEMORANDUM

TO: Water Right File 63-33864

FROM: Daniel Nelson – Analyst 3

DATE: June 5, 2020

SUBJECT: Licensing Review of Water Right 63-33864

The field exam for this right was performed by Certified Water Right Examiner Scott King of SPF Water Engineering. Mr. King recommended an annual volume of 323 af. I agree with Mr. King's recommendations, but I did have some concern on his use of the maximum depth multiplier. I contacted Mr. King and he stated that the volumes and the multipliers were based on design excavation plans. They were based on a ratio, and the ratio changed with the surface area of the ponds. Once this was explained to me, the volume multiplier seems reasonable for this situation.

The place of use will change slightly due to actual location of the ponds and the estimated location used in the permit. However, all of the place of use recommended by Mr. King was included in the permit record except for the pond in the NWSW of Section 17. Mr. King claimed the portion of this pond in the NWSW was in Government Lot 4, but Government Lot 4 does not go into the NWSW of Section 17. All legal descriptions will be corrected at licensing.

History and Overlap:

This permit was filed to allow for storage for 12 ponds developed in this subdivision. This permit authorizes the storage of water for the ponds from shallow ground water. Irrigation water rights 63-182, 63-161CF, 63-216A, and 63-16273 are all run through the pond system to Pond 6. An irrigation system is located at Pond 6 that delivers irrigation water to the subdivision. This same system is used to pump the recirculation water from Pond 6 to Pond 1 that is authorized by water right permit 63-34330.

Water right 63-182 also has a component of the water right that authorize the diversion of 0.48 cfs and 56.5 af of water from the Boise River for the consumptive evaporation losses from the ponds. There is no seepage water associated with this permit, therefore, this permit does not actually consume any water through evaporation that has not already been authorized for use under permit 63-182. This permit should be considered totally non-consumptive, since the consumptive element is currently covered by water right 63-182.

Another permit (63-34329) was filed to authorize diversion of water from a well to provide flow through water for the ponds. At this time this permit has not been developed, and proof of beneficial use is not required to be submitted on 63-34329 until July 1, 2022.

Eagle Water Company and United Water provide the culinary water for this subdivision.

Conditions:

All conditions on the permit should be moved forward to the license except for conditions 046 and 26A. Condition 220 should be updated to say 323 af and 24 acres. No water district conditions are needed on this permit, because ground water is excluded from the water district. There is no way that the water district could regulate these types of ponds even if they were not excluded.

Condition X59 and X60 should be combined and added to this permit. It should read as follows:

Places of use and points of diversion are located within Lot 2, Blk. 1; Lot 8, Blk. 2; Lot 7, Blk. 3; and Lot 2 Blk. 4; Mace River Ranch Subdivision Number 1; Lot 42, Blk. 1; Mace River Ranch Subdivision Number 2; Lots 59-61, Lot 78, Lot 95, and Lot 105, Blk. 1; Mace River Ranch Subdivision Number 4; Lot 3, Blk. 6; and Lot 22, Blk. 7; Mace River Ranch Subdivision Number 5.

Typically, water rights in this area are subject to condition 121 and 103 unless they are totally non-consumptive. This condition was not added to the permit, because the consumptive uses are supplied by water right 63-182 per water right transfer 78885. Therefore, condition 121 was not included on the permit for this right. If condition 121 or 103 is not included, then condition 027 must be added to ensure the right remains non-consumptive.