

MEMORANDUM

TO: Water Right File 37-8856

FROM: Daniel Nelson – Analyst 3

DATE: February 15, 2018

SUBJECT: Licensing Review of Water Right 37-8856

This field exams for these rights were performed by Certified Field Examiner Paul H Scoresby who is associated with Rocky Mountain Environmental. Please see Ownership Change memo for additional information.

History:

In Steven Visosky's July 26, 2017 Notice of Intent to Void Permit (Notice) correspondence, Mr. Visosky provides an excellent representation of the history of this permit up to July 26, 2017. After the July 26th, Notice was sent, the Idaho Dept. of Water Resources (Department) received a water right field report from Mr. Scoresby on August 9, 2017. This field examination was determined to be incomplete and was returned on December 7, 2017. Roger Warner of Rocky Mountain Environmental called on December 12, 2017 to discuss the letter written by Mr. Visosky.

On January 11, 2018, the Department received an addendum to the field examination along with the original field report. This memo will review the information submitted in the addendum.

This matter is further complicated by a change of ownership of both the asphalt plant and the cement plant associated with this permit. Although both facilities use the same wells, they are operated as totally separate business, with separate water systems.

Beneficial Water Uses and mitigation:

This permit was originally developed for 2 industrial process. According to the application for permit, 0.23 cfs of water was to be diverted to an asphalt plant, and the water would then be delivered to a cement plant where it would co-mingle with additional water from the well to mix with the concrete. The application for permit states that the water use in the asphalt plant would be totally non-consumptive, since all of the water run through the asphalt plant would be returned to the cement plant. It was also determined that the cement plant would be a consumptive use, since the water mixed with the concrete would not be made available to local aquifer.

In order to cover the consumptive portion of this permit, the permit holder was required to run a portion of an irrigation right into the gravel pits to mitigate the consumptive use. Although water was diverted for mitigation in 2017, there was no evidence that mitigation of the permit had occurred during the development period. Therefore, this permit cannot be licensed for the consumptive portion of the permit. The water use for the cement plant cannot be included in this permit.

A determination then had to be made whether or not the water from the asphalt plant was used in a non-consumptive manner. According to the addendum supplied by Mr. Scoresby, the asphalt plant now discharges all of the water diverted through their water system into the surrounding gravel pits where it can seep back into the aquifer. This use could be considered to be non-consumptive, since the majority of the water is allowed to return to the aquifer. The amount of water lost to evaporation would be negligible.

It has been determined that we are able to move forward with the licensing of the amount of water used in the asphalt plant.

Point of Diversion and Place of Use:

The permit included 2 wells in the NESW and SESW of Section 13 in Township 1 North, Range 1 East. The original field report included both of these wells, but the addendum confirms that only the well in the SESW of Section 13 is used for the asphalt plant. Therefore, the well in the SESW of Section 13 will be the only well recommended on the permit.

The permit stated that the place of use included the NESW, SWSW, and SESW of Section 13 in Township 1 North, Range 1 East. The original field report limited the place of use to only the NESW and the SESW of Section 13. The addendum states further reduced the place of use to just the NESW of Section 13. Therefore, the place of use in the NESW of Section 13 will be the only place of use recommended on the license.

Diversion Rate:

The application for permit states that only 0.23 cfs was proposed to be used in the asphalt plant. The water right examiner state in the original field report submitted that 0.23 cfs was diverted to the asphalt plant. However, in the addendum, Mr. Scoresby stated that the asphalt plant actually diverted approximately 0.40 cfs. The permit did not delineate between the water use between the two facilities. Since the cement plant diversion rate cannot be used, it has been determined that we can license the entire 0.40 cfs recommended in the addendum can be recommended for the license.

Diversion Volume:

No volume was calculated for the asphalt plant in the original field report by Mr. Scoresby. However, the addendum included calculations of the volume diverted to the asphalt plant. These calculation seem reasonable, and are recommended to be used on the license.

Overlap:

Water right 37-12996 is domestic water right for use in a small office associated with the asphalt plant. It is not tied into the industrial use water system, so it should be considered an additional water use. The addendum confirms that this water right is from a well adjacent to the office trailer and not included with the industrial system.

Conditions:

Since the consumptive portion of this right has been removed, many of the conditions must be change or removed to address the allowable consumptive use. Condition 1 (005) will be changed to condition R05 as is standard. Condition 2 on the permit will be deleted and replaced with condition R43 and a condition that states that the industrial use is for an asphalt batch plant. Condition 3 (053) will be dropped at licensing as is standard. Condition 4 (052) will be changed to 933 and 935 as is standard. Conditions 5 (46B), 6 (028), 7 (046), 8 (26A), and 9 (052) will all be dropped at licensing.

In order to ensure that the water use remains consumptive, an additional condition will need to be added to ensure the current practices are being maintained. The condition will need to be similar to the following:

All water diverted through the asphalt plant must be discharged into the surrounding gravel pit and caused to seep into the ground.