

MEMORANDUM

TO: Water Right Files 63-32210 and 63-33692

FROM: Daniel Nelson – Analyst 3

DATE: October 12, 2017

SUBJECT: Licensing Review of Water Right 63-32210

On October 10, 2017, the Department received a petition for reconsideration for water rights 63-33210 (Peppermint Park) and 63-33692 (Comba Park). Water right 63-33210 was licensed some time ago in another name, and is not for municipal use in Peppermint Park. The correct water right number for Peppermint Park is 63-32210. I contacted SPF Water Engineering to confirm that 63-32210 was the correct number and they confirmed that the petition should have been filed on 63-32210 and 63-33692 (please see email dated October 12, 2017).

I will address the petition for each water right below:

63-32210 (Peppermint Park):

Mr. Scanlan stated in the petition that the acre amount of the park was adjusted from 5 acres to 5.8 acres per review of Department staff, and that the annual volume listed in condition 1 should be adjusted to 26.1 af to reflect the additional acre amount recommended by the Department. Department staff limited the volume in Condition 1 to 22.5 af, which is the standard headgate requirement for 5 acres ($5 \times 4.5 \text{ af/ac} = 22.5 \text{ af}$).

Department staff did find a total of 5.8 acres being irrigated instead of the 5.0 acres found by Mr. Scanlan. Emails were sent to Mr. Scanlan, and he agreed the 5.8 acres was more reasonable. After reviewing the file, I agree with Mr. Scanlan's argument that condition 1 on the license be corrected to 26.1 af to reflect the headgate requirement for 5.8 acres ($5.8 \text{ ac} \times 4.5 \text{ af/ac} = 26.1 \text{ ac}$). In order to avoid confusion, it has been recommended that we use the standard condition R61 that limits the use of irrigation water to 4.5 af per acre.

63-33692 (Comba Park)

Mr. Scanlan stated in the petition that the annual volume of 10.7 af that he recommended should be included in Condition 2. The 10.7 af was determined by adding 9 af for irrigation use with a volume of 1.7 af for the spray park. Mr. Scanlan requested that condition 2 be updated to 10.7 acre feet instead of the 9.0 af.

Condition 2 only limits the irrigation portion of this right and does not limit the overall volume that can be diverted under this right. The irrigation portion of the municipal use is limited to 9.0 af, since only 2 acres of irrigation were developed under this permit. The municipal use for this right doesn't have a volume, which allows the additional 1.7 af to be diverted as a non-irrigation use. The petition for reconsideration concerning this permit was a misunderstanding of the condition. In order to avoid this confusion of Condition 2, it has been recommended that we use the standard condition R61 that limits the use of irrigation water to 4.5 af per acre.

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, October 12, 2017 8:02 AM
To: 'Lori Graves'
Cc: Terry Scanlan
Subject: RE: Petition for Reconsideration.

Lori,

Not a problem. I just had to confirm the number before I could move forward with the review memo and order.

Thank you.

Dan

From: Lori Graves [mailto:LGraves@spfwater.com]
Sent: Thursday, October 12, 2017 7:59 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: Petition for Reconsideration.

My fat finger Dan. Yes, the Peppermint Park water right number is 63-32210. Thanks for catching my mistake.

From: Nelson, Dan [mailto:Dan.Nelson@idwr.idaho.gov]
Sent: Thursday, October 12, 2017 7:57 AM
To: Terry Scanlan <TScanlan@spfwater.com>
Cc: Lori Graves <LGraves@spfwater.com>
Subject: Petition for Reconsideration.

Hello Terry and Lori,

I just received the petitions for reconsideration, and I will try to get a response prepared this week. I do need to clarify the petition. The petition lists water right 63-33210 for Peppermint Park. I believe water right number should be 63-32210. Water right 63-33210 was licensed a long time ago, and doesn't belong to the City of Boise. I will move forward with the petition review. I would appreciate it if you could confirm the water right number being petitioned for Peppermint Park.

Thank you.

Daniel Nelson
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