

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-32146

PRIORITY: March 22, 2005

Maximum Diversion Volume: 7.4 AF

It is hereby certified that:

CITY OF BOISE DEPT OF PARKS & RECREATION 1104 ROYAL BLVD BOISE ID 83706-2898

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 22, 2005, and has submitted Proof of Beneficial Use on April 14, 2010. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	7.4 AF
WILDLIFE STORAGE	01/01 to 12/31	7.4 AF
RECREATION STORAGE	01/01 to 12/31	7.4 AF
MUNICIPAL STORAGE	01/01 to 12/31	7.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼NW¼ Sec. 14, Twp 04N, Rge 01E, B.M. ADA County

PLACE OF USE: AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE,
AND MUNICIPAL STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	14					X	X											

CONDITIONS OF APPROVAL

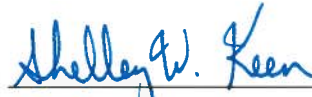
1. Per Transfer 73768, Right 63-31832 authorizes the diversion of 0.03 cfs and 6.0 af of water to offset evaporation and seepage losses from the pond authorized by this right. The right holder shall retain ownership of shares of water in the Boise Valley Irrigation Ditch Company for the land being removed from irrigation under Transfer No. 73768. Use of water represented by those shares on lands other than lands owned by the water right holder in the NWNW and NENW of Section 14, T04N, R01E, is prohibited, or sale of any portion of the shares is cause for the Director of the Department of Water Resources to cancel this right.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. The one (1) pond established by the storage of water under this right shall not exceed a total capacity of 7.4 acre-feet or a total surface area of 1.0 acre.

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4. This right does not authorize the use of a ground water well without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. Water bearing zone to be appropriated is 0 to 15 feet.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 25th day of September, 2017.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
63-32146

This map depicts the AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE,
AND MUNICIPAL STORAGE place of use boundary for this water right at the time of this approval and is
attached to the approval document solely for illustrative purposes.
01E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles





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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 26, 2017

CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE ID 83706-2898

RE: License Nos. 63-32146, 63-32210 & 63-33692

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses.

The license are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

A handwritten signature in blue ink that reads "Pamela Skaggs".

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

c: WATER DISTRICT #63
SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (**Approved Licenses**) to the person(s) listed below:

RE: WATER RIGHT NOS.

63-32146, 63-32210 & 63-33692

**CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE ID 83706-2898**

**WATER DISTRICT #63
REX BARRIE
PO BOX 767
STAR ID 83669-0767**

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
300 E MALLARD DR STE350
BOISE ID 83706-6660**



Darla Block
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Water Right File 63-32210

FROM: Daniel Nelson – Analyst 3

DATE: September 20, 2017

SUBJECT: Licensing Review of Water Right 63-32210

This field exam was performed by Certified Field Examiner Terry Scanlan of SPF Water Engineering. Mr. Scanlan submitted several similar field exams for the same client, but this field exam is the only one for their specific park (Optimist Sports Park). Mr. Scanlan reported that 12 af of storage for 2 ponds within the park for various uses. There are a couple of issues that need to be addressed. Each will be addressed below:

Number of Ponds:

The permit was filed for the West Pond at the Optimist Park. Mr. Scanlan recommended both the West Pond and the East Pond to be included in permit 63-32146.

The East Pond was authorized in 2001 for year round aesthetic storage and irrigation storage and the associated evaporation losses for a total of 14.5 af by water right transfer 66743. Transfer 66743 split water right 63-147A and created water right 63-31197. Water right 63-31197 included aesthetic storage and irrigation storage for the East Pond. A later transfer was filed that split water right 63-31197 into 63-31833 and 63-31832. Water right 63-31832 is the portion of the water right that carried the storage for the East Pond for Optimist Park allowing 14.5 af for aesthetic and irrigation storage. After several other transfers, transfer 73768 was filed in 2010 to cover the evaporation losses for the West Pond for Optimist Park, and permit 63-32146 was filed to cover the storage of the West Pond. Using Mr. Scanlan's numbers, the total storage capacity of the East Pond is 4.6 af and adding in evaporation the total storage that would be needed is 6.1 af. It appears as though the storage component for the East Pond is not only adequately covered by water right 63-31832, but it also has adequate storage to allow for multiple fills for the irrigation use. Aerial imagery shows the East Pond was constructed prior to 2004, so it appears it was developed shortly after transfer 66743 was filed. The West Pond doesn't show up in aerial photography until 2006, which coincides with the issuance of permit 63-32146 in 2005.

According to the history of the water rights for Optimist Park, permit 63-32146 can only be licensed for the storage capacity of the West Pond. The West Pond was supposed to have a surface area of 1.7 acres and an average depth of 12 feet with a total storage capacity of 20.4 af. No evaporation losses were needed on the permit, since they were covered by transfer 73768.

Mr. Scanlan's field report states that the West Pond was constructed on a much smaller scale. Mr. Scanlan's measurements show the West Pond only has a surface area of 1 acre and average depth of 7.4 feet for a total storage capacity of 7.4 af. I can't double check the average depth, but the method that Mr. Scanlan used to calculate the pond depth seems very reasonable. I was able to use aerial imagery to confirm the surface area Mr. Scanlan calculated of 1.0 acre.

Angie Grimm's January 21, 2010 transfer memo for transfer 73768 and Lori Grave's September 22, 1998 transfer memo for transfer 66743 provide additional background information if needed.

Points of Diversion:

Mr. Scanlan recommended two points of diversion for the two ponds. This would have required an amendment. As stated above, only the West Pond can be licensed, so the point of diversion for the West Pond should not be different than the point shown on the permit. Mr. Scanlan recommended a diversion point for the West Pond in the NWNW, but the pond straddles the line. In order to avoid an amendment of the permit, I am using the same point of diversion described in the permit as the center of the West Pond. No amendment is needed, and the point of diversion for the West Pond should be in the NENW of Section 14, Township 4 North, Range 1 East.

Place of Use:

The pond straddles the 40 acre tract line, so the legal description in the field report and permit is still correct. The pond should be in the NWNW and NENW of Section 14, Township 4 North, Range 1 East.

Diversion Rate:

The pond was dug deep enough that it intercepted shallow ground water. Therefore, there should be no diversion to storage and no diversion rate required.

Diversion Volume:

As stated above, Mr. Scanlan recommended a storage amount for two ponds instead of the one associated with this permit. Water right 63-31832 supplies mitigation for the evaporation losses, so this permit was filed for only the pond capacity. Mr. Scanlan recommended a pond capacity for the West Pond of 7.37 af. I have reviewed Mr. Scanlan's calculations and feel they are reasonable. The volume recommended for this permit should be limited to 7.4 af.

Water Uses:

There are numerous water uses for this permit that appear to be repetitive. Municipal storage should cover all of the uses. It was decided that it would be reasonable to carry the other uses to licensing, even though they may not be necessary. This will avoid confusion once the license is issued.

Overlap:

Boise Valley Irrigation Company (BVIC) rights overlap the place of use, and are used for irrigation of the park. The system is set up to use both the NMID water and the irrigation well for irrigation. Suez United Water also overlaps the place of use, and I am assuming this water is used for the restrooms. Water right 63-31832 provides irrigation, storage for the East Pond, and evaporation losses for the West Pond. Water right 63-31832 is owned by BVIC along with various other water rights overlapping the place of use.

Conditions:

Condition 1 should be modified to the following:

This right does not authorize the use of a ground water well without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Condition 2 should be changed to condition 930 as is standard, and use the maximum pond depth as maximum depth of the water bearing zone. Conditions 3 (123) and 4 (220) should be carried forward to licensing. Condition 4 should be adjusted to the new capacity of the pond.

Condition 5 (R05) should be carried forward to licensing, since this permit is mitigated by Boise River water. The watermaster will need to regulate this ground water right if the Boise River water right is not available. Condition 5 should be changed to condition 936, and condition 936 should be altered to include most of the language in permit condition. The reason for changing the condition to 936 is to ensure that folks can find this right when searching for mitigation rights. The condition should be altered as follows:

Per Transfer 73768, Right 63-31832 authorizes the diversion of 0.03 cfs and 6.0 af of water to offset evaporation and seepage losses from the pond authorized by this right. The right holder shall retain ownership of shares of water in the Boise Valley Irrigation Ditch Company for the land being removed from irrigation under Transfer No. 73768. Use of water represented by those shares on lands other than lands owned by the water right holder in the NWNW and NENW of Section 14, T04N, R01E, is prohibited, or sale of any portion of the shares is cause for the Director of the Department of Water Resources to cancel this right.

Total Storage Calculations

FILE NUMBER	63-32146 West
REVIEWER	Daniel A. Nelson
DATE	9/14/2017

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	1	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	7.37	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	7.37	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. <i>Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.</i>
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)		The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). <i>Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.</i>
Estimated Seepage Loss (AF)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	2.2	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	9.5	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	63-32146 West
REVIEWER	Daniel A. Nelson
DATE	9/14/2017

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:

P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at <X:/Spatial/Climate/ETIdahostations.shp>.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Twin Falls 2 NNE (NWS -- 109294)

Month	mm/day ¹	Days per month	mm/Month
Jan	-1.28	31	0.00
Feb	-0.58	28	0.00
March	-0.01	31	0.00
April	1.55	30	46.50
May	2.38	31	73.78
June	4.06	30	121.80
July	5.21	31	161.51
August	4.49	31	139.19
September	2.79	30	83.70
October	1.21	31	37.51
November	-1.15	30	0.00
December	-1.70	31	0.00

Total mm/year = 663.99

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

$$((663.99 \div (\text{convert to feet})) \times (\text{Surface area of pond, in acres})) = \text{Evaporation Loss in Acre Feet}$$

$$((663.99 \div 304.8) \times 1.00) = 2.2 \text{ AFA}$$

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	63-32146 West
REVIEWER	Daniel A. Nelson
DATE	9/14/2017

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	1	AC.
-------------------------	---	-----

Pond Surface Area (SQ. FT.)	43560	SQ. FT.
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I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	GrndWtr	
Suggested Seepage Rate (FT./DAY)	0.0000	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
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Convert to GPD	0	GPD
----------------	---	-----

Total Seepage Loss (AFA)	0.0	AFA
--------------------------	-----	-----

Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:

GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.2 ft per day

OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.02 ft per day

SC (clayey sands, sand clay mixtures) = 0.007 ft per day

CL (Low to medium plasticity clays) = 0.003 ft per day

MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day

LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day

Ponds Intercepting Groundwater (excavated ponds filled by ground water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1), an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2). Use "0" if the pond fill relies on the water table.

Nelson, Dan

From: Terry Scanlan <TScanlan@spfwater.com>
Sent: Thursday, September 21, 2017 11:31 AM
To: Nelson, Dan
Subject: FW: Permit 63-32146

Dan –

Thanks for catching that one.

Terry

From: Lori Graves
Sent: Thursday, September 21, 2017 11:25 AM
To: Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: Permit 63-32146

Terry,

Great Sleuthing on Dan's part. I searched for overlapping water rights using GIS and assumed water right 63-31832 covered evaporative losses only. I should have read the water right conditions more thoroughly. I'm happy the east pond is sufficiently covered with better priority water than the permit allows.

From: Terry Scanlan
Sent: Thursday, September 21, 2017 9:55 AM
To: Lori Graves <LGraves@spfwater.com>
Subject: FW: Permit 63-32146

Lori –

Will you review this email and let me know if you agree with Dan?

Terry

From: Nelson, Dan [<mailto:Dan.Nelson@idwr.idaho.gov>]
Sent: Thursday, September 21, 2017 8:56 AM
To: Terry Scanlan <TScanlan@spfwater.com>
Subject: Permit 63-32146

Hello Terry,

I need to let you know about an issues with the ponds you recommended for permit 63-32146 for the Optimist Park Pond. The permit was filed for the West Pond at the Optimist Park. In your field exam report, you are recommending both the West Pond and the East Pond be included in permit 63-32146.

The East Pond was authorized in 2001 for year round aesthetic storage and irrigation storage and the associated evaporation losses for a total of 14.5 af by water right transfer 66743. Transfer 66743 split water right 63-147A and created water right 63-31197. Water right 63-31197 included aesthetic storage and irrigation storage for the East Pond. A later transfer was filed that split water right 63-31197 into 63-31833 and 63-31832. Water right

63-31832 is the portion of the water right that carried the storage for the East Pond for Optimist Park allowing 14.5 af for aesthetic and irrigation storage. After several other transfers, transfer 73768 was filed in 2010 to cover the evaporation losses for the West Pond for Optimist Park, and permit 63-32146 was filed to cover the storage of the West Pond. Using your numbers, the total storage capacity of the East Pond is 4.6 af and adding in evaporation the total storage that would be needed is 6.1 af. It appears as though the storage component for the East Pond is not only adequately covered by water right 63-31832, but it also has adequate storage to allow for multiple fills for the irrigation use. Aerial imagery shows the East Pond was constructed prior to 2004, so it appears it was developed shortly after transfer 66743 was filed. The East Pond doesn't show up in aerial photography until 2006, which coincides with the issuance of permit 63-32146 in 2005.

According to the history of the water rights for Optimist Park, permit 63-32146 can only be licensed for the storage capacity of the West Pond. The West Pond was supposed to have a surface area of 1.7 acres and an average depth of 12 feet with a total storage capacity of 20.4 af. No evaporation losses were needed on the permit, since they were covered by transfer 73768. Your field exam states that the West Pond was constructed on a much smaller scale. Your measurements show the West Pond only has a surface area of 1 acre and average depth of 7.4 feet for a total storage capacity of 7.4 af. I can't double check the average depth, but the method that you used to calculate the pond depth seems very reasonable. I was able to use aerial imagery to confirm the surface area you calculated of 1.0 acre.

I know this has been a long story, but I wanted to give the entire background. Taking all of this into account, I can only license permit 63-32146 for the 7.4 acre feet pond capacity you calculated. I wanted to pass this information onto you, so you wouldn't be surprised when we didn't include the East Pond on the license.

It is also a good reminder to check the overlapping water rights when making a recommendation to ensure that you are not recommending something that is already covered by another water right. This was a tough one due to all of the transfers on these rights. I was trying to figure out where and how the evaporation was covered, when I discovered that the East Pond was already covered by a water right. Angie Grimm's January 21, 2010 transfer memo is what gave me the hint that the East Pond was already covered. Lori Grave's September 22, 1998 memo describes what took place in transfer 66743 that authorized the storage in the East Pond.

I hope this has been helpful. It will also save an amendment for the permit to include the second pond and point of diversion. Please don't hesitate to contact me if you have any questions about this situation.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)