



State of Idaho
DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 18, 2016

Lori Graves
SPF Water Engineering
300 E Mallard Dr Ste 350
Boise ID 83706

RE: No Access Ranch Transfer Applications (3)

Dear Ms Graves:

The Department has received the three applications for transfer filed on behalf of No Access Ranch. I have been assigned to review the transfers. As part of my review, I make sure transfer application files include all of the required documents needed to sufficiently evaluate the applications. I find your applications are missing formal mitigation plans which must be filed before the applications can be evaluated. In addition, I am concerned about compliance with existing water rights conditions related to the recreation pond.

The proposed transfers change the water rights being used to mitigate for ground water right 34-7595. Currently, water right 34-7595 is mitigated by holding all of water rights 34-703B, 34-704B, 34-573B, 34-583B, 34-584D, 34-699B, 34-702B and 34-702C as unused and 25.3% of water rights 34-703C, 34-704C, 34-699C, 34-700C, 34-701C as unused. The current mitigation plan can be found in the file for water right 34-7595. The changes proposed to the mitigation plan are significant. Please provide a proposed amended mitigation plan for water right 34-7595. Public notice of the amended mitigation plan will be published at the same time as the transfer applications.

The three transfers also propose mitigating for a new ground water right. Application 34-13789 was filed in November 2002 and proposed holding a portion of water rights 34-699C and 34-700C unused to mitigation for the depletions associated with the proposed ground water use. The Department published notice of the application in February 2003. It appears that no protests were filed against the application at that time. Because of the changes to the proposed mitigation, Application 34-13789 will be re-advertised in conjunction with the three applications for transfer.

As you are preparing the mitigation plans described above, please refer to the enclosed mitigation plan checklist. After a review of the proposed transfers, it would be helpful if you could address the following topics in your mitigation plans:

1. Historical availability of the proposed mitigation water rights;
2. The amount of water available for irrigation after conveyance losses;
3. Description of how the proposed source of water and mitigation source of water are hydraulically connected;

4. Description of existing combined limit conditions (r volume, acres) and how those combined limits will be preserved and distributed over the new arrangement of water rights to prevent enlargement of the rights;
5. Plan for measuring the diversion of ground water rights and mitigation water rights;
6. Analysis estimating timing, quantity, and location, of the proposed depletion; and
7. An explanation of how the limitations of water right 34-703B affect the mitigation plan. (34-703B requires 21% of the water right to be left in the in the Fish Hatchery Canal.)

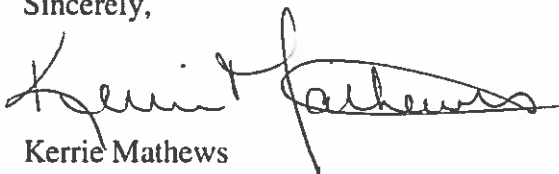
In 1999, the Department approved Transfer 5004, authorizing the creation of a storage reservoir. Application 5004 was a contested case which resulted in a stipulated settlement agreement (dated October 12, 1999). The settlement agreement and the conditions listed on the storage water rights required specific action by the water right holder. Can you please confirm that the follow actions have been taken, as required by Transfer Approval 5004 and the associated settlement agreement:

1. Pond must be constructed by February 28, 2001.
2. A measuring device maintained at the point of injection into Warm Springs Creek.
3. A measuring device installed on the turnout from the Fish Hatchery Canal.
4. The installation of a weir at the inlet and outlet of the pond.
5. Survey results of the pond providing final volume calculations.
6. Evaluations of whether pond loses exceed the 0.1096 cfs set aside for mitigation.

In addition to the information described above, can you please provide maps showing the initial irrigation shapes for the two permissible places of use?

I will hold off on preparing public notice of the transfer applications until the mitigation plans are filed. It will be best to advertise all of the documents at the same time (three transfer applications, amended mitigation plan for right 34-7595, Application for Permit 34-13789). If I have not received the mitigation plans by January 6, 2016, I will return the transfer applications and refund the filing fees to allow you additional time to assemble the required information. If you have any questions, please let me know.

Sincerely,



Kerrie Mathews
Sr. Water Resource Agent