

MEMORANDUM

TO: File 57-7574

FROM: Daniel Nelson – Staff Hydrologist

DATE: January 15, 2016

SUBJECT: Review of Water Right Permit 57-7574

On January 15, 2016, I met with Gary Schwisow concerning water right permit 57-7574 and his other water rights for a commercial green house operation in Owyhee County. During this discussion, Mr. Schwisow decided to relinquish permit 57-7574, since the ponds associated with the commercial use no longer exist and have been filled in an home placed where the ponds used to be located. During this discussion, it was also determined that Mr. Schwisow may need to file a water right transfer to correct his existing water rights and possibly file a new application for permit for the additional uses that have been created since developing his water rights.

The other water rights are 57-7211A, 57-7211B, and 57-7445. Water right 57-7211A is in currently in the name of Norris White, but Mr. Schwisow has purchased this property. Water right 57-7211A allows Domestic use for one home (in-house use only, includes heating) and the irrigation of 4.5 acres. The home is now used as a break room for the employees working at the green houses. Water right 57-7211B allowed domestic use for one home (in-house use only) and one shop, irrigation of 1.8 acres, and heating for one home, one shop and 7 green houses. Water right 57-7445 allowed commercial use for commercial use for shop and green houses. The commercial use included heating of the greenhouses and irrigation of the plants inside the greenhouses.

Several issues need to be addressed in the associated transfers and possible new application for permit. I have attached a map to this memo that will help identify some of the issues. I will address each issue below:

Point of Diversions:

Water right 57-7211A only shows one point of diversion and is supposed to be diverted out of well #1 shown on the attached map. Water rights 57-7211B and 57-7445 were originally diverted out of Well #1 and Well #2, but a subsequent water right transfer included Well #3. There are two other wells Mr. Schwisow called domestic wells that also use this system. They are small wells, but they are tied into the entire system, so they need to be included on all of the water rights for this facility. The transfer should be filed to add these wells onto the existing water rights.

Water Right Uses:

Water right 57-7445 describes its water use as commercial. The commercial use was described as heating of the greenhouses and irrigation inside the greenhouses. The heating and the commercial uses should have been separated at licensing. We may be able to correct this if a water right transfer is filed to better describe the uses for this system. From what I can tell from the field exam, the water is first run through the heating system, and then mixed with cooler water to irrigate the plants. This is why they didn't separate out the two at the time. They should be separated to identify how much low temperature geothermal water is being used, and how much cold water is used in case there is a need to regulate the geothermal water.

Place of Use:

The mapping capabilities at the time these water rights were licensed were not as good as current mapping available to the Department. Therefore, the attached map shows that homes and the green houses are not in the same 40 acre tracts as described in the original licenses. A single place of use should be developed for all of the heating and commercial uses. The domestic use for 57-7211A is in the Lot 2 (NESW), but the place of use on the water rights show the place of use as being in both Lot 2 (NESW) and Lot 3 (NWSW). The heating use for water right 57-7211B is located only in Lot 2 (NESW). However, there are green houses in Lot 1 (SESW), Lot 2 (NESW) and Lot 3 (NWSW). The commercial use for water right 57-7445 is located in the Lot 1 (SESW). Once again there are greenhouse located in Lot 1 (SESW), Lot 2 (NESW) and Lot 3 (NWSW).

Most of the greenhouses in Lot 3 (NWSW) are newer greenhouses and will need to be covered by a new permit, but it would make the file much more understandable if we have one place of use for the commercial and the heating uses that shows all of the greenhouses. This would also allow the Department to identify any new construction in the future if regulation is ever needed.

Conversion of Irrigation Use to Commercial:

There is very little property being irrigation outside of the green houses. The ground water used for the irrigation was combined with Opaline Irrigation District. Any irrigation during the non-irrigation season inside the greenhouses would be covered under the commercial use. According to Mr. Schwisow, there is still some irrigation taking place outside of the greenhouses, but all of that irrigation is coming from the wells. Opaline Irrigation District water has not been used on the property for some time.

There are several issues that will need to be addressed during the analysis of the transfer. Can we convert the portion of the water used for irrigation inside the greenhouses during the irrigation season to commercial use, or are we going to limit the irrigation use to only outside irrigation. At the time of licensing of the water rights, the irrigation use was only for irrigation outside the greenhouses. We will also need to address the possible supplemental nature of the irrigation right uses. The water rights were decreed early in the Snake River Basin Adjudication, so we will need to look at the possibility of forfeiture of the irrigation portion of these rights. I have informed Mr. Schwisow that there is a possibility that some of the irrigation use may have been forfeited.

Conclusion:

As you can see above, there are several issues that Mr. Schwisow will need to address to clean up the water rights for this facility. I needed to do a significant amount of research to determine exactly what was going on with these rights, so I wanted to document the file to pass this information along. I went over this information with Mr. Schwisow, so this memo will also give any future water right reviewer an idea of what we discussed.

