

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, May 01, 2014 9:31 AM
To: 'Price, Fredric'; Favreau, Danielle
Cc: Raul Trevino Jr
Subject: RE: input needed regarding permit 55-13853
Attachments: 55-7216 .docx

Fred,

This email is sufficient to change the condition on water right 55-7216 to Cottonwood Reservoir Project 9643. No formal petition is required to change an explanatory condition.

I have made the correction, and a copy of the proof report has been attached to this email. No formal petition is required to change an explanatory condition.

Danielle and I have spoken about an email response she sent concerning the other issues address in your email. I agree with Danielle's email. It looks as though this Cottonwood Reservoir is very near completion.

Thank you for help on these. It is really appreciated.

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Price, Fredric [mailto:fwprice@blm.gov]
Sent: Wednesday, April 30, 2014 4:00 PM
To: Favreau, Danielle
Cc: Raul Trevino Jr; Nelson, Dan
Subject: Re: input needed regarding permit 55-13853

Danielle,

RE: 55-07216, 55-13853

After looking through everything, I believe it would be best to leave both water rights (55-07216 and 55-13853) at their declared location of NWSE, S28, T05S, R05W (Cottonwood Reservoir Project #9643); and to then file a supplemental application for permit for 3.6 AFY to bring us up to the 4.9 AFY needed (0.3 AFY (55-07216) + 1.0 AFY (55-13853) = 1.3 AFY). All 3 rights would then be cumulative to achieve the total ben use.

We would then have to file a new application for permit on the reservoir (Cottonwood Trail Pond Project #6496) that is located in the SESW, S28, T05S, R05W. How much water do we need to ask for to cover this smaller reservoir?

PETITION:

I need to file a petition in order to change a locally known source name for 55-07216? Ok, I can do that.

I notice that the Approved Permit for 55-13853 contains a condition that states: "This development is known as Flint Creek Allotment; Project #9883." Both of the "Cottonwood" something reservoirs reside within Gusman #03 Pasture of the Gusman Allotment #0554. The Flint Creek Allotment is at least 7 miles to the east of the Gusman Allotment.

If I have to file a Petition to fix the project reference in 55-07216, then do we also need to Amend the Permit for 55-13853 to change the references to Allotment Name (i.e. change from Flint Creek to Gusman) and the Project Number (i.e. change from #9883 to #9643)?

Fred

On Mon, Nov 25, 2013 at 4:59 PM, Favreau, Danielle <Danielle.Favreau@idwr.idaho.gov> wrote:

Hi Fred,

While reviewing permit 55-13853 for licensing, an interesting situation was revealed.

The Bureau of Land Management (BLM) representative informed IDWR that the Cottonwood Reservoir has an average depth of 5 feet and our GIS information shows the pond at 0.5 acres of surface area. With this information the pond capacity is 2.5 acre feet, and the evaporation and seepage for this pond is 2.4 acre feet for a total of 4.9 acre feet of total storage requirement needed. This is an on-stream pond, but it appears from the aerial photos that this is an intermittent stream.

Water right permit 55-13853 allows a total storage volume of 1 acre feet. This is 1.5 acre feet of meeting the reservoir's capacity and 3.9 acre feet from meeting the evaporation and seepage loss needs to maintain the pond year round.

Water right decree 55-7216 shows Cottonwood Reservoir as its place of use, however, there is a condition on this decree that states that water right 55-7216 is for Cottonwood Trail Pond. Cottonwood Trail Pond is a smaller pond approximately ¼ mile south of Cottonwood Reservoir. Water right decree 55-7216 allow for the storage of 0.5 acre feet of water. Based on the calculations described above, Cottonwood Reservoir has a storage capacity of 2.5 acre feet with 2.4 acre feet of evaporation and seepage for a total of 4.9 acre feet requirement.

This creates an interesting situation. BLM can do one of the following things:

1.) File a water right transfer on water right 55-7216 to move the place of use for this water right to the correct location for Cottonwood Trail Pond, and file a new water right application to cover the additional water needed to fill Cottonwood Reservoir and supply the water needed to maintain the reservoir year round.

2.) Leave water right decree 55-7216 at the Cottonwood Reservoir location, and petition the Department to change the condition to read Cottonwood Reservoir instead of Cottonwood Trail Pond. With both water rights on this reservoir, it would bring the amount that can be stored up to 1.5 acre feet, which is still less than the capacity of the reservoir and the additional water it would take to maintain the reservoir for evaporation and seepage. Then BLM would need to file a new water right application to fill and maintain Cottonwood Reservoir, and file a second new water right application to cover the water use at Cottonwood Trail Pond.

IDWR cannot make this decision for the BLM, and it is up to the BLM to determine what they want to do before we can license water right permit 55-13853. IDWR will need the transfer or the petition and new applications on file before we can license this permit.

If you and/or Raul would like to meet with Dan Nelson and myself to discuss these options further, please give me a call at 208-287-4938 and I can set up a meeting room here at IDWR.

Please let me know what BLM would like to do.

Thanks,

Danielle

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5/1/2014

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 55-7216

5/1/2014

Dates and Other Information

Licensed Date: 7/25/1986

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A