



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

February 7, 2014

KRISTY PIGEON
109 GREENHORN RD
HAILEY ID 83333

RE: Wetland Project & Rights 51-60, 51-61 & 51-62

Dear Kristy:

I am writing in response to your 02-03-2014 letter inquiring into a possible transfer of the rights referenced above as part of a wetland development plan. I have briefly reviewed these rights and find when combined they authorize a diversion of 1.60 cfs from the Bruneau River for irrigation of 91.1 acres and small stockwater use. All of these rights are currently leased to the Idaho Water Resource Water Supply Bank (WSB) in their entirety and the acres identified as the place of use shown on the enclosed map should not be irrigated. The lease term was from 2009 thru 2014.

It appears from the map you submitted with your letter that about 30 acres have been irrigated using shares of water from the Hot Springs Ditch Company (HSDC). The rights include a note that they are combined with water from HSDC. If these acres continue to be irrigated, you should apply for the rights to be released from the WSB or submit a new Application to Lease Water Rights to the Water Supply Bank identifying the portion that will not be irrigated. Fortunately, no enlargement of use has occurred during this lease since the rights have not been rented for use at another location.

Please advise us rather you want to release the rights or submit a new lease proposal using forms found on our website at

<http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/WaterRightForms>.

You may want to revise your lease proposal based on the portion of the irrigated acres remaining that are not used within your wetland project or irrigation with canal water. If the rights are released from the WSB they are not protected from forfeiture.

Your questions about using some portion of these rights to restore a wetland to your property would require an Application for Transfer (also found on our website) to change the nature of use of the portion of the rights necessary to meet your plans needs. The elements of a right are defined when licensed or decreed according to the authorized use of the rights. As I noted these rights are for irrigation of a common 91.1 acres and a portion of all three rights are associated with each acre. To evaluate a change in nature of use from irrigation to wildlife, aesthetic or other use we evaluate the historical consumptive use of the irrigated acres based on crop type.

In general, the standard diversion volume for this area is 4.0 af/acre and the consumptive use value is 3.0 af/acre. This is a general guide. The actual consumptive use is usually something less than the maximum standard. You can read more about change in nature of use requirements on page 29 in Transfer Processing Memo #24 at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/policy-memos.htm> . We have a lot of information to assist our customers with the transfer process at this location. We will also be happy to answer any questions you may have after reviewing the information.

Basically you need to decide on a specific plan for the wetland to determine how much water you need from the irrigation rights to make the wetland system work properly. Once you know that, you can determine the number of irrigated acres that will need to be permanently retired based on the historical consumptive use of water that will be changed to the to the new use. This is a complex process and you may want to have a private consultant assist you.

The transfer process begins when the completed transfer application is submitted to our Western Region office for processing. The proposal will be reviewed and you may be asked for additional information if we have questions. Once review is completed, the application is advertised in the local paper to provide public notice. If there are no protests to the proposed change, the application will move forward to a final determination. If the application is protested, those must be resolved first.

Please advise us regarding the status of the rights related to the Water Supply Bank lease agreement within 14 days of this letter or we will terminate the lease and release the rights from the bank.

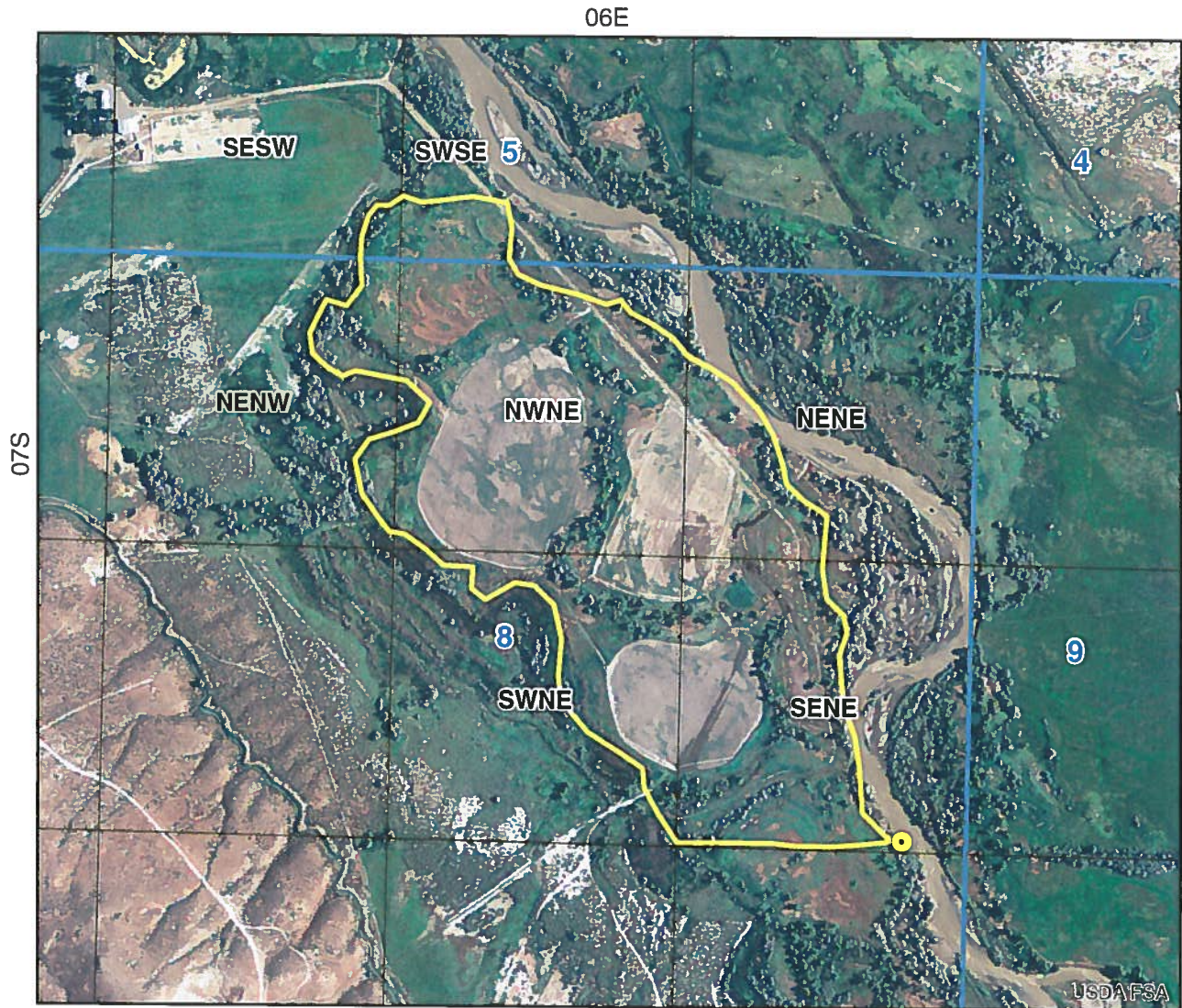
If you require additional information regarding this matter, please call me directly at (208) 287-4951, e-mail me at pam.skaggs@idwr.idaho.gov or contact me by mail, and I will be happy to assist you.

Sincerely,



Pamela S. Skaggs
Water Rights Supervisor

State of Idaho
Department of Water Resources
Water Rights 51-60, 51-61 & 51-62
Place of Use



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

0 0.1 0.2 0.4 Miles



Keen, Shelley

From: Keen, Shelley
Sent: Wednesday, February 05, 2014 4:17 PM
To: 'kristypigeon@cox.net'
Subject: Wetland Reserve Project

Kristy,

I just wanted to let you know that I received your letter about your Wetland Reserve Project. From your description, I think it is likely you will need to file an application for transfer to change some or all of your irrigation water rights to wildlife use. We will respond to you in more detail soon.

Sincerely,

Shelley Keen
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

Kristy Pigeon
109 Greenhorn Road
Hailey, Idaho 83333

RECEIVED
FEB 05 2014
DEPARTMENT OF
WATER RESOURCES

February 3, 2014

Shelley Keen
Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

Dear Shelley,

Thanks for speaking with me today about my Wetland Reserve Project. Enclosed please find a map showing the area of concern.

Currently the spring area outlined on the map is choked with Russian Olive trees, (now considered an invasive species), and bulrush rendering it of minimal use to wildlife. There are numerous seeps and a few existing ponds along the spring. The objective of the project would be to remove invasive species and restore the wetland for the benefit of wildlife. We would like to allocate a portion of our Bruneau River water right, (#51-60, #51-61 and #51-62), for use to enhance the flow through the system. In addition, the restoration work would include a means to irrigate the 5.97 acre field circled in green on the map. Please note that the fields circled in blue are irrigated with our water right out of the Hot Creek Ditch. After the WRP is complete livestock grazing would continue to be an allowable use.

Wade Brown, Natural Resource Conservation Service, would like to meet with the IDWR to discuss this project. Your thoughts would be greatly appreciated.

With kindest regards,



Kristy Pigeon
kristypigeon@cox.net
208-788-9636

BRR Proposed WRP Acres

