

Hemenway, Sandy

From: Cox, Sharla
Sent: Wednesday, May 25, 2011 11:41 AM
To: Hemenway, Sandy
Subject: RE: City of Ucon Permit 25-14226

This condition was put on back in 2008. Either Nate Arave or Ernie Carlsen conditioned it, but Blake Jordan and I went through it and we can't really find any reason why this condition was added. But again, we were not the ones that conditioned it. So we are not sure. Sorry. I truly believe that it was put on because Ernie had just started approving permit and probably with it being in Water District 120, he thought it needed mitigation, but we are really not sure about that either.

Sorry I am late getting back to you, but my system is not working correctly and I had to manually do all my advertising this week and it took priority.

Sharla

From: Hemenway, Sandy
Sent: Tuesday, May 24, 2011 12:20 PM
To: Cox, Sharla
Cc: Hemenway, Sandy
Subject: FW: City of Ucon Permit 25-14226

Hi Sharla,

I had an inquiry from Rocky Mountain Environmental about the reasoning for condition 139, and some other conditions being put on the permit for 25-14226. Permit 25-14226 is not for additional volume, but is only for additional diversion rate since the existing system cannot provide the needed diversion rate during the summer months. It is for 1 existing well and 1 proposed replacement well.

In reviewing what has been scanned for 25-14226, 25-7000 and 25-7007, and going through the documents here at the state office (which match those scanned), and since there aren't any comments in AdHoc, I am having difficulty figuring out the reasoning for **condition 139** being added to the Permit. Do you have any insight into this, or additional notes in the regional file that would help in my response back to Rocky Mtn. Enviro.?

Thanks so much,
Sandy

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Wednesday, June 01, 2011 12:13 PM
To: 'kwilson@rockymountainenvironmental.com'
Cc: Saxton, Craig; Hemenway, Sandy
Subject: FW: City of Ucon Permit 25-14226
Attachments: DOC.pdf

Keith,

I reviewed this file with the IDWR eastern regional office, and management to obtain additional information in reference to your questions.

Condition X35: The total annual **maximum diversion volume** for rights 25-7000 (1.1 cfs) and 25-7007 (0.48 cfs), if calculated, would be 1143.9 af (1.58 cfs X 365 days X 1.9835 = 1143.9 af). This condition was added to the permit, **to indicate that no additional volume was requested with Permit 25-14226.**

Condition 139: This is a **standard condition for water district 130** (see attachment).

If you have any further questions, please contact me directly.

Thanks,

Sandy Hemenway
Sr. Water Resource Agent
IDWR/State Office, Boise
(208) 287-4920 Mon. – Thurs.
Sandy.hemenway@idwr.idaho.gov

From: Keith C. Wilson [<mailto:kwilson@rockymountainenvironmental.com>]
Sent: Monday, May 23, 2011 2:03 PM
To: Keen, Shelley
Subject: City of Ucon Permit 25-14226

Shelley,
I have some Questions on Conditions of Permit 25-14226:

Permit 25-14226: Does not request any additional volume above the Calculated Diversion Volume of 25-7000 & 25-7007 (1143.9 afa).

Calculated Diversion Volume = 1.10 cfs + 0.48 cfs = 1.58 cfs(1.9835)(365) = 1143.9 afa

Conditioned:

Condition X35: *"This right when combined with rights 25-7000 and 25-7007 shall **not exceed a total annual maximum diversion volume of 1143.9 af.**"*

Condition 139: *"Prior to any diversion and use of water under this water right, the right holder shall (1) provide evidence of participation in a mitigation plan, approved by the director, and administered by a ground water district or other recognized organization, or (2) provide individual mitigation approved by the director."*

With no net gain in volume (i.e. Condition 135) only a request increase in diversion capacity, why would Condition 139 be necessary?

I would appreciate your comments.

Thanks,

Keith C. Wilson

Senior Water Rights Analyst

482 Constitution, Suite 303, Idaho Falls, ID 83402

E-Mail: kwilson@rockymountainenvironmental.com

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MEMORANDUM

To: Water Allocation Bureau and Regions

From: Gary Spackman 

Date: May 13, 2004

Re: Mitigation Conditions for New Water Rights in Water District Nos. 120 and 130

The January 6, 1993 moratorium order for the Non-Trust Water Area and the April 30, 1993 moratorium order for the Eastern Snake Plain Area stated that IDWR should process applications to appropriate ground water diverted from a single well but delivered to multiple homes. The moratorium orders have been interpreted to allow IDWR to process applications to appropriate water for municipal purposes if the water diverted under the municipal water right is only delivered for uses that would individually satisfy the domestic limitations described by Idaho Code § 42-111. Although not specifically mentioned in the moratorium order, IDWR has processed and approved applications for water uses in place before November 1987 that are not authorized by an existing water right because: (1) IDWR would have processed an application at the time the use of water began, and (2) The effect of the diversion and use of water is complete. Finally, permits to appropriate water could be approved under special exceptions described by the orders.

The recent curtailment order for the *Rangen* delivery call required curtailment or mitigation for all consumptive uses of water authorized by water rights bearing a priority date later than July 13, 1962. If IDWR had curtailed water diversion and use, IDWR would not have allowed any irrigation under the municipal or community well water rights, and would also have fully curtailed any diversions for consumptive water rights representing pre-November 1987 development. Potential curtailment of diversion under existing water rights raises a question about whether IDWR should continue to process applications that might immediately be subject to curtailment.

Ground water diverted from the Eastern Snake Plain Aquifer and surface water in the Thousand Springs Reach of the Snake River is being conjunctively administered. Holders of ground water rights are mitigating for depletions to the Thousand Springs Reach and the American Falls area. Water users within Water District no. 130 and approximately within the area of Water District no. 120 are providing the mitigation. It would be inequitable for IDWR to continue to approve new water rights not providing for mitigation at the same time holders of older priority ground water right holders are mitigating for depletions caused by their ground water diversions.

Within Water District 120 and Water District 130, the following conditions should be placed on all new permits authorizing consumptive use from ground water or surface water for municipal use, single well-multiple home use, and for any uses developed prior to November 1987:

Condition
139

Prior to any diversion and use of water under this water right, the right holder shall (1) provide evidence of participation in a mitigation plan, approved by the director, and administered by a ground water district or other recognized organization, or (2) provide individual mitigation approved by the director.

Condition
140

Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

All other applications to appropriate ground water or surface water for a consumptive use describing a point of diversion within the Eastern Snake Plain Area or the Non-Trust Water Area will be held without processing unless the application is supported by: (1) A viable individual mitigation plan, or (2) A preliminary showing that the application proposes a diversion and use of water that satisfies one of the other exceptions from the moratoriums' prohibitions of processing and approval.

Use of the above conditions may be expanded if additional waters located in other areas are required to mitigate for their ground water diversion and use.