

MEMORANDUM

Date: October 12, 2012
To: Water Right File 29-14027
From: mholliday
Re: application review

The purpose of this application is to provide water from an existing well for a 12-space RV park and for one acre of lawn irrigation in and around the RV park. The application proposes to mitigate for the one acre of irrigation by drying up one acre of right 29-13955. An additional 0.1 acre of right 29-13955 will be dried up for the proposed commercial use. The 1.1 acres used for mitigation is located in T6S R34E S07 Lot 2.

The mitigation right is currently owned by the applicant and is a valid right which was partially decreed in the SRBA in 2011. Therefore, forfeiture is not an issue. At first glance it appeared that the mitigation acreage had been placed in the water supply bank. However, further review of the 1/27/2012 lease application confirmed that the 1.1 acres put in the water supply bank is separate and distinct from the 1.1 acres being used for mitigation of this application.

After searching for points of diversion downstream of the confluence of Batiste Spring and the Portneuf River, it was determined that there were no junior water users on the Portneuf River who could intercept the mitigation water prior to it reaching the Snake River.

The ESPA model was run in order to determine impacts of the proposed water use on various reaches of the Snake River. The model showed no measureable effects below Milner, a one AF per trimester effect on the Blackfoot to Neeley reach, and a 0.3 AF effect on the Shelley to Blackfoot reach. Since the net effect per trimester is less than the 2 AF threshold, mitigation to specific reaches of the Snake River is not required.

The mitigation plan proposed by the applicant is adequate to offset the consumptive use proposed in this application. However, the irrigation volume was reduced to a maximum of 3.4 AFA because the mitigation right is very thin in terms of diversion rate [enlargement right 29-13955 when paired with base rights 29-2039 and 29-4444 is limited to a total of 0.62 cfs on 77.4 acres (0.008 cfs per acre)]. Upon approval of the permit, the combined limits for 29-13955 will be reduced by 1.1 acres.

This ground water permit is located within Water District 120. However, since this permit can only be diverted when right 29-13955, which is in Water District 29D, is in priority, it makes sense that right 29-14027 be regulated by the watermaster of Water District 29D. Also, the permit will be conditioned to require a separate distribution line with a control valve for the uses included on the permit so it can be regulated separately from the other rights from the same well.