

Lester, Steve

From: Rex Barrie [waterdistrict63@qwestoffice.net]
Sent: Tuesday, March 13, 2012 7:33 AM
To: Lester, Steve
Subject: RE: Water Right Applications

Steve,

Transfer 77710 is part of the ongoing issue with Riverside Village. I have no objections if standard Watermaster requirements are met.

Permit # 63-33507, this is a Greg Obendorf project that was diverting water the last two years for hunting. The POD is from the Upper Hass Ditch, a diversion from a drain that returns to the Boise River. There is an ongoing issue with Mallard farms, aka Jerry Waller, that may or may not be resolved. That being said I do not object to 507 or 508 as long as standard Watermaster requirements are met.

Also I did not save a copy of the Watermaster comments. If you send me one I will store it in my Docs.

Rex

Done 

From: Lester, Steve [mailto:Steve.Lester@idwr.idaho.gov]
Sent: Monday, March 12, 2012 3:47 PM
To: waterdistrict63@qwestoffice.net
Subject: Water Right Applications

Hi Rex:

I am handling legal notices and comment letters etc. for applications until further notice. This is due to unexpected staff changes. "Lucky" for me, I'm the only other person in this office who knows how to run the legal notice system in our database.

Enclosed is a letter and copies of applications for your review.

I understand you have already had some involvement with the Riverside Village transfer. The other 2 applications are for more wildlife projects in the lower part of the Boise River system. It is not clear if water will be returned to the Boise River or not in the wildlife filings. The applications say it will but also refer to "Ross East End Drain" and "East End Drain," which may be the same thing. Per topo maps, Ross East End Drain might discharge to the South Boise Drain and then to the Snake River, not the Boise River. Possibly, that drain(s) might discharge to both rivers thru various outlets.

I did not include a watermaster form, assuming you have that on your computer system. Please let me know if you need an electronic version of the form. Please send any comments directly to me. Let me know if you need more information or just want to talk about these filings. Thanks for your help with this.

Steve

*77710
WATERMASTER REPLY*

Lester, Steve

From: Lester, Steve
Sent: Monday, March 12, 2012 3:47 PM
To: 'Rex Barrie (waterdistrict63@qwestoffice.net)'
Subject: Water Right Applications
Attachments: Watermaster letter.docx; 77710.pdf; 63-33507.pdf; 63-33508.pdf

Contacts: Rex Barrie

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Steve

March 12, 2012

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR, ID 83669-0767

RE: Application for Transfer No. 77710
Application for Permit Nos. 63-33507, 63-33508

Dear Watermaster:

A copy of the above referenced application(s) is enclosed with this email. Please review the application(s) and provide your comments, if any, to this office within the next 30 days.

If the application(s) is approved, IDWR will include appropriate standard conditions of approval for a water right located within your water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to the application(s) should be specifically addressed in your recommendation.

This office can finish reviewing an unprotested application shortly after the protest period has ended. Your prompt response to this request will ensure your recommendation will be considered. If IDWR has not received your written recommendation within 30 days, IDWR will presume you do not oppose approval of the application(s).

Sincerely,

Steve Lester
Water Rights Supervisor

Lester, Steve

From: Lester, Steve
Sent: Thursday, March 08, 2012 4:04 PM
To: 'BOI Legals'
Subject: Legal Ads
Attachments: Ada County letter.docx; Combined ads Ada County.docx

Hi Janice:

Please see attached for legal notices to publish March 15 & 22, 2012. Let me know if there are any problems.

Thank you.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

ADS- ADA

March 7, 2012

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 77710 (Water Right Nos. 63-9751, 63-9718), and
Application for Permit Nos. 63-33507, 63-33594, 63-33626

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/2/2012. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33507

G O INVESTMENTS LLC
24034 BATT CORNER RD
PARMA, ID 83660

Point of Diversion: L3 (NENW) S27 T05N R05W CANYON County Source BOISE RIVER Tributary SNAKE RIVER

Use: WILDLIFE 03/01 to 11/15 24 CFS

Total Diversion: 24 CFS

Date Filed: 5/11/2011

Place of Use: WILDLIFE

T05N R05W S21 L10 (SESE) S22 L5(SWSW)

This application covers remainder of the year not covered by application 63-32459. Water will be diverted via Haas Ditch. Return flow to Boise River will be about 6 miles downstream via East End Ditch.

63-33594

JOHNNA & TRAE BUCHERT
5446 N HWY 16
EAGLE, ID 83616

Point of Diversion: NWSE S28 T05N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 11/1/2011

Place of Use: IRRIGATION

T05N R01W S28 NWSE

Total Acres: 20

Water bearing zone to be appropriated from existing well is from 240 to 450 feet.

63-33626

JOE WATTERSON & JOSH GUFFIE
12601 W NEW HOPE
STAR, ID 83669

Point of Diversion: L5 (SWNW) S6 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.26 CFS & STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.28 CFS

Date Filed: 2/10/2012

Place of Use: IRRIGATION & STOCKWATER

T04N R01W S6 L5(SWNW) SENW

Total Acres: 13

Water bearing zone to be appropriated is from 100 to 140 feet.

PROPOSED CHANGE OF WATER RIGHT(S)

Riverside Village HOA Inc. of 5537 N. Glenwood St. Suite A, Garden City, ID 83714 filed Application No. 77710 to transfer 2 water rights with 1981 priority dates. One right authorizes 3.21 cfs from the Boise River for aesthetic use, with return flows to the river via Riverside Creek. The other right allows 3.21 cfs from Village Lake (aka Glenwood Lake) to irrigate 11 acres of greenbelt etc. and provide a water amenity (subdivision ponds). Uses are for Riverside Village Subdivision north of the river and west of Glenwood. Application proposes to correct the records for existing uses: 11 acres of irrigation in a 66 acre area, and 12 aesthetic ponds spread throughout the subdivision. Creek and lake names are local names, not naturally existing features.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 4/2/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published 3/15 and 3/22/2012

MEMORANDUM

TO: Transfer No. 77710 File

FROM: Michele Edl

DATE: January 27, 2012

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to change the place-of-use for two rights. 63-9718 authorizes irrigation, aesthetic storage and diversion to storage uses from Village Lake (also known as Glenwood Lake). 63-9751 authorizes aesthetic use from the Boise River. The transfer proposes to change the aesthetic storage and aesthetic places-of-use within the same pond system. The transfer also proposes a 66.6 acre permissible place-of-use within the subdivision boundary as the irrigation place-of-use.

The site is a subdivision within Garden City, Ada County. Riverside Village subdivision is located just west of Glenwood Bridge and is bounded on the south by the Boise River.

Contact person for the applicant is Don C Anton, president, Riverside Village Home Owners Association, Inc.

Deviations from Transfer Policy Standards

Rights 63-9751 and 63-9718 were decreed to Riverside Village Homeowners Assn. The contemporary incarnation of the home owners association is Riverside Village Home Owners Association, Inc. Interest in the two rights was confirmed by correspondence with the contemporary association during processing of transfer 69237.

The decreed places-of-use for rights 63-9718 and 63-9751 were predominantly property owned by the City of Garden City. A Quitclaim Deed for water rights 63-9718 and 63-9751 from the City of Garden City to the Riverside Village Home Owners Association, Inc., was signed by John Evans, mayor of Garden City, on January 9, 2012 and received by IDWR state office on January 10, 2012. The Quitclaim Deed allows processing of this transfer to proceed.

One result of this transfer will be that the City of Garden City will no longer have a water right authorizing Village Lake/Glenwood Lake. I recommend that the City of Garden City be notified at the conclusion of processing for this transfer.

Summary of Information Submitted

Authority to File: The Applicant, Riverside Village Home Owners Association, Inc., is registered with the ISOS (No. C83568).

The Applicant is owner of the proposed places-of-use. Don Anton president, Riverside Village Home Owners Association, Inc. signed the transfer application.

Water Right Validity: Both rights are presumed valid because the time elapsed from the dates of the respective SRBA decrees is less than the five-year period which would elicit forfeiture. The decree for Water Right 63-9718 was issued February 16, 2007. The decree for Water Right 63-9751 was issued on January 27, 2010.

Injury to Other Water Rights: No injury is anticipated. The Applicant owns the property at the proposed places-of-use. The aesthetic uses will be updated to reflect the current uses the subdivision.

The Basin 63 Watermaster is aware of the diversion. Required control works and measurement devices at the point-of-diversion have been installed. The point where the water returns to the Boise River is ambiguous. The right holders have discussed the requirement for a measuring device and controlling works at the point-of-discharge with the Watermaster. I understand that the watermaster may waive that measuring device re that requirement for now.

Enlargement of Use: No mitigation plan is proposed and no enlargement is expected. The POUs for aesthetic flow and aesthetic storage will be changed within the same, existing system to conform with ownership and existing practices. The irrigation use will be measured and the diversions will be curtailed when the rights are out of priority. The Riverside Village Home Owners Association, Inc., is familiar with the procedure to purchase Boise River water from the Boise River Rental Pool.

Rights 63-9718 and 63-9751 share a common rate and volume but have been decreed without combined use limits. Riverside Village Home Owners Association Inc. is authorized to divert at a rate equal to 6.42 cfs.

Local Public Interest: The application will be subject to public notice and protest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial uses consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I.C. §42-222 preventing processing of the application.

Additional Information &/or Analysis

Place-of-use shapes were created electronically by IDWR state office staff. The 12 ponds cover approximately 4.8 acres surface area.

The depth of the ponds is not known but is estimated to average 12 feet. M. Weaver provided analysis of the consumptive losses, the irrigation requirement and two scenarios of a volume swap from Village Lake to the Riverside Village ponds.

Because no changes to the PODs were proposed, no analysis was done to determine the interconnectivity of groundwater to Village Lake/Glenwood Lake. The irrigation use is authorized and is expected from Village Lake.

I notified the Water District 63 Watermaster that this application for transfer has been submitted. A formal request for his comments is still needed.

Neither point-of-diversion is located on property held by Riverside Village Home Owners Association Inc. Village Lake is rimmed by Garden City's Riverside Park on the east, west and south and is rimmed by private property on the north. No easement agreement has been provided. The case for continued use of the PODs is based on historical use.

Discussion

Data entry: The data entry has affected the correct records.

POU overlap analysis: The service territory of Boise Valley Irrigation Ditch Co overlaps approximately 28 acres of the proposed 66.6-acre permissible place-of-use. However, the Applicant does not have any shares in BVID.

Summary

Assuming protests are not filed and /or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

MEMORANDUM

Date: January 27, 2012
To: Transfer 77710 File
From: Michele Edl
Re: phone log

I spoke with Mr. Don Anton and with Ms Pat Liddell over the phone this morning. I am expecting to receive by return email 1) initialed approved PLS grids and 2) a timeline for the development of the irrigation system.

They asked questions about my email from yesterday which pointed out that the irrigation use was approaching the end of 5 years since the SRBA decreed and would potentially face forfeiture. They stated that the right will not be fully utilized in the RVHOA PPU for several years. Funding is the impediment.

I explained that the transfer can allow a 5 year development period but that the irrigation use must be resumed before that time or be forfeited. I also restated that a possible protection for the right would be to rent it to the WSB and gave them contact information for the banks coordinator.

They also asked for a timeline on the transfer approval. I explained that the transfer must be advertised through the Western Region office. And if it is protested, approval may be delayed beyond their target of the next HOA board meeting in March.

Edl, Michele

From: Patricia Liddell [pat@advantage-idaho.com]
Sent: Friday, January 27, 2012 1:29 PM
To: Edl, Michele
Subject: RE: Riverside Village Transfer 77710
Attachments: PLS Grids 1-27-12.pdf; 5-Year Plan for Irrigation Transfer.pdf

Hi Michelle,

Thanks for your work on this transfer request and for your time on the phone this morning. Attached please find two documents:

- 1) Initialed PLS grids for WR 63-9751 and WR 63-9718
- 2) The HOA's 5-year plan for irrigation conversion. Let me know if you need more details.

Have a wonderful weekend.

Pat Liddell

208.323.1080 (office)
208.853.1960 (fax)

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Thursday, January 26, 2012 5:12 PM
To: pat@advantage-idaho.com
Subject: Riverside Village Transfer 77710

Pat,

As I stated earlier this afternoon, I am nearing the end of the data entry and analysis of Riverside Village Home Owners Association, Inc. latest transfer application. The transfer is #77710 and acts on both rights held by the home owners association.

I found two items where I need either additional information or confirmation from an officer of RVHOA.

- 1) The transfer application includes maps of proposed changes to the places of use for the irrigation and aesthetic storage uses authorized by water right 63-9718 and to the aesthetic uses authorized by water right 63-9751. However, the application form's public land survey(PLS) grid shows proposed changes to the irrigation use only.

Because I have the shape files for the 12 ponds, I was able to generate the grids needed to complete that portion of the application for all of the proposed changes to the places of use. I have attached two PLS grids, one for the aesthetic use authorized by decreed right 63-9751 and one for the aesthetic storage use authorized by decreed right 63-9718. The same 12 ponds are proposed places of use for both of these uses, so the grids are identical. If you do not have copies of the maps that were submitted with the transfer, I will be happy to forward one as a reference. If the PLS grids are correct, please collect initials from an officer indicating approval and return that page to me.

- 2) A condition on the transfer approval document requires the number of years needed to complete the changes authorized by the transfer. The current application form does not appear to have any place where that data is requested and I have brought that to the attention of the appropriate folk. Please discuss with Mr. Anton and respond to me with the number of years RVHOA will need to make all the proposed changes.

It is important that RVHOA keep in mind that right 63-9718 was decreed in Feb 2007. Although 11 acres of irrigation were decreed, it appears that fewer acres have been irrigated in the recent past. Full use of the right must occur on or before the end of 2013 or the unused portion could be forfeited. If the timeline for making the changes authorized by this transfer and resuming full use of the right is longer than that, RVHOA should consider protecting the unused portion of the right. The best mechanism for that is to apply to rent it to the Water Supply Bank.

Thank you. I look forward to hearing from you soon.

Michele Edl

287-4946

<<Transfer 77710 PLS grids.docx>>