

MEMO

TO: File

FROM: James Cefalo JRC

DATE: November 9, 2011

RE: Licensing Review 27-11964 (Blackfoot School District)

Blackfoot School District filed an application for permit in September 2003, to cover the irrigation of the school grounds occurring at the Wapello School. Evidence suggests that the school ground had been irrigated with ground water for decades. The application was for 5 acres. Twin Falls Canal Company and North Side Canal Company, represented by the law firm of Barker Rosholt and Simpson, protested the application. The protest was ultimately resolved and a permit was issued for 0.15 cfs, 17.5 acre-feet, and 5 acres of irrigation. The annual volume of 17.5 acre-feet was added to the permit to resolve the protest.

In May 2004, Keith Wilson conducted a field exam. He estimated a flow rate of 0.18 cfs based on the number and type of sprinklers operating during the field exam. Using 1987 aerial photography, Keith estimated that 4.9 acres were irrigated at the school. The beneficial use field report also suggests that the license should be issued with an annual volume of 19.6 acre-feet (based on a headgate requirement of 4.0 acre-feet per acre).

The beneficial use field report prepared by Mr. Wilson is incorrect in two aspects. First, the irrigated acres should be based on the acres irrigated at the time of the application and field exam. Aerial photography from 2004 shows that the school building and parking lot area had been expanded significantly between 1987 and 2004. In 2004, only 4.1 acres were irrigable. The remaining acres were covered with buildings or pavement. 2011 aerial photography shows the same number of acres are irrigable today.

Second, the annual volume included on the permit, 17.5 acre-feet, was specifically included on the permit as a condition of the withdrawal of protest by North Side Canal Company and Twin Falls Canal Company. Licensing cannot eliminate a condition arising from the resolution of a protest. Based on the reduced acres irrigated, the annual volume should be limited to 16.4 acre-feet ($4.0 \text{ af/acre} \times 4.1 \text{ acres}$). There should also be a similar reduction to the diversion rate ($4.1 \text{ acres} \times 0.03 \text{ cfs/acre} = 0.12 \text{ cfs}$). The license will be issued consistent with this memo.