

Memo

Date: October 20, 2011

To: File 63-33136

From: Craig L. Saxton

Re: Mitigation conditions

Evaporative losses under 63-33136 are mitigated by right 63-31832. The condition explaining the portion of right 63-31832 used to mitigate losses under 63-33136 reads:

This approval (Transfer 75285) authorizes the diversion of water in the amount of 0.10 cfs and 16.25 af to be used for replacement of losses caused by evaporation from 4 ponds totaling a surface area of **4.5 acres** authorized for aesthetic storage under right 63-33136.

The actual developed pond surface area for 63-33136 is 4.6 acres.

Despite that the condition references 4.5 acres of pond surface area, the 16.25 AF is sufficient to fully mitigate for 4.6 acres of pond surface area. Using information from TR 75285 (attached), the mitigation requirement for 4.6 acres of evaporation is 9.9 AF.

PART 1

6. General Information:

a. Description of diversion system BVIDC Headgate #21b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

None. Five acres will no longer be irrigated.

d. Remarks:

BVIDC has several water rights and chose 63-31832 to be affected by the transfer application. The transfer will serve as mitigation for 4.5 acres of existing pond area located within Woods No. 3 Subdivision. An accompanying application for permit is being submitted by Woods No. 3 Owners Association for the existing ponds.

The ponds intercept and fill with shallow ground water. The intent of this transfer application is to provide mitigation for potential effects to existing water rights due to evaporative losses resulting from the ponds. Woods No. 3 Owners Association has purchased 5 shares from BVIDC that will be delivered through Headgate #21 to the Elmore Drain which runs through the subdivision. (Each share represents 0.02 cfs and one acre of irrigation.) It is likely that turf grass has been irrigated with these shares in the past due to the urban location of the irrigation company.

ET data from the Kimberly U of I Research Center web site (<http://www.kimberly.uidaho.edu/ETIdaho>) was used for this calculation (specifically the Boise WSFO Airport station). According to the website, turf grass in this area has an annual consumptive use of 3.22 af/acre (based on the monthly mean). Consumptive use for 5.0 acres of turf grass is calculated to be 16.1 af. Using the website data, shallow ponds in this area have an annual consumptive use of 2.15 af/acre (based on the monthly mean). Consumptive use for 4.5 acres of pond surface area is calculated to be 9.66 af. Using a 1:1 consumptive use ratio, retiring 5 acres from irrigation more than compensates for evaporative losses resulting from the ponds.

As recommended for partial decree, water right 63-31832 has an irrigation diversion rate of 49.34 cfs and volume of 10,251.5 afa, and is limited to 2,808.43 acres of irrigation. This transfer application proposes that the irrigation diversion rate be reduced to 49.24 cfs ($49.34 \text{ cfs} - (5 \text{ ac} \times .02 \text{ cfs})$) and the volume to 10,229 afa ($10,251.5 \text{ afa} - (5 \text{ ac} \times 4.5 \text{ afa})$), with 0.10 cfs ($5 \text{ ac} \times .02 \text{ cfs}$) converted and added to aesthetic use, 16.1 afa ($3.22 \text{ afa} \times 5 \text{ ac}$) converted and added to aesthetic storage, and irrigation acreage reduced and limited to 2,803.43 acres.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director _____

SCANNED