

Comment Report

22-13426

1. csaxton 9/9/2011 11:32:34 AM POU

Comment: Updated Shape

2. csaxton 9/9/2011 Error in Mitigation Condition

Comment: Permit condition number 5 pertaining to mitigation states that the ground to be dried up is under 22-153 is located in the NENE, S27, T5N, R46E when the actual ground under 22-153 that was dried up is in the NESE, S27, T5N, R45E. This is not a significant change as outlined in Water Appropriation rules (IDAPA 37.03.08.035.04.a) therefore an amendment is not needed to correct the language in permit condition #5 when it is carried over to licensing.

3. csaxton 9/9/2011 Evaporation Losses Volume

Comment: The field examiner recommended a maximum diversion volume of 12.2 AF. This volume did not take into account losses through evaporation. The license includes volume for evaporative losses.

The field examiner reported the developed surface area of the pond as 2.17 acres but the design surface area was actually 3.28 acres. Because of the change in the actual surface developed in contrast to what was designed, the calculated evaporative losses are different than what was originally estimated. The volume to be appropriated for evaporative loss reflected on the license was calculated by taking the ratio of the estimated pond surface area and associated evaporative losses and applying that to the developed surface area of 2.17 acres.

$$\begin{array}{rcl} \text{Design} & & \text{Actual} \\ \hline 5.8 \text{ AF} & = & \frac{x}{2.17 \text{ ac}} \\ 3.28 \text{ ac} & & \end{array} \quad x = 3.8 \text{ AF evaporative loss}$$

Actual surface area of the pond measured using ArcMap is 2.17 acres. Pond capacity is $(2.17 \text{ ac} * 14 \text{ feet deep} * 0.4) = 12.2 \text{ af}$. The actual evaporative loss is calculated to be 3.8 AF. Total volume for the pond is $12.2 \text{ af} + 3.8 \text{ af} = 16.0 \text{ af}$.

4. csaxton 9/9/2011 POD

Comment: Updated Shape

5. csaxton 9/9/2011 Mitigation Requirement Met

Comment: Mitigation condition has been satisfied. This permit is part of a group of permits (22-13416 thru 22-13428) issued for storage with the agreement to mitigate with a portion of 22-153. The agreed total mitigation for this group of rights was to dry up 28.1 acres under right 22-153 to provide mitigation for evaporative losses of 57.7 AF. I verified that the acreage was dried up using ArcMap and easily identifying 26 acres of ground that was green in 2004 and is dry in 2009 which proportionally would provide 53.4 AF of mitigation. The actual evaporative losses for ponds developed to date is 32.2 AF.

6. csaxton 9/13/2011 POD Location

Comment: Examiner located one spring that feeds the pond as a point of diversion in

the NWSESW S.27. However, the examiner recommends identifying the POD as the NESW S27 instead of defining further down to 10 acre tract to account for springs feeding the pond from the footprint of the pond. IDWR beneficial field examination rule IDAPA 37.03.02.045.03 requires description of the POD source from a spring be described to 10 acre tract so we cannot just describe the POD to the 40 to cover any spring within the footprint of the pond. In addition, in this situation where the source is suspected to be from seepage/or multiple springs in the footprint of the pond, but we cannot lock down exactly where they are located, the practice is to identify one, main point of diversion. Therefore the POD licensed is the one that the field examiner positively identified.

7. csaxton 9/13/2011 Source

Comment: Because we are identifying one POD, the source of Spring is appropriate.

8. eretelle 12/1/2005 POD

Comment: Updated shape

9. eretelle 12/1/2005 POU

Comment: Updated Shape

10. psxaggs 4/26/2011 Mitigation Use

Comment: Mitigation condition identifies incorrect QQ for Right 22-153 & will be addressed at licensing.

11. scox 9/6/2005 11:37:58 AM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake River Plain Area (Moratorium Area)

Exempt: Y

Reason:

Doc Attached:

Explanation:

Special Administration Areas : Non Trust Water Area (Non Trust Water Area)

Exempt: Y

Reason:

Doc Attached:

Explanation:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-153

WATER RIGHT NUMBER: 22-153

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HUNTSMAN SPRINGS INC 501 HUNTSMAN SPRINGS DR DRIGGS, ID 83422 (208) 354-9660
Representative	HARVEY WALKER 2338 N 2930 W ARCO, ID 83213 (208) 527-3254
Directors Report Owner	BLACKFOOT FARMS LLC 500 HUNTSMAN WAY SALT LAKE CITY, UT 84108 (801) 584-5700
Original Owner	LOWELL B CURTIS 1930 E 2200 N TWIN FALLS, ID 83301 (208) 358-1739

Priority Date: 06/01/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TETON CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.230 CFS	
MITIGATION	04/15 to 10/31	0.570 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

TETON CREEK	NE1/4SE1/4SE1/4	Sec. 19, Twp 05N, Rge 46E, B.M.
TETON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	27													11.9				11.9

Total Acres: 11.9

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 22-153

MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	45E	27	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. This right provides mitigation for Rights 22-13416, 22-13417, 22-13418, 22-13419, 22-13420, 22-13421, 22-13422, 22-13423, 22-13424, 22-13425, 22-13426, 22-13427 and 22-13428.

Dates and Other Information:

Licensed Date:
 Decreed Date: 3/12/2009
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		320
Combined Water Rights: 22-153 , 22-11981		