

MEMORANDUM

Date: April 12, 2011
To: Water Right File 37-22459
From: ameritt *AD*
Re: review and approval

Applications for transfer 75838, 75839, 75840, 75849, 75850, 75851, 75852, 75853, 75854, 75855, and 75856 and application for permit 37-22459 are related and are being processed in the region together. These applications were advertised and protested. The protests have been resolved by stipulated agreement. The watermaster has reviewed the applications and does not oppose approval. They are being approved out of the region as drafted.

This permit allows for the development of ponds and stream features on the Heart Rock Ranch LLC property which is a combination of the old Sun Valley Ranch and Spring Creek Ranch. The numerous transfers listed above provide for the drying up of irrigated acres and conversion to Wildlife, Recreation and Aesthetic flows which provide for the consumptive use associated with the ponds and stream features. The concept reviewed and approved by IDWR requires additional acres to be dried up to initially fill the ponds during the construction period but once constructed only the acres identified under the transfers will be dried up to maintain the pond and stream features. It is understood that once the system is full then it will partially drain over the winter providing water to downstream users but will need to be topped off at the spring of next year. This topping off has been determined not to injure downstream users and determined not to need acres to be dried up after the initial construction since this volume of water has been mitigated by the draining of the system during the winter. The consultant has provided on 3/14/11 the supporting analysis requested by the state office and identified the additional acres to be dried up during the initial fill.

Spreadsheets for the analysis of the application and the transfers were developed independently from the consultant. They show that the proposed development plan including the transfers providing for the consumptive needs of the project are reasonable. The spreadsheets are stored on the backfile.

This application and the transfers were protested but the protests were resolved by stipulated agreement. IDWR attempted to address all aspects of the stipulation in standard type of approval conditions. Those not specifically addressed are intended to be covered by the standard condition referencing the signed agreement.

The original application listed numerous duplicative points of diversion, injection and diversions from the various streams. On approval most points of injection were removed. The concept being approved is that this permit does not allow for diversion from any source to storage in off stream ponds greater than that of the existing decreed rights held by the applicant from the sources. It does allow for ponds to be constructed on the streams and the flow of these streams to not count against the diversion to storage limitation listed above.

The approval requires coordination with the watermaster in developing a measurement plan and storage plan that can be reasonably administered by the watermaster. It is likely that the plan will not require a large number of measuring devices or stream gages other than at critical areas in the project.

Draft approvals were circulated with the parties to flush out issues prior to approval. Those issues identified by Shaw have been addressed. This effort does not eliminate the period open to petitions for reconsideration.