

Memorandum

Date: February 11, 2011

To: Shelley Keen

From: Craig L. Saxton *CS*

Re: License Review

Shelley,

This still needs to go out for a licensing amendment, but I wanted to run it past you before we do. There are a couple of things I wanted to run past you.

- 1) This permit requires mitigation for consumptive use. The consumptive use appears to be fully mitigated by other water rights for the same pond. Partial decree 01-4007 and, specifically, 01-181C which was changed per TR 72385 and specifically identifies volumes for seepage and evaporation.

My question is do we need to add some sort of condition that references that consumptive use is fully mitigated under 01-181C. *yes CS, updated condition #3*

- 2) As far as I can tell, 01-4007 and 01-181C already provide more volume than is needed for storage, seepage and evaporation. The volume we are proposing is for flow through rather than storage so I think of it as a separate entity. That said, do we need to provide some volume limiting conditions? *-NO CS*

My gut says not to because the storage vol and flow through vol are for different purposes of use.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-181C

WATER RIGHT NUMBER: 1-181C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NEW SWEDEN IRRIGATION DIST 2350 W 1700 S IDAHO FALLS, ID 83402 (208)523-0175
Current Owner	CITY OF BLACKFOOT 157 N BROADWAY BLACKFOOT, ID 83221 (208)785-8688

Priority Date: 06/16/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01	to 12/31		200.00 AF
IRRIGATION FROM STORAGE	04/01	to 10/31		200.00 AF
DIVERSION TO STORAGE	04/01	to 10/31	46.000 CFS	
RECREATION STORAGE	01/01	to 12/31		2,266.80 AF
IRRIGATION	04/01	to 10/31	1.000 CFS	200.00 AF
	<u>Total Diversion:</u>		46.000 CFS	2,466.80 AF

Location of Point(s) of Diversion

SNAKE RIVER	L9 (SW1/4NE1/4)	Sec. 27, Twp 02S, Rge 35E, B.M.
BINGHAM County		
SNAKE RIVER	NE1/4SW1/4	Sec. 27, Twp 02S, Rge 35E, B.M.
BINGHAM County		

Place of Use

IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	35E	27											X	X					
02S	35E	33				X											X		
02S	35E	34					X	X			X								

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Water Right Report 1-181C

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	
02S	35E	27								.7				6.8					7.5
02S	35E	33													9.1	.7	.6	1.1	11.5
															L 10	L 11	L 11	L 10	
02S	35E	34		1.8			5.6		4.0	1.1		.2							12.7

Total Acres: 50

IRRIGATION FROM STORAGE same as IRRIGATION
STORAGE

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of the approval of Transfer No. 72385, this water right was within State Water District No. 01.
2. T08 Failure of the right holder to comply with the conditions of Transfer No. 72385 is cause for the Director to rescind approval of the transfer.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. R43 The right holder shall maintain a measuring device and lockable controlling works both of which shall be of a type approved by the Department and that will provide the watermaster suitable control of the diversion(s).
5. The diversion and use of water under Transfer No. 72385 is subject to additional conditions and limitations contained in a Settlement Agreement-IDWR Transfer of Water Right, Transfer No. 72385, dated June 2006, including any properly executed amendments thereto, entered into by and between the New Sweden Irrigation District, the City of Blackfoot, A & B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, Twin Falls Canal Company, and North Side Canal Company. The Settlement Agreement has been recorded in Bingham County (Instrument No. 575897) and Bonneville County (Instrument No. 1249899) and is enforceable by the parties thereto.
6. The place of use for irrigation under this right includes portions of Tract 38 in NESW and SESW of section 27, and NENW and SWNW of section 34; portions of Tract 39 in SESW of section 27, NWNE, NENW, SWNW, SENW, and NWSW of section 34; and a portion of Tract 41 in NWSW of section 34.
7. The reservoir established by the storage of water under this right shall not exceed a total capacity of 1100 acre feet or a total surface area of 73 acres. This right authorizes additional storage in the amount of 186 afa to make up losses from evaporation and 980.8 afa for seepage losses.
8. T07 The right holder shall accomplish the change authorized by Transfer No. 72385 by February 14, 2008.
9. 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.
10. The place of use for the storage elements of this right includes portions of Tract 42 in SENE and NESE of section 33, and a portion of Tract 39 in NWSW of section 34.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 1-181C

Comments:

1. mholliday 3/26/2007 recommendation

Comment: Recommendation based on approved transfer 72385.

2. dcarlson 10/15/2009 8:25:41 AM Water Right

Comment: This water right record was updated by decree record from old RightID 6061 to new RightID 611110

Dates and Other Information:

Licensed Date:
Decreed Date: 5/29/2009
Enlargement Use Priority Date:
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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/27/2007	mholliday	Closed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	3/27/2007 1:54:57 PM	mholliday	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	3/26/2007 3:32:51 PM	mholliday	Updated shape
POU	3/27/2007 11:26:16 AM	mholliday	Updated shape for Active POU
POD	3/26/2007 3:34:35 PM	mholliday	Updated shape