

MEMO

TO: File 65-13598

FROM: CPadilla

DATE: December 22, 2010

RE: Licensing Review Memo

Time Line:

Application for Permit Received: 2/23/95

Permit Approved: 5/15/95

Proof of Beneficial Use Received: 4/14/00

Field Exam Conducted: 8/21/01

Conditioning:

Comment	Water Permit Condition Report
Carry to license.	18B The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
Remove from license, no irrigation found.	03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
Update to R05 and WD #65A	005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
Carry to license.	Wildlife use is for upland fowl habitat improvement.
No re-diversion points or injection points found. Remove from license.	Diversion points are same as re-diversion points but separate from injection points in SWNW and SESW, S22, T10N, R01E.
Carry to license.	When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
Condition has been met. This will carry to license.	A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
Doesn't carry to license	26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
Carry to license.	After specific notification, the right holder shall annually report to the department the amount of water diverted under this right.

POU Overlap Analysis: The only overlap occurs at Pond #4 with 65-13677. The overlap will be addressed in conditions. The original licensing amendment errantly has Pond #5 in the SWNW of Sec. 22. The new amendment will correct the POU to list it in the SENW of Sec. 22.

PD Summary: There is one live-flow PD associated with this right. The PD from Fir Tree Gulch diverts up to 0.69 cfs and be stored in a pond at the PD. The 4 other PDs listed from unnamed streams do not have a live-flow component. The PDs are ponds that are naturally filled within the stream channel.

Legal Description	Location	System Capacity and Pond Size	Used by Water Rights	Uses
NENWNE Sec. 21 10N 1E	Fir Tree Gulch Ck	0.69 cfs (feeds into Pond #5 of 11.3 af)	65-13598	Wildlife Storage and Diversion to Storage
NWNE Sec. 27 10N1E	Unnamed Stream (aka Pond #4)	2.9 af	65-13598 and 65- 13677	Wildlife Storage
NENE Sec. 27 10N1E	Unnamed Stream (aka Pond #3)	1 af	65-13598	Wildlife Storage
NENE Sec. 27 10N1E	Unnamed Stream (aka Pond #2)	1 af	65-13598	Wildlife Storage
NENE Sec. 27 10N1E	Unnamed Stream (aka Pond #1)	10 af	65-13598	Wildlife Storage
Total		0.69 cfs and 26.2 af		

Volume and Diversion Rate: The volumetric recommendation is based on the actual capacity of the ponds of 26.2 af. Since we are re-evaluating the license, at this point we should include evaporation into the license based on Department policy. ET Idaho (see file 65-13677 for reference) shows evaporation as being 2.6 afa/acre or a total of 8.3 afa for this license (2.6 afa x 3.2 surface area). For the total volume $26.2 \text{ af} + 8.3 \text{ af} = 34.5$. Since this exceeds the permitted volume, I recommend licensing this right for 32 afa (the total permitted volume). Note that evaporation in Pond #4 is accounted for in 65-13677 and this license does not/cannot account for seepage.

The field examiner recommended 1 cfs on the examination report. Further evidence within the field examination suggests that the right should only be licensed with an

amount of 0.69 cfs. It appears that the field examiner simply rounded up because there is no evidence in the report that supports 1 cfs. I recommend 0.69 cfs.

Amendment Needed?: Yes. PD and POU were developed differently than permitted. The old amendment will be returned to the applicant. Since no fee was submitted with that amendment a \$50 fee will be solicited.