

MEMO

TO: File 63-31969

FROM: CPadilla

DATE: October 21, 2010

RE: Licensing Review Memo

Time Line:

Application for Permit Received: 6/9/2004

Permit Approved: 11/12/2004

Proof of Beneficial Use Received: 10/23/2009

Field Exam Conducted: 6/28/2010

Conditioning: Combined use limit will be added (see Volume and Diversion Rate section below)

Comment	Water Permit Condition Report 63-31969
Carry to license	1. 102 The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
Carry to license . Updated PLS based on CAD file that IDWR converted to shp. file	7. 126 Place of use is within the service area of Star Sewer and Water District as provided for under Idaho law. The place of use is generally located within Sections 2-11 and 14-23, Township 4 North, Range 1 West, Sections 1, 2, and 11-14, Township 4 North, Range 2 West, Sections 31-35, Township 5 North, Range 1 West, and Section 36, Township 5 North, Range 2 West.
Doesn't carry to license	6. 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 the permit holder had no control.
Doesn't carry to license	2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
POU is a large POU, carry to license	3. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
Changes to 103 at licensing	5. 121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
Carry to license.	4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

POU Overlap Analysis:

Right	Diversion Rate	Use	Priority
63-12100	1.5 cfs	Municipal	3/5/94
63-12370	0.6 cfs	Municipal	10/23/96
Totals	NA		

PD Summary: There are three wells on this system. The majority of the water for the district comes from wells #1 and #3. Well #2 is sparingly used as it is manually operated. **Department records are not up-to-date for 63-12100 and 63-12370. Each right does not list all 3 PDs. Once this right is finalized, they plan to file a transfer to include all 3 PDs in the water right records.**

As listed in database

Tag #	Location	Rights that Use PD	Uses	Installed Capacity
Well #1 E0006751	4N1W Sec 8 NWSWNW	63-12100, 63-12370, 63-31969	Municipal	4.46 cfs
Well #2 D0000149	4N1W Sec 8 NESESW	63-12370, 63-31969	Municipal	0.90 cfs
Well #3 D00046412	4N1W Sec 5 SESW	63-31969	Municipal	4.79 cfs

Volume and Diversion Rate: A volume limit does not apply for this type of municipal provider. Per the Admin. Memo-App processing #18, no annual volume is required when the provider is serving an incorporated city. In this case the city of Star is being served by Star Sewer and Water District.

In addition, the diversion rate is limited by the permitted rate AND the (capacity of the system) – (the rate already authorized from existing rights).

Permitted Rate = 5 cfs

New Capacity of System = 10.15 cfs – 2.1 cfs = 8.05 cfs

In this case the rate is limited to 5 cfs.

However, in addition to calculating the capacity of the system, the department must ascertain the amount of water that was being put to beneficial use during the development period.

Records are available on water usage from the district from 2008 through 2010. The table below summarizes the data: *(see field exam for actual data)*

Year	Average Usage (cfs)		Total	Maximum Diversion (cfs) ¹		Total
	Well #1	Well #3		Well #1	Well #3	
2008	0.62	0.44	1.06	1.82	1.42	3.24
2009	0.55	0.42	0.97	1.28	1.58	2.86
2010	0.58	0.41	0.99	1.23	0.93	2.16

To reach a total maximum diversion rate from both wells, an assumption is made that both wells are reaching their peak flow at the same time.

¹ This number is taken from a given month where the Peak Flow is at the systems height. Peak flow happens to be in July each year.

The limiting factor for the diversion rate will be based on the actual diversion rate of 3.24 cfs (2008 data). Or an additional increment of use above the previously licensed rights of 1.14 cfs. (3.24 cfs maximum rate put to beneficial use - 2.1 cfs = 1.14 cfs). This license will be licensed for 3.24 cfs and a combined use limit will limit 63-12100, 63-12370, and 63-31969 to 3.24 cfs.

Amendment Needed?: NO. An amendment was received in 2006 by the district to change the POU and add a PD. The district only developed one additional well (total 3) that was covered by the original permit. An amendment is not required to change the POU since this is a municipal use. The application for amendment was never processed and will be returned at this time as it is unnecessary pursuant to the field examiner's findings.