

MEMORANDUM

TO: Water Right Files 22-2125 and 22-2137
FROM: Daniel A. Nelson
DATE: September 29, 2010
SUBJECT: Blue Indian Homeowner's Association Water Supply Bank Lease and Rental Application

SUMMARY

Rocky Mountain Environmental Associates (RMEA) on behalf of their clients Blue Indian Homeowner's Association (BIHOA) filed a lease application to be rented by the same entity to fill a pond for fire protection. The Water Bank application is for 1 acre feet of water, however, a later email from the applicant's consultant suggests that the pond will be 90 feet in diameter by 15 feet deep, which would have a volume of 2.2 acre feet. The 2.2 acre feet are still within the volumetric amount allowed by retiring 1 acre of irrigation.

In a telephone call with Kristin Moore, the RMEA representative, the applicant believes they can maintain the pond level with a domestic water right limited to 0.04 cfs and 2500 gallons of water per day. Using the pond spread sheet, I determined that the evaporation rate on a lined pond of this size would use approximately 1,725 to 2,122 gallons per day to maintain the pond surface level. Therefore, if the exempt water right is not used for any other purpose, then it would be sufficient to maintain the pond levels. However, if the pond is used for fire suppression, then there could be an issue of refilling the pond. They may need to seek a new water bank lease and rental.

The lease and rental was received on June 15, 2009, for the 2009 water year. However, in a letter dated September 16, 2010, the BIHOA president, Matt Hail, informed us that development delays prevented the pond from being constructed until August of 2010. Mr. Hail also stated that the pond will be ready to fill in 2011, and asked that the lease rental application be held until 2011.

The water right proposed by BIHOA to be used in this rental is water right 22-2137. They have requested to remove one acre of irrigation from this water right and 0.02 cfs to supply 1 acre feet of water to the pond. The headgate requirement for this area is 3.5 acre feet per acre and 2.5 acre feet for consumptive use. There appears to be adequate water from water right 22-2137 to adequately cover the needs to fill this pond in 2011, however, water right 22-2125 provides water from the same source for the exact same acres. Therefore 22-2125 will also need to be reduced by one acre of irrigation and proportionate share of the diversion rate equaling 0.01 cfs.

AUTHORITY TO FILE

A recent change of ownership by the water bank lease/rental applicant has updated all of the records to show they have the legal authority to file these applications.

SUFFICIENCY OF SUPPLY

Water right 22-2137 is a high water or flood water right. However, water right 22-2125 is a standard flow water right. With restricting 1 acre from both of these water rights, there should be adequate supply to provide the 1 acre foot of water needed to fill the pond. However, there is a standing futile call on Horseshoe Creek that may cause issues. Dependent on the time of that the applicant plans to fill the pond, could raise an issue with sufficiency of water.

INJURY

The pond and the irrigation being retired are on the same piece of ground, so no injury is anticipated.

ENLARGEMENT

As long as the one acre of irrigation under water right 22-2125 is reduced by 1 acre there should be no problems with the enlargement by the filling of this pond. There could be a long term issue with refilling of the pond over subsequent years. A water right or showing that a water right will be in place should be required prior to issuance of the water bank rental and lease.

BENEFICIAL USE

This proposal appears to propose a beneficial use of the waters of Idaho.

LOCAL PUBLIC INTEREST

There is nothing to suggest that this rental and lease is not within the local public interest.

WATER DISTRICT

This lease is within Water District 01.

RECOMMENDATION

I recommend approval of this application under the following conditions.

1 acre will temporarily be retired from the SESE of Section 26, Township 5 North, Range 44 East under both water rights 22-2137 and 22-2125.

The remaining portion of water right 22-2137 will be for 140 acres and 3.198 cfs.

The remaining portion of water right 22-2125 will be for 140 acres and 1.49 cfs.

When both water rights are combined they will be limited to 140 acres total.

The rental will be for 0.20 cfs and 2.2 acre foot of water for the filling of a fire prevention pond.

After the pond is filled, the owner of the pond will be limited to a diversion rate of 0.04 cfs and 2500 gallons per day.

Prior to filling the pond, the applicant must seek approval for delivery of the water from the Water District 01 watermaster.