

MEMORANDUM

Date: September 27, 2010
To: Water Right File 37-8759
From: medl
Re: license review

Comment-Special Data Entry

The Donna F Tuttle Trust property is sited in an unusual location. The only survey address for the subdivision containing this property is Homestead Entry Survey (H.E.S.) #329. No Public Land Survey has ever been conducted on this subdivision. However, the IDWRs database expects a Public Land Survey address for the place-of-use and the point-of-diversion. In order to complete the data entry, both the field examiner and I overlaid H.E.S. 329 with a virtual Public Land Survey grid. The PLS addresses assigned by this license are only for ease of locating features important to this water right. They are not intended to replace the official survey record.

The Tuttle property is identified by Blaine County as taxlot #4018, and PIN #RP05N170140090.

Applicant

The trustee for the Donna F Tuttle Trust, is a non-resident, typically occupying the property on weekends. James P. Speck of Speck & Aanestad is the local representative for the right holder.

Source and POD

The use of ground water authorized by this right is mitigated by a non-use of a portion of a surface water right. The mitigation right, 37-496C, was historically diverted and put to use more than twenty miles away. The former place-of-use was a 2-acre parcel located in Twp 3N, Rge 18E, sec 20, straddling the SENW-NESW quarter-quarter line. Right 37-496C has been recommended for decree, to the Donna F Tuttle Trust, in the SRBA court.

The pairing of these two rights would probably not be acceptable as a mitigation plan by contemporary standards. But an analysis of the interrelationship of the aquifer under Eagle Creek to the Big Wood River is outside the scope of this review. To meet 1995 mitigation standards, the primary requirements were: watermaster control of the ground water diversion and the drying up sufficient acres at the former place-of-use.

I created the point-of-diversion shape with reference to 2004 aerial photography to match image work done by the field examiner for his field exam report.

The point-of-diversion is a well with tag #2851. The IDWR database does not have the Well Driller's Report correctly associated with this well. I have provided a map of the well location and a copy of the well report to ground water protection personnel. They will update the record as time allows.

Water Use

The field examiner found one domestic use, a primarily aesthetic pond in dual use as fire protection storage, and 1.1 irrigated acres.

The irrigation system was designed to deliver water at a higher rate than the permit authorized. The well/pump design capacity is also appears greater than the permitted rate.

The pond is lined to minimize seepage losses but the pond volume is probably more than the permitted 0.1 af and it is kept full during the summer with a float valve mechanism that activates pumping from the

well. I don't believe that it's drained each year. Any water left in storage is allowed to freeze during the winter.

Previous piping did not allow the watermaster to separate the irrigation associated with the domestic use from the other irrigated acres or to lock out the automatic pond delivery. The required, lockable, controlling works had not been installed in 2007 nor by the time a followup exam was conducted in 2008. The examiner stated that the conditions of the permit had not been met but recommended the permit be licensed nevertheless.

Contrary to the field examiners recommendation, I determined that the permit holder was out of compliance with the conditions of the permit and on August 9, 2010, I notified the permit holder through their representative that they were at risk of having the permit voided. Additional lockable valves, allowing control of the consumptive components, were installed in late summer 2010.

I requested independent confirmation that the control works are now satisfactory from Kevin Lakey on 9/20/2010. I am not willing to complete the licensing process until the watermaster has some control over this right.

The mitigation right, 37-496C, was historically delivered from the Big Wood River through the Mizer ditch. File documents indicate that the ditch was collapsing and no longer capable of delivering water to the former place-of-use, when the right was deeded for use as mitigation of this permit. In this case, the mitigation plan did not require the retirement of a specific number of irrigated acres. That may explain why the historic place-of-use is greener than property without a water right should appear. I believe that the 0.05 cfs associated with 37-496C has remained in the Big Wood River.

The priority date of this license is based on the date that Application for Permit 37-8759 was received, not on the priority date of the mitigation right.

Place of Use

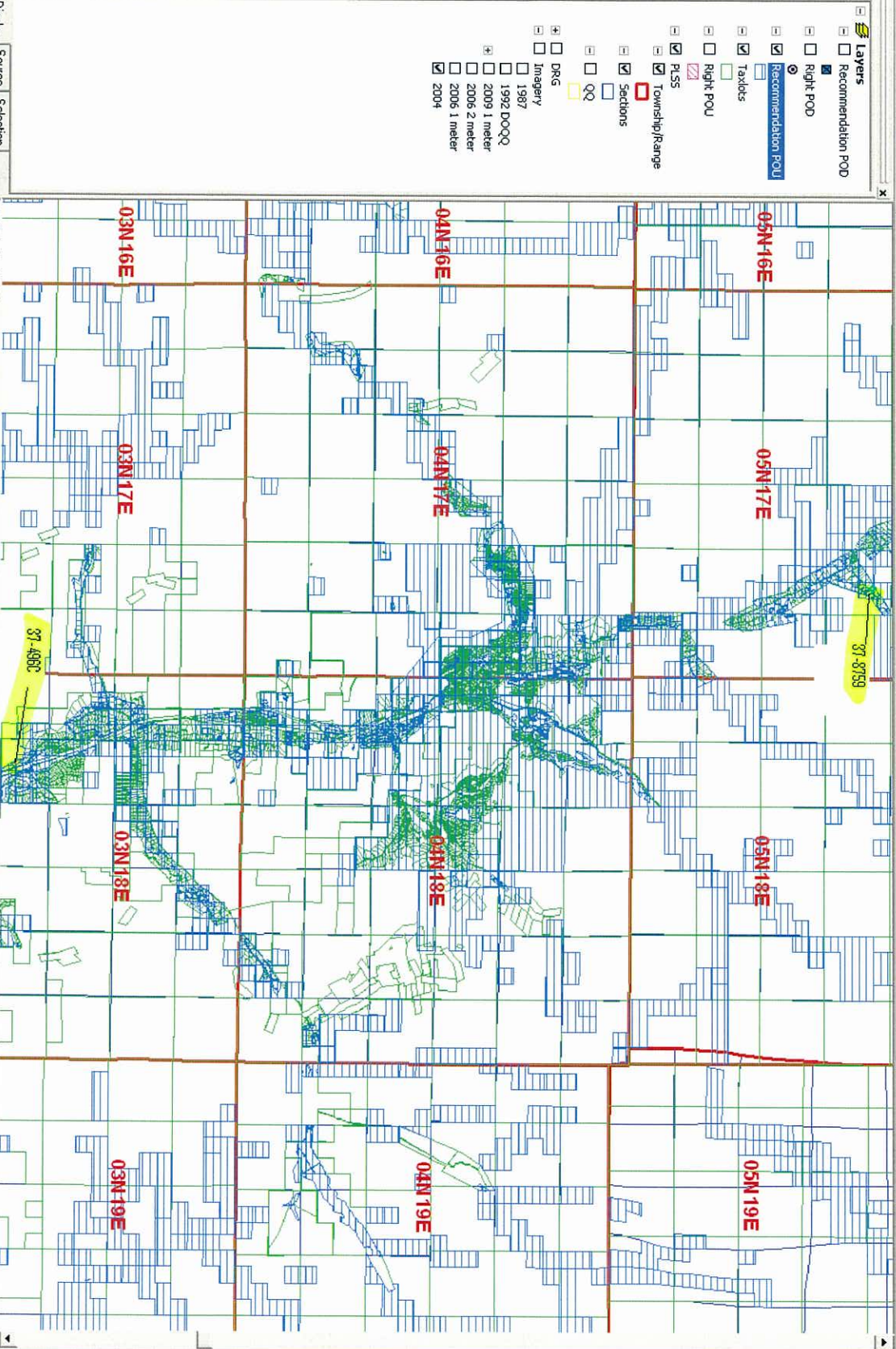
I created the place-of-use shapes with reference to 2004 aerial photography to match image work done by Jim Stanton for his field exam report.

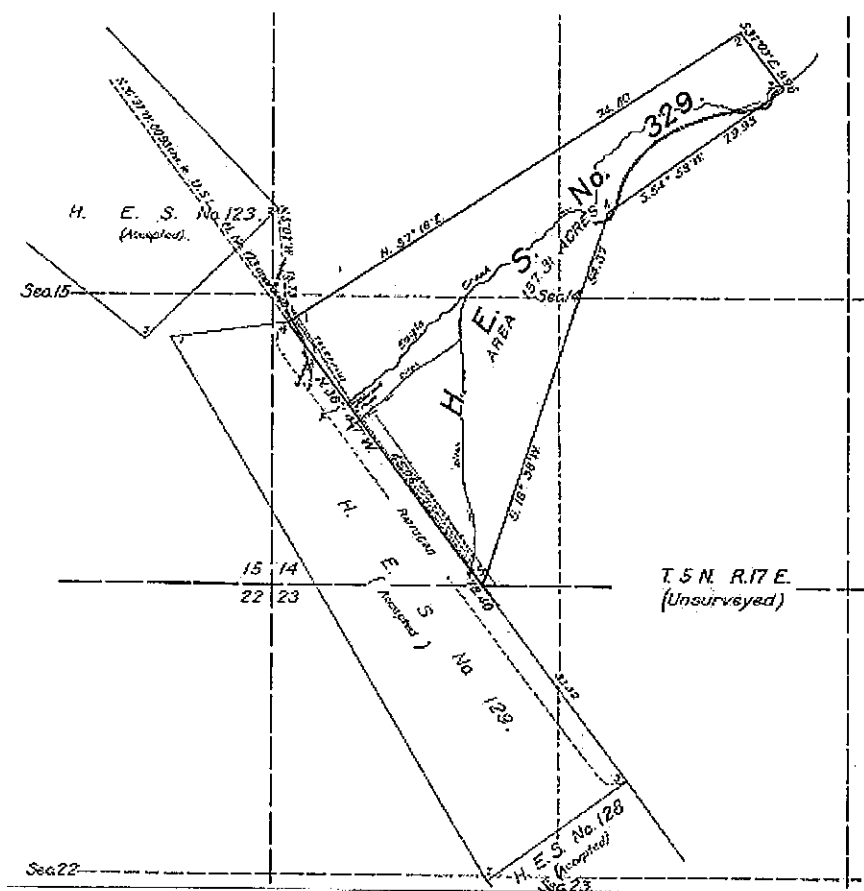
Calculations

I agree with the rate and volume amounts recommended by the field examiner.

Layers

- ☐ Recommendation POD
- ☐ Right POD
- ☒ Recommendation POU
- ☐ Taxlots
- ☐ Right POU
- ☒ PLSS
- ☒ Township/Range
- ☐ Sections
- ☐ DRG
- ☐ Imagery
- ☐ 1987
- ☐ 1992 DOQQ
- ☐ 2009 1 meter
- ☐ 2006 2 meter
- ☐ 2006 1 meter
- ☒ 2004





Plat of
**HOMESTEAD
 ENTRY SURVEY**
 No. 329
 in the
**SAWTOOTH
 NATIONAL FOREST**
 in
 Section 14, unsurveyed
 T. 5 N. R. 17 E.
 of the
 BOISE BASE AND MERIDIAN
 IDAHO

This plat of Homestead Entry Survey No. 329 State of Idaho is strictly conformable to the field notes thereof on file in this office, which have been examined and approved.

U. S. Surveyor General's Office

Boise, Idaho,
 July 5, 1910

James A. Utter
 U. S. Surveyor General

SCALE 10 chains to 1 inch

Survey Designated	By whom Surveyed	First Cont. Comp. No.	Date	When Surveyed	Date of Approval
H. E. Survey No. 123	W. B. Rice	123	July 8, 1910	Aug. 3, 1910	Sept. 6, 1910

Area in Acres
H. E. Survey No. 329

Act of June 11, 1906	Act of Sept. 20, 1910
Act No. 4-134	Act No. 107-107

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Homestead Entry Survey • Twp 5N-17E, ID, Boise			
 Survey Details	 Plat Details	 Plat Image	 Field Note Images
Plat Details			
DM ID:	37106	Supplemental:	No
Accession Nr:	---	Supplemental Comments:	---
Duplicate Status:	Original	Survey Based Suppl.:	No
Plat Activities			
<u>Activity Type</u>	<u>Activity Date</u>	<u>Description</u>	
Survey Approved	7/5/1916	Darwin A. Utter (Surveyor General)	

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Survey Details

Survey Office:	Boise, Idaho	Survey Nr.:	329
Survey Type Other:	---	Group Nr.:	---
Fractional:	No	Mineral Surv. Idx. Nr.:	---
Fract. Comments:	---	Mining District:	---
Acreage:	157.31	County(s):	Blaine (ID)

Survey Activities

<u>Activity Type</u>	<u>Activity Date</u>	<u>Description</u>
Survey Commenced	6/30/1915	R. D. Garver (Forest Examiner-Surveyor)

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