

MEMO

TO: File 63-33260

FROM: CPadilla

DATE: September 27, 2010

RE: Licensing Review Memo

Time Line:

Application for Permit Received: 8/6/09

Permit Approved: 3/19/10

Proof of Beneficial Use Received: 9/15/10

Field Exam Conducted: 7/28/10

Conditioning: Conditions will be added to address the POU overlap (see analysis below).

Comment	Water Permit Condition Report 63-33260
Does not carry to license.	046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
Carry to license	004 This right does not grant any right-of-way or easement across the land of another.
Does not 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 the permit holder had no control.
Carry to license	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.
Carry to license	065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
Changes to 103 at licensing	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	R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
Carry to license	104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

POU Overlap Analysis (in addition, see attached map and/or excel sheet): This POU is within the city of Kuna's municipal service area as well as the Nampa Meridian Irrigation District. The field examiner confirmed that the right holder uses surface water at the POU. I talked to the field examiner and asked what the right holder's plan is for right 63-9119. He informed me that Aschenbrenner doesn't own 63-9119 because the water right was withheld in the sale of the land. Although right 63-33260 will fully overlap 63-9119, they were developed independently of one another and will not include specific overlap conditions since this is not how they are used.

<i>Right</i>	<i>Acre Limit</i>	<i>Diversion Rate</i>	<i>Volume</i>	<i>PPU</i>	<i>Priority</i>
63-2388	THIS IS SW FROM NAMPA MERIDIAN IRRIGATION DIST.—overlap N/A				
63-9119	95	1.23	427.5	No	2/17/1978
63-33260	37.9	0.76	170.6	No	8/6/2009
<i>Totals</i>	--	0.02 cfs/acre	4.5 af/acre	---	

PD Summary

<i>Tag #</i>	<i>Location</i>	<i>Rights that Use PD</i>	<i>Uses</i>
D0056052	SEnw Sec. 4 2N1W	63-33260	Irrigation

Season of Use: Current standard of 3/1-11/15

Volume and Diversion Rate: The system can produce anywhere from 0.78-0.81 cfs based on measurements taken at the field exam. This right will be limited to the duty of water since the total acreage is 37.9 x 0.02 cfs = **0.76 cfs**. This right will be assigned a volume of **170.6** afa based on the standard irrigation requirement of 4.5 af/acre.

Amendment Needed? YES. An amendment was submitted at the time the field exam was submitted. The amendment changes the POU to include lands in the NENW of Sec. 4. No enlargement will result in the amendment since the total acreage will be 37.9 acres and the permit was approved for 40 acres.

JPEG of POU: Note that the light pink shaded area is the current POU for 63-9119.

