

MEMORANDUM

Date: August 16, 2010
To: 63-32614 and 63-33400
From: Michele Edl
Re: consensus memo

On July 26, 2010, application for permit 63-33400 was sent to Western Region office for pre advertisement review. On August 12, 2010, state office and western region office personnel met to resolve issues that were impeding advertisement of the application.

The following topics were discussed and resolved.

- 1) Western Region personnel had found an inconsistency between POU described in application for permit 63-33400 and the POU described in the transfer that it was designed to replace. The transfer describes a 67-acre POU within a 91.7 acre PPU. Permit 63-33400 describes a 67 acre POU. Confirmation from the applicant's representative has been requested.
- 2) The water bearing zone for 63-31515 was described as 1-15 ft. Application for permit 63-33400 is silent about the water bearing zone sought but because both permits involve the same ponds a depth of 1-15 ft could be assumed. Confirmation from the applicant's representative has been requested.
- 3) To describe ponds that are naturally filled by groundwater and contain parts of two or more quarter-quarters (QQ), I have been directed to show a POD in each quarter-quarter. This is based on the thinking that diversion of groundwater can be occurring in each of the QQs that the pond covers.

Western Region personnel requested a simplification of the PODs based on the thinking that although the ponds cross QQ lines, only one POD, typically a point in the center of the pond, is required to define the location. This method describes excavated ponds as if they were wells. By that logic, ponds 2, 3, 6, 10, 11, 12, 14 and 16 would have redundant PODs.

When combined with the POU description and conditions of the right, either method would fully describe the pond/storage. Therefore, I have modified these permits, reducing the number of PODs. Each pond is now represented by a single POD.

- 4) Department guidance on portraying water rights for ponds has evolved in the time since transfer 70024 and permit 63-31515 were inaugurated. Current guidance expects a storage use be listed for the pond capacity and again for the consumptive loss. In this case, aesthetic storage is listed as a use on each permit.
63-31515 provides 49.5 AF for aesthetic storage (the pond volume)
63-33400 provides 1.34 cfs for irrigation and 42 AF for aesthetic storage (the evaporation loss attributable to the ponds = 3.5 consumptive use x 12 acres surface area)
Both rights are necessary in combination to authorize requested storage uses in ponds.
- 5) A mitigation plan is required for these types of appropriations in Basin 63. The applicant is the holder of all of the rights involved, which simplifies the mitigation plan. I did not request a separate document dedicated to describing the mitigation. Depletion analysis was completed by Department personnel when reviewing Application for Transfer 70024 and a copy of that analysis is included in the application for permit 63-33400. The mitigation plan is briefly stated in the narrative (part 12) for Permit 63-33400. Decreed Water Right 63-32614 is offered, up-front, for mitigation of both permits in a 1 to 1 swap.