



JUL 16 2010

July 16, 2010

DEPARTMENT OF
WATER RESOURCES

Cherie Padilla
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: Draft Licenses for Permits 63-12461 & 63-12470

Dear Cherie:

Thank you for the opportunity to review the draft licenses for permits 63-12461 and 63-12470. The draft licenses raise issues related to place of use, diversion volume, and diversion rate. These issues are discussed below.

Permissible Place of Use. The draft licenses include amendments to show a permissible place of use (PPU). The proposed PPU includes the lands under the City's existing decreed water rights, plus the lands developed under these permits. The field examinations prepared by SPF did not show a permissible place of use, but rather specific acres developed under each water right permit. We agree with the Department's PPU approach, as it is consistent with the approach used for the decreed rights, and provides the City with flexibility. In discussing the PPU with the City, they noted that two parcels within the Department's proposed PPU in Sections 25 and 36 are not City-owned. Therefore, we have modified the Department's proposed PPU to exclude those lands. A revised PPU map is enclosed as Attachment A. It totals 3,776 acres. These acres are listed in Table 1 below.

Table 1 – Proposed Permissible Place of Use

Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1E	23									30	35	40	40	31	33	40	40	289
		24									32	33	40	33					138
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	15	615
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27	40	40	40	40	32	32	36	40	8	2			40	40	40	40	470
		33	40	40	40	40	40			40									240
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		35	40	40	40	40	40	40	40	40	39	39	30	31	39	40			538
		36	32	37	3	27	40	40	17	10									206

Total Acres 3776 ppu

A transfer application can be submitted in the future to change the current PPU for the existing decreed water rights that share the integrated irrigation system. The transfer can add the new

acres developed under permits 63-12461 and 63-12470 and exclude the property not owned by the City of Boise.

Diversion Rate. You have suggested increasing the diversion rate under the individual rights to 0.02 cfs per acre, provided that the two rights in combination are limited to 9.80 cfs as required by the permits. SPF's field exams were more limiting, as we attempted to apportion the 9.80 cfs limit over the developed acres. We agree that the Department's approach of licensing the full 0.02 cfs per acre is appropriate and provides more flexibility for these water rights.

The City has developed diversion capacity under the two permits totaling 12.25 cfs from Well 11 (NWSW Section 27) and Well 12 (SWSW Section 24). Both wells are authorized points of diversion under each permit. In total, the 12.25 cfs (1) provides adequate capacity to support 0.02 cfs per acre over the 595 developed acres, and (2) provides sufficient capacity to reach the 9.80 cfs diversion rate limit for the two rights.

Diversion Volume. There is a typographical error in Condition No. 2 of the draft license for 63-12461. The total maximum diversion volume listed in the condition should be changed from 2137.6 af to 2317.6 af.

Similar to the diversion rate, we understand that the Department will allow the standard annual volume limit of 4.5 acre feet per acre under the individual water rights, provided that the two rights in combination are limited to 2,317.6 afa as required by the permits.

Updated Field Exam Pages. I have attached an updated field exam for water right 63-12470. The updated exam documents adequate diversion capacity for 63-12470. In the original 63-12470 exam, I documented capacity for only Well 12, which is inadequate for the 0.02 cfs/acre diversion rate. However, both Well 11 and Well 12 were developed for permit 63-12470, so any capacity of Well 11 that was not applied to 63-12461 is available for 63-12470. The updated exam page 4 recommends a diversion rate and volume of 7.32 cfs and 1,647.0 afa.

I have also attached an updated field exam for water right 63-12461. The updated exam page 4 recommends a diversion rate and volume of 4.58 cfs and 1,030.5 afa.

Please let me know if there are any questions. Thanks Cherie.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Certified Water Right Examiner No. 10-129

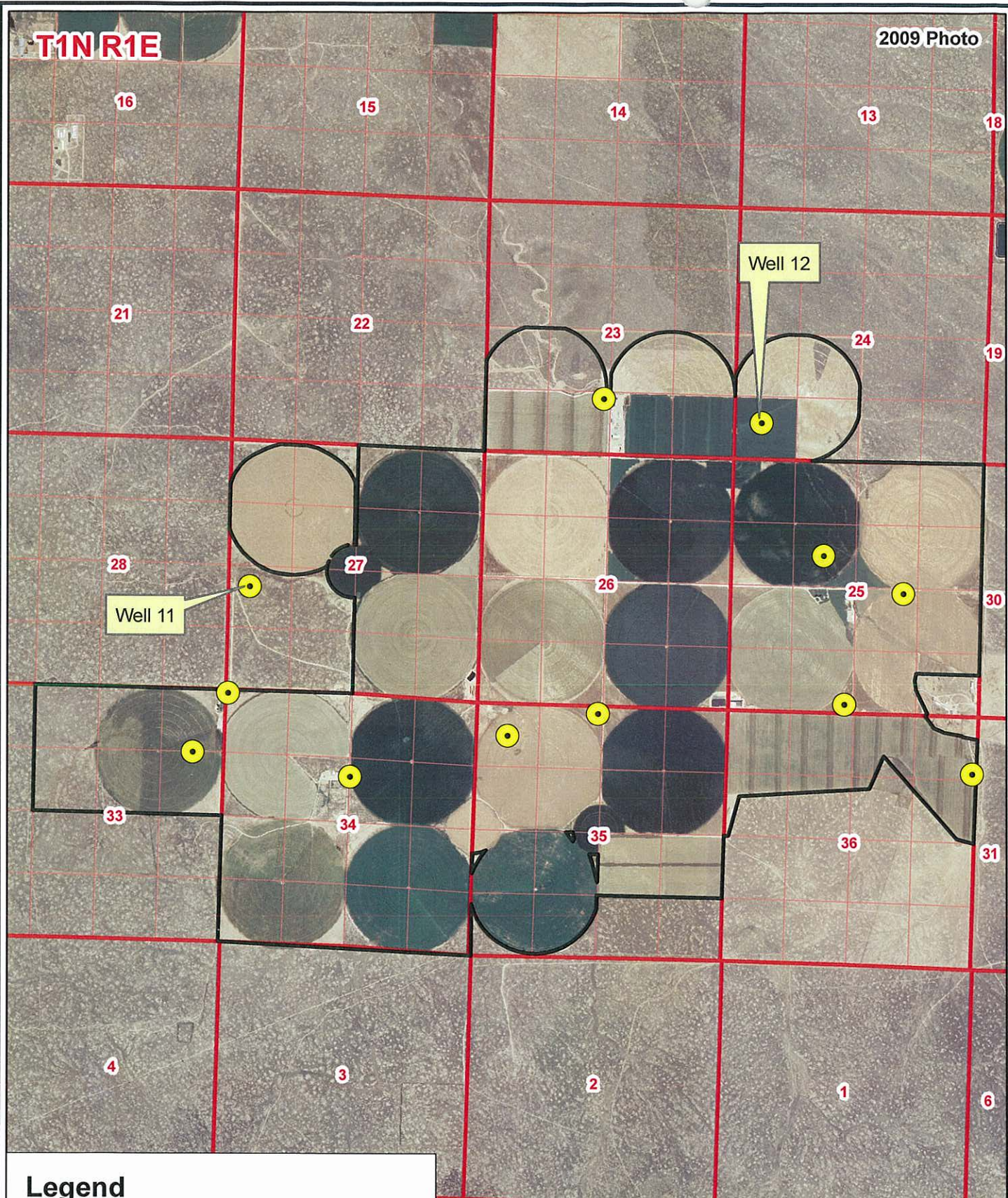
Cc: James J. Purdy, Assistant City Engineer

Enclosures

SPF File: 389.0290

T1N R1E

2009 Photo



Legend

-  Proposed Points of Diversion
-  Proposed Permissible Place of Use
-  Sections

Attachment A



0 0.25 0.5
Miles

