

Review Memorandum

Date: August 5, 2010

To: File 47-8082

From: Craig L. Saxton

Re: Licensing Review Memo for 47-8082

.....

On-stream Storage:

There is some conflicting evidence of whether the storage of the unnamed stream water is actually on-stream or off-stream storage. The original permit application includes a map which indicates that the path of the spring fed unnamed stream flows through the ponds and to the snake river and therefore would be on-stream storage. However, the licensing field exam map indicates that the natural flow of at least some of the channel of the unnamed stream(s) might have turned NE before feeding the ponds.

The November 13, 1997 field exam memo from Georgia Satterlee states that the 5 ponds are "...from direct flow on-stream."

I am basing my recommendation to license the right for on-stream storage from the field examiners memo.

POD:

January 24, 1995 memo from Cindy Zimmerman states that per conversation with the permit holder, ponds 1 and 2 are not only fed from the unnamed stream, but have springs in the bottom of the ponds that are providing water.

Each on-stream stock pond acts as a point of diversion. Between the springs and the 5 ponds, we have 7 points of diversion.

Springs need to be described to the 10 acre tract but the unnamed stream POD's only need to be described to the 40 acre tract.

Pond 1: Spring: T9S, R18E, S32, SENESW (Lot 4)

Pond 1: Unnamed Stream: T9S, R18E, S32, ~~SE~~NESW (Lot 4)

Pond 2: Spring: T9S, R18E, S32, SWNESW (Lot 4)

Pond 2: Unnamed Stream: T9S, R18E, S32, ~~SW~~NESW (Lot 4)

Pond 3: Unnamed Stream: T9S, R18E, S32, ~~SE~~NESW (Lot 4)

Pond 4: Unnamed Stream: T9S, R18E, S32, ~~AW~~NESW (Lot 4)

Pond 5: Unnamed Stream: T9S, R18E, S32, ~~SE~~NESW (Lot 4)

Need an amendment to add the additional points of diversion.

Purpose of Use:

Field examiner found stockwater and stockwater storage as an additional purpose of use. Cannot add stockwater as a purpose of use for an on-stream right as it would indicate that water can be diverted away from the stream for stockwatering.

Diversion Volume:

The field examiner indicates the need to add stockwater and stockwater storage for 5 horses. 47-4227 is partially decreed for stockwater use for 2 of the 5 ponds. Can add include stockwater storage because addition of this use will not exceed permitted volume of 10 AF.

Recreation Storage: 3.9 AF

Stockwater Storage: 0.04 • 0.1 AF

Total = 4.0 AF

"Condition to the permit states that the authorized annual volume of water to fill the pond and the amount required to replace losses through evaporation."

Surface area of the ponds according to the field exam sum to 0.9 acres. Per Transfer Processing Memo 26, the evaporation loss for one acre of pond is roughly equivalent to the consumptive use for one acre of irrigation. The standard consumptive use for one acre of irrigation in the area is 3 AF per acre.

$$(0.9 \text{ acres of pond surface area}) \times (3 \text{ AF/acre consumptive loss}) = 2.7 \text{ AF}$$

It is assumed that seepage loss is zero. Since one of the sources for ponds 1 and 2 are springs located at the bottom of the pond according to the Jan 24, 1995 memo from Cindy Zimmerman, seepage loss would not be applicable. Partially decreed right 47-4227 is for stockwater use from ponds 3 and 5 would share the burden of seepage loss if it were applicable. It is assumed that any seepage loss in ponds 3-5 is negligible.

Total storage volume recommended = 6.7 AF

Place of Use:

Place of use (pond location) was determined using the licensing field exam map, GIS, and pond measurement dimensions listed in the field exam.

Conditions:

Permit lists condition 030:

A separate stream alteration permit from the IDWR is required for any activity in the stream channel other than construction and/or maintenance of the diversion structure. If the proposed construction or operation involves construction of an outfall or any other work in the stream channel other than a water diversion, the right holder shall contact the Department and obtain a Stream Channel Alteration permit prior to the start of construction.

This condition was made inactive in 1995 because the language was added as a paragraph to the cover letter accompanying surface water permits. Therefore, this condition appears to be simply a notification to the permit holder if any stream channel alteration work is done.

I do not have knowledge that the during the development period there was any other work done in the stream channel other than the construction or maintenance of the diversion works. Condition is dropped from the license.

