

MEMORANDUM

Date: July 22, 2010
To: Water Right File 63-33400 and 63-31515
From: Michele Edl
Re: Application for permit review

Applicant

The applicant is Rivers End Neighborhood Assn Inc., (ISOS #C145184). They are also the owner-of-record for Amended Application for Transfer 70024 and its companion Application for Permit 63-31515, and for Decreed Water Right 63-32614.

These other water rights and processes are closely associated with this application. Transfer 70024 is not approvable and is conditionally withdrawn pending the joint approval of both applications for permit 63-31515 and 63-33400.

Dave Shaw (ERO Resources Corp) is the representative for applicant.

Source and POD

This application for permit seeks to appropriate groundwater through 17 shallow (10 to 20 feet deep) ponds. The water-bearing zone is approximately 15 ft below ground surface. At inauguration, the ponds were expected to be considered tributary to the Boise River. The last of them have recently been excavated. Some of them are no more than small, water features.

The source of the water will ultimately be (~50 years in the future) the Boise River. However, these ponds cannot meet the criteria for a direct and immediate connection to the river which would allow naming the Boise River as the source.

I created the POD shapes based on maps submitted with Amended Application for Transfer 70024. Several of the ponds cross QQ lines which meant that additional PODs were required to completely describe the groundwater diversions.

Mitigation will be provided through non-use of Right 63-32614 which was decreed on May 28, 2007. Decreed Right 63-32614 is a Boise River right (priority 3/1/1865) with an access ditch that is no longer available to the right holder. The entire right is offered, up-front, for mitigation of depletion to groundwater which will occur for the next 50+ years.

Water Use and Quantity

Most of the 17 ponds are aesthetic features only. However, one of the ponds is fitted with a pump which supplies irrigation water for the subdivision property.

Application for Permit 63-31515 authorizes initial fill of the ponds. Application for Permit 63-33400 seeks authorization for storage use, for irrigation use on 67 acres in a nearly 92-acre permissible place-of-use and for evaporation losses from surface area (12 acres total) of the ponds. Both applications are mitigated by non-use of Decree 63-32614.

I have informed the current Basin 63 watermaster that this pump and these uses exist. He has contacted the applicant's representative and has visited the site. He has requested standard watermaster control conditions on the permit.

Place of Use

The place-of-use is the Rivers End subdivision on Eagle Island in the Boise River. I created the place-of-use shapes based on maps submitted for Transfer 70024.

The aesthetic ponds are the same, 17 shallow ponds discussed as diversion points in the narrative above.

The permissible place-of-use shape for irrigation is 91.7 acres and was created by cutting the pond shapes from the subdivision survey shape provided to me. I made no attempt to exclude the hardscapes that are visible in contemporary aerial photography.

Remarks and Status

Application for Permit 63-31515 was advertised in 2002 and successfully completed the legal notification process. At that time, it was paired with Application for Transfer 70024. Protests to the two applications were withdrawn and SRBA decrees in 2007 resolved ownership and place-of-use issues but didn't completely supplant Transfer 70024.

Application for Transfer 70024 requested a change in source but did not provide satisfactory proof that the shallow groundwater ponds and the Boise River were interconnected sufficiently to meet Department's criteria for authorizing that change.

Analysis performed and furnished by department staff shows that the ponds and the river are connected, but the connection will not be completely fulfilled until years in the future. That same analysis is reused by the applicant and has been submitted to meet the analysis requirement for the mitigation associated with this application.

Transfer 70024 is conditionally withdrawn pending the joint approval of Application for Permit 63-31515 and this Application for Permit, 63-33400.