

MEMORANDUM

Date: October 13, 2009
To: Water Right File 63-31829
From: Aaron Marshall
Re: Licensing Amendment and Correspondence Review

On April 1, 2009, Terry Scanlan, commented via email on the licensing amendment for water right no. 63-31829 that is necessary to correctly describe the place of use developed under the permit. Mr. Scanlan questioned the need for condition no. 5 which reads, "The surface area of the pond maintained in connection with this right shall not exceed 1.2 acres." Since an enlargement of the pond surface area would increase evaporation losses and consumptive use under this right, IDWR should retain this condition on the license. However, after scrutinizing aerial imagery of the pond and meticulously tracing its perimeter using ArcMap, the surface area is approximately 1.5 acres. Condition no. 5 should limit the pond surface area to 1.5 acres.

As prepared in the licensing amendment, condition of approval no. 6 reads, "This right authorizes the continued storage of up to 7.2 acre-feet of water and the diversion of up to 6.4 acre-feet of water each year to replace losses from the pond, up to a combined annual total of 10.0 acre-feet. If the pond is depleted for maintenance or other reasons to the extent that 6.4 acre-feet of water is not sufficient to replenish it, the right holder shall seek a separate authorization, such as a Water Supply Bank rental, to fill the pond."

Water right 63-32045 authorizes a diversion volume of 9.9 acre-feet of water per year (afa) and was permanently abandoned to mitigate for the consumptive use under water right 63-31829. Mr. Scanlan suggested IDWR change condition no. 6 to allow diversion of up to 9.9 afa with a consumptive volume limit of 6.4 afa. He explained that the 9.9 afa limit would allow diversion of water to replace seepage losses from the pond. He believes seepage losses should be considered non-consumptive since the water returns to the aquifer. However, application for permit no. 63-31829 describes the pond as "membrane lined", which would inhibit seepage from the pond into the ground water aquifer system. The field examiner, Mr. Scanlan, did not confirm whether the pond is lined. Even if water percolated from the pond into the underlying aquifer, it is unlikely that water would recharge the source aquifer at a depth of 420 feet below ground surface. The well driller's report indicates there are multiple aquitard sequences between the source aquifer and the surface. Seepage losses from the pond, if any, are consumptive to the source and the right holder should be limited to a diversion volume of 6.4 afa, the consumptive use portion abandoned under right 63-32045. Condition no. 6 should be changed to reflect a storage volume of 9.0 acre-feet based on the field examiner's reported average depth of 6 feet and the 1.5-acre surface area of the pond.

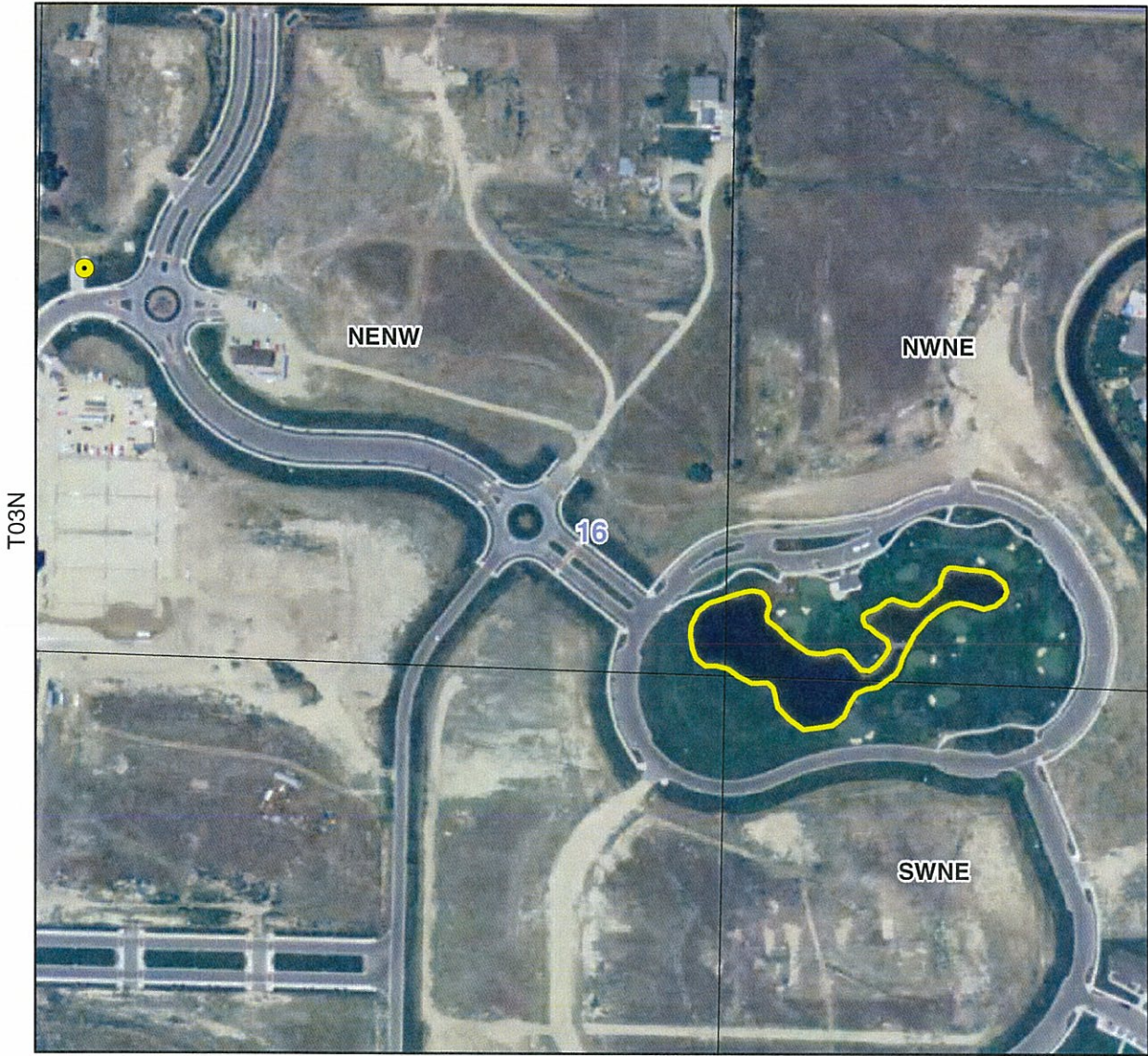
Condition no. 9 should not describe the water bearing zone proposed under the permit but should describe the water bearing zone appropriated during the authorized development period, from 420 to 471 feet below ground surface.

On April 8, 2009, IDWR received a licensing amendment for water right no. 63-31829 along with the requisite \$50 fee. IDWR should issue a license for this right with changes to the conditions of approval described above.

Water Right 63-31829

Touchmark of the Treasure Valley LLC

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Legend

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

