



State of Idaho

DEPARTMENT OF WATER RESOURCES

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May 28, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CITY OF RICHFIELD
210 N MAIN ST
PO BOX 97
RICHFIELD, ID 83349

RE: Application for Permit 37-22431 for Municipal Purposes

Dear Mayor Buttane:

Idaho Department of Water Resources (IDWR) is reviewing your application for permit to appropriate groundwater for municipal purposes within the city of Richfield for 2.18 cfs. IDWR also acknowledges the amendment made to the original application that adds all of the city's wells to the new permit in addition to the new one. Unfortunately, some new issues have now become apparent that we need to address.

The city of Richfield is located within the Eastern Snake River Plain Area (ESPA) Moratorium, which prohibits new development of water unless it is for domestic uses as defined in Idaho Code §42-111 or for non-consumptive uses. I have enclosed a copy of the moratorium order for your reference.

Since the city is located within this restricted area, IDWR requested additional information from you on April 13, 2009 that would ensure that this application would be in compliance with the moratorium and provide justification for the rate of flow that was requested for the new appropriation.

To satisfy the request, on April 30, 2009, IDWR received a report from JUB Engineers titled Water System Water Master Plan (report) on behalf of the city. The report revealed that this application is for a planning horizon of 20 years and that the requested rate of flow was determined using historical usage trends and projected population data. The report itemized the water demand into two categories; domestic and industrial.

At this time I will outline items of concern that are apparent upon review of the city's water master plan and will review possible solutions available to the city.

1. The Trend in the City is to use Groundwater over Surface water for Irrigation uses

Problem: Because of the moratorium on new consumptive uses in the ESPA, irrigation of common areas, parks, golf courses or other open areas within the city will not be authorized through a new permit. To be consistent with the moratorium exception for domestic uses, irrigation will only be authorized if it is in connection with a home and does not exceed ½ acre per dwelling lot. The report shows that the trend within the city is to use groundwater as a preference for irrigation rather than surface water. As you may know during the 2005 Idaho legislative session, House Bill 281 was passed that amended §67-6537, Idaho Code, which became effective as of July 1, 2005. The intent of this law was to *“encourage the use of surface water for irrigation. All applicants proposing to make land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation.”*

Possible Solution: The city should consider keeping surface water rights (canals or old decrees) intact for irrigation purposes and advocate the use of surface water to new developers and current water users if it is available. IDWR has adopted the public policy that favors the use of surface water for irrigation uses over groundwater for several reasons:

- It's important to maintain the viability of canal companies and irrigation districts.
- Surface water delivery can act as groundwater recharge through infiltration.
- Groundwater is a cleaner source of water than surface water and should be conserved whenever possible for municipal uses and other uses that require a good, clean source of water.
- The policy is consistent with conservation of water resources within the State of Idaho. Surface water should be used to the full extent before it flows out of state.

2. City Personnel Project a Steady 2% Growth Rate over the Next 20 Years

Problem: The city's historical population growth patterns show that there has been a steady decline in growth over the last 20 years. There has not been a 2% growth in population in the city of Richfield since the 1980s.

Possible Solution:

- Provide IDWR with data or an explanation as to why the city projects a 2% growth rate each year over the next 20 years. If an explanation cannot be provided then please submit a new population projection that can be substantiated

Or

- Limit the application to an amount to meet immediate needs. The city would have five years to develop the water and put it to beneficial use. Pursuant to Idaho Code §42-204, the city may request an extension of time to submit proof of beneficial use for up to an additional five years, this would potentially give the city 10 years to perfect the new appropriation.

3. Industrial Use at Glanbia Exceeds what a New Permit can provide to the City

Problem: As I mentioned earlier in this letter, the moratorium order prohibits new development of water unless the use is non-consumptive or domestic. Idaho Code §42-111 defines domestic as:

- a) The use of water for homes, organization camps, public campgrounds livestock and for any other purpose in connection therewith, including irrigation of up to one-half acre of land, if the total use is not in excess of thirteen thousand gallons per day or
- b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths cfs and a diversion volume of twenty-five hundred gallons per day.

Table 4-3 of the report provides that as of 2008 industrial uses at Glanbia are at 1.68 cfs and will grow to nearly 4 cfs within the next 20 years. Unfortunately, because of the moratorium IDWR can only grant an additional increment of 0.04 cfs and 2,500 gallons per day to the industrial use.

Possible Solution: There are a few ways the city can acquire additional water when the new appropriation process is not available:

- Water rights can be purchased from other water users in the area and then transferred to Glanbia's facility to cover the industrial use.

And/Or

- Water can be rented from the water supply bank. You may contact Aaron Marshall at IDWR's State Office to discuss this option at (208) 287-4943.

And/Or

- Richfield can commit its existing water rights (1.92 cfs) which are not limited in the amount that can be used for industrial purposes, to Glanbia and use water from the new permit, if approved, for culinary uses throughout the city. This would still leave Richfield short of the 20-year projection for Glanbia, but it may provide some time to reason another solution for the remaining need.

4. Current Demand Exceeds Current Water Rights

Problem: Tables 4-2 and 4-4 of the report illustrate that as of 2008 the city's maximum daily demand is 2.29 cfs (0.6 cfs for domestic use and 1.69 cfs for industrial use). At this time, water rights for the city add up to 1.92 cfs as outlined in table 2-6 of the report.

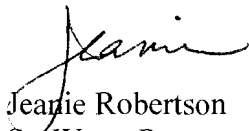
Possible Solution: Application for permit 37-22431 should satisfy current demand for domestic uses, if approved, and may provide for RAFN over a 20 year planning horizon for domestic uses throughout the city if the appropriate information is provided. The RAFN requirements may take time to compile therefore one option is to move forward with the application process right away since the city is using more water than it is currently entitled to. The city can ask IDWR to proceed immediately with the application and file a separate application for RAFN once the information has been assembled.

In summary, IDWR can move forward with the application for permit once items #2 through #4 are addressed. Please notify IDWR within thirty (30) days of how you would like to proceed with your permit and provide any additional information.

Finally, I would like to reiterate that a new appropriation within the moratorium area cannot provide water for irrigation purposes that does not relate to a home and exceed a ½ acre nor can it provide water for industrial uses beyond 2,500 gallons per day. It is the right holder's responsibility to comply with the moratorium order and to ensure that water users that are on the city's municipal system are in compliance as well.

If you have any questions or concerns please don't hesitate to contact me at (208) 736-3037 or you may contact me by email at 'jean.robertson@idwr.idaho.gov'. I apologize for all the delays but I think if we continue to work together, you will end up with the water right you need to satisfy the future growth of Richfield.

Sincerely,



Jeanie Robertson
Sr. Water Resource Agent

Enclosure

cc: JUB ENGINEERS INC w/ enclosure
115 NORTHSTAR AVE
TWIN FALLS, ID 83301