

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22250

WATER RIGHT NUMBER: 37-22250

DRAFT

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	HELEN NAN CROCKER PO BOX 974 KETCHUM, ID 83340-0974 (208)726-9185
Original Owner	CRYSTAL HOT SPRINGS LIMITED PARTNERSHIP , ID
Current Owner	SPRING CANYON RANCH LLC C/O CROY CANYON LLC 395 OYSTER PT BLVD #309 SOUTH SAN FRANCISCO , CA 94080 (650) 588-5600

Priority Date: 08/03/1990

Basis: License

Status: Active DRAFT

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.680 CFS	119.00 AF
	<u>Total Diversion:</u>	0.680 CFS	119.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 18, Twp 02N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	18															16.0	18.0	34.0
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Total Acres: 34

Conditions of Approval:

1. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. The volume of water diverted in connection with this right shall not exceed the amount needed to supplement the appurtenant surface water rights for the irrigation of 34 acres, up the a maximum of 119 AF of ground water.

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3. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
4. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. X35 Rights 37-548, 37-549, 37-1222, 37-2142, 37-4440, and 37-22250 when combined shall not exceed a total diversion rate of 9.81 cfs and the irrigation of 180 acres.
6. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

Remarks:

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Comments:

1. medl 12/20/2007 POD

Comment: Updated shape

2. medl 12/20/2007 POD

Comment: Updated shape

3. medl 1/31/2008 POD

Comment: Updated PLS

4. medl 2/1/2008 license review

Comment: This appropriation for groundwater is intended to supplement the existing surface water rights. The table below is summary of the adjudication recommendations for those existing rights. Using a place of use comparison, I found that the same 180-acre shape applies to all of them.

Adjudication Recommendations for Spring Canyon Ranch

Water Right	acres	rate
37-548 180	3.6	
37-549 180	4	
37-1222 180	0.4	
37-2142 180	1.5	
37-4440 180	0.31	
	9.81	sum

The field exam for the parent right 37-8659 assumed the two wells and pumps were one, interconnected system. In a conversation between the ranch manager and Brockway Engineering personnel, the manager explained that it was his original intent to connect the two systems but that he never has. Therefore right 37-8659 is being split into two rights, one for each well.

A place-of-use shape file for the parent right was created by Brockway Engineering personnel and emailed to me. I compared the Brockway parent shape with the IDWR archive of aerial photography for this area. I was not able to confirm that all of the proposed acreage areas had been irrigated prior to the time Proof of Beneficial Use was submitted. I eliminated those unsubstantiated areas from the place-of-use for the parent water right. The remaining area is still larger than the permitted acreage and I approved creation of a permissible place of use for the parent right. I split the Brockway shape into areas that could be reached by each pump. Water right 37-22250 is associated with Well # 2. Water right 37-22251 is associated with Well #3.

Several POD locations were identified in the permit for the parent right, but Well #2, the well associated with license 37-22250, was not correctly located in the permit. It is actually located in SW1/4 of SE1/4 of section 18. An amendment to license 37-22250 will be needed.

Although each of the well and pump systems can divert more than 0.02 cfs, the parent permit limits the diversion rate to 0.02 cfs per acre.

Based on an ArcView overlap of the adjudication recommended shape for the surface water rights with the ground water PPU shape I created by reducing Brockway Engineering's shape, there are 39.5 acres of primary ground water irrigation and all of these acres fall within the area serviced by Well #3.

A summary of the split calculations is on the following page

Spring Canyon Ranch

Parent WR# 37-8659

PPU acres 198.5

Permitted acres 125

Permitted cfs 0.02

Well 2 WR# 37-22250

PPU 34

Permitted acres 34

max diversion volume (AF) 119 =34 * 3.5

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max diversion volume (AF) 119 =34 * 3.5
 max diversion rate (cfs) 0.68 =34 * 0.02
 primary ground water acres 0

Well 3 WR# 37-22251
 PPU 164.5 =198.5 - 34
 Permitted acres 91 =125 - 34
 max diversion volume (AF) 318.5 =91 * 3.5
 max diversion rate (cfs) 1.82 =91 * 0.02
 primary ground water acres 39.5 =164.5 - 125

5. medl 5/27/2008 1:52:36 PM

Comment: Updated Shape

6. medl 5/27/2008 1:52:53 PM

Comment: Updated PLS

7. medl 5/30/2008 PPU and POU encore

Comment: Brockway Engineering requested identical conditions on both splits in an 4/1/08 email, but the Department can not set the same conditions to both split rights.

In my re review, I also found that the decreed shape acreage and my 37-22250 shape acreage did not match in SWSE and SESE of section 17. I adjusted my shape to bring the SWSE down to 16 and the SESE up to 17 maintaining 34 acres total and maintaining the split right math.

Unfortunately, I had not paid attention to the court action on this water right. I phoned Erick Powell of Brockway Engineering, this afternoon (5/30/08), to try and settle the conditions questions and learned that there was an objection to the recommended acreage. The conditions for each split hinges on the recommendation acreage so, until the court makes a decision on that objection no further action will be taken.

Dates and Other Information:

Licensed Date:
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 37
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre: 3.5
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

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Water Supply Bank: