

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 10/9/2007

RE: COAST 2 COAST LLC TRANSFER NUMBER 73959

The transfer proposes to change the nature of use for a portion of water right 63-144A to provide for evaporation losses for ponds that have been applied for in permit 63-32229. The remaining 23.7 acres from 63-144A will continue to be an irrigation use, but it will be used to irrigate the lawns and common areas of the Coast 2 Coast Subdivision. A 10.4 acre portion of water right 63-144C will be moved from its current location approximately ¼ miles west to the west side of Eagle Road for the above described irrigation uses in the Coast 2 Coast Subdivision. Both of these rights use the same point of diversion from the Boise River, and it will not be moved through this transfer. The Coast 2 Coast Subdivision is located along the southern bank of the South Channel of the Boise River on the west side of Eagle Road. It is better described as the north ½ of Section 21, Township 4N, Range 1E, Ada County.

AUTHORITY TO FILE:

The applicant is the owner of record for water right 63-144A, and has supplied a Water Right Grant Deed and Assignment for their portion of water right 63-144C. Authority to file on their portion of the water right should not be an issue.

WATER RIGHT VALIDITY:

A Snake River Basin Adjudication (SRBA) partial decree was issued on both of these rights on 2/16/2007. Validity of the right should not be an issue.

INJURY TO OTHER WATER RIGHTS:

This property has been irrigated for several years. The applicant purchased a portion of the other right on this ditch, so it appears as though they are aware of the process.

ENLARGEMENT OF USE:

The applicant is proposing a 1 for 1 swap for the evaporative losses for the pond, which is acceptable per department standards in Basin 63. The irrigation uses will remain in the same general area, and the applicant will be going to a sprinkler type system that will in all likelihood provide a more efficient irrigation system than previously used. No enlargement proposed.

LOCAL PUBLIC INTEREST:

This property has already been split through the county process, so no public interest issues are anticipated.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with department standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARATIVE

This transfer was filed to supply the evaporation losses for 4 ponds applied for under permit 63-32229. There is one large pond and 3 smaller ponds used for aesthetic uses in the Coast to Coast Subdivision just south of Eagle Island on the Boise River. This application requests permission to retire 43 acres of irrigation and change the nature of use for those acres to aesthetic storage to cover the evaporation for the ponds. This transfer also requests to place the remaining 23.7 acres from water right 63-144A into a permissible place of use to be used throughout the subdivision. The applicant has also purchased 10.4 acres worth of water rights from 63-144C to be moved into the same permissible place of use. The ponds will intercept the shallow ground water and it will subsequently fill the ponds. The capacity for the 4 ponds will be 840 acre-feet, but the permit is only requesting 690 acre feet of storage water. The additional 150 acre feet of storage will be used for flood plain management purposes.

Permit 63-32229 is the only significant overlapping water rights on this property, but the remainder of 63-144C and 63-144D will still be diverted through the same point of diversion. These rights are currently being sold and split for mitigation and other uses, so they could be totally removed from the system in future transfers. The only other overlapping water rights on the property are United Water rights, which will be used for culinary purposes only. Transfer 73959 and this application were returned to the applicant to rework the transfer and to revise some of narrative of the application to match the transfer. The original transfer was destroyed and not returned, and I didn't keep a copy of the original transfer. Please see the comments in 63-32229 for more information.

Everything seems to be in order for this transfer. The applicant has provided documentation showing how the system will work. Initially there was some concern about the diversion rates required for the irrigation portion of this transfer. However, the consultant explained to me that the irrigation water diverted from the pond would only be done for 12 hours a day. Therefore, the water will be diverted to the pond 24 hours a day, and then the entire amount of water diverted during that 24 hour period would be diverted during the 24 hour irrigation period. Using the irrigation water in this manner would prevent the need for additional irrigation storage, and would also allow the applicant to divert water for irrigation at a high rate of diversion. This is shown in the transfer attachments.

We believe that this transfer should have some specialized conditions to avoid enlargement or over use of the existing water rights. I have listed the conditions below with an explanation of why they are needed:

Modification of condition 18C

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the amount of water released from the reservoir.

This condition was modified to only address the amount of water released from the reservoir. This reservoir is on a ditch that could be used by other users under water right 63-144C. 63-144C is currently being split and used for mitigation of several uses, so it isn't reasonable to designate this right in the condition. Including the rate from 63-144C or its diversion rate will only cost more time and effort in the future. There also isn't a need to include the portion of this condition regarding the inflow into the reservoir. The reservoir is the first use on the ditch after the diversion and condition R43 covers the headgate controls for the point of diversion. Therefore, condition R43 covers the inflow considerations.

Modification of RO2

A measuring device and lockable controlling works of a type approved by the Department shall be maintained on the diverting works for the irrigation system from the pond in a manner that will provide the watermaster suitable control of the diversion.

This condition was modified to address the diversion from the pond for irrigation to ensure that the diversions from the pond will not exceed the 24 hour rule for pond storage. The applicant plans to divert the water only during the evening hours, so it is imperative there some means to monitor this practice. No irrigation storage was requested on the permit or transfer.

Special Condition

The applicant may not store more than 690 acre feet of water in this facility unless needed for emergency flood control conditions.

The reservoir for this right has been constructed to allow up to 840 acre feet of storage. The permit associated with this transfer is only for 690 acre feet of storage. The 150 acre feet of difference in storage was part of a flood plane management agreement that gives the water from a 100 year flood event someplace to go. Since the reservoir is so much larger than what is allowed, I feel we need something in the water right to prevent future owners from over filling the reservoir.

CONDITIONS AND SUGGESTIONS

Unless this transfer is protested, this proposal seems to be approvable with the inclusion of the conditions on the draft approval.