

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 4/8/2004

RE: NEW UNION DITCH COMPANY TRANSFER NUMBER 73632

The transfer proposes to retire 22.7 acres of irrigation from their Boise River right, and change the nature of use of that portion of the water right to ground water recharge. The ground water recharge will supply mitigation for the evaporative losses from 10 ponds filled with ground water applied for under application for permit 63-31934 and one pond and 4 acres of irrigation supplied by ground water applied for under permit 63-32143. The location of the recharge, ponds and irrigation will be in the Lakeland Village/Lakeland Estates subdivisions and Ulmer Lane Townhomes properties approximately $\frac{3}{4}$ of a miles south of Highway 44 and Highway 55, Ada County. The place of use is better described as Lt 3 (NENW) S23 T4N R1E, Ada County

AUTHORITY TO FILE:

The applicant is the owner of record, so no further ownership documentation is required.

WATER RIGHT VALIDITY:

This water right has been recommended in the Snake River Basin Adjudication (SRBA). However, the Bureau of Reclamation and Boise Board of Control have objected to the recommendation in the SRBA courts. Steve Lester has instructed me to proceed with this transfer, due to the extended time it has been in our office. It was originally filed in 2003. We are sending a comment letter to the Bureau of Reclamation regarding this transfer filing. However, it appears as though this objection is very close to being resolved.

INJURY TO OTHER WATER RIGHTS:

Application for permit 63-31934 has already been through the application for permit process. This application was advertised and protested by the Bureau of Reclamation. The protest for that application was resolved, so it appears as though all of the issues regarding these three filings have been resolved.

ENLARGEMENT OF USE:

This application proposes a one for one swap of the irrigation use that is being retired and the amount of water being used for ground water recharge or mitigation. Therefore, no enlargement has been proposed.

LOCAL PUBLIC INTEREST:

All local public interest issues appear to have been addressed in the protest settlement of application for permit 63-31934 mentioned above.

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 proposes to mitigate the evaporation or consumptive use of 10 aesthetic ponds for Lakeland Village / Lakeland Estates. This transfer is also mitigating the evaporation or consumptive use for a single pond for Ulmer Lane Townhomes, and to allow Ulmer Lane Townhomes to irrigate 4 acres of ground from this pond. The two applications for permit only applied for the volume of water required to fill the ponds, so a condition will be need to be included on this transfer and possibly on the permits to indicate that all evaporation losses are covered by this transfer. The ponds will remain full year round. The irrigation use is listed on the permit, so we may also need a condition to show this consumptive use is covered.

The ponds are going to be filled by ground water, and the ground water recharge description in the transfer doesn't give an annual volume. Crop records were not available for this property, so the standard of 1 acre of retired irrigation for 1 acre of pond area to account for evaporation losses was allowed on these applications for permit and transfer. The transfer shows that 22.7 acres of ground at 0.45 cfs will be converted from irrigation to groundwater recharge under this transfer. There is already 0.03 cfs and 4.6 afa of ground water recharge per a previous transfer (transfer number 70226). 4 of the 22.7 acres will be a direct swap of irrigation from surface water to irrigation of ground water under application for permit 63-32143. Therefore the volume for irrigation to irrigation portion of the mitigation would be 4.5 afa per acre for irrigation or 18 afa and 0.02 cfs or 0.08 cfs total for the diversion rate. The 18 afa accounts for headgate requirement and not consumptive use.

With the two rights combined there is 18.7 acres of pond surface. Using the Free Surface Water Evaporation map this area would have approximately 44 inches of evaporation. With 44 inches of evaporation there should be approximately 68.6 afa of evaporation loss or consumptive water use. The calculation for this is $18.7 \times (44/12) = 68.6$ afa. Taking the pond consumptive volume and the irrigation headgate requirement, this would put the ground water recharge volume required for these two permits at 68.6 afa and the total diversion rate at 0.37 cfs.

You would use the same calculation to determine the amount of water stored in the ponds for each right. 63-31934 has 18.1 acres of surface area, so $18.1 \times (44/12) = 66.4$ afa. The diversion rate for 63-31934 would be $18.1 \times 0.02 \text{ cfs} = 0.36 \text{ cfs}$. 63-32143 has 0.6 acres of pond surface area, so $0.6 \times (44/12) = 2.2$ afa. The diversion rate for the pond portion for 63-32143 would be $0.6 \times 0.02 = 0.01 \text{ cfs}$. Added with the irrigation mitigation, 63-32143 would require 0.09 cfs and 20.2 afa of water right 63-146 to be used for mitigation, and 0.36 cfs and 66.4 afa of water right 63-146 to be used for mitigation of application for permit 63-31934.

4.6 afa of groundwater recharge already exists on water right 63-146, therefore, the ground water recharge component on 63-146 should be for 0.48 cfs and 73.2 afa. The remaining irrigation component for water right 63-146 should be reduced to 13.28 cfs. No volume was allocated for the surface water irrigation component, so this transfer shouldn't assign a volume for the remainder of this right.

The transfer should be conditioned to show that the ground water recharge is used to mitigate 0.36 cfs and 66.4 afa is used for pond evaporation for 63-31934 and 0.01 cfs and 2.2 afa for 63-31934. The irrigation use should be addressed separately. The ground water recharge will be used to mitigate the irrigation from ground water on 63-31934, and should be limited to 0.08 cfs and 18 afa. The volume of water for the irrigation portion of this right will also need to be limited to the actual amount of water delivered by the canal company each year. Therefore, a condition on application for permit, 63-31934, would need to address this situation similar to the following: The volume of water diverted under the irrigation portion of water right 63-31934 shall not exceed the volume of water available for delivery by New Union Ditch Company Limited for 4 acres of irrigation under their system.

The recharge water will only be diverted into a single pond described as pond 8 in the Lakeland Village permit 63-31934 in Lot 3 (NENW) S23 T4N R1E. Please see Michael Creamer's letter dated 5/24/2007. The application for transfer form still shows all the ponds as the recharge site, but it was unlikely that any of the other ponds will receive the canal water. Therefore, this is the only pond that should actually be shown as a place of use on water right 63-146. I spoke with Pam about this and it was determined that only the pond being used for recharge should be listed in the place of use for the transfer. Due to time restraints and the previous applications, it was determined that it would be best to correct the transfer through a letter from their attorney instead of returning it and having it passed around to get it approved by the canal company.

There are several water rights that overlap the point of diversion and place of use. The water rights overlapping the point of diversion can be addressed with a condition. All of the overlapping right for the place of use should not hinder the approval of this application.

The water right involved in this transfer is one of the earliest rights on the Boise River; therefore the likelihood of the right being curtailed is very slim. This should allow the transfer to be used without the need to use storage water from the Boise River reservoir system.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.