



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 17, 2006

Steve Fisher
Fisher & Associates
6640 Highway 200 East
Missoula, MT59802

Dear Mr. Fisher:

Please find enclosed a water right transfer application, in the name of Walter Lachewitz Jr., that you recently submitted to our office. Also enclosed is the \$100.00 filing fee (Walter Lachewitz Jr. check # 5022) that accompanied the application. The application appears to be an effort to obtain a water right for a proposed pond on the Lachewitz property &/or to modify one of the irrigation rights (37-7215F, from the unnamed (spring fed) stream) appurtenant to the property. However, it is not entirely clear exactly what the application is proposing.

Water right 37-7215F currently allows for the diversion of 0.153 cfs of water from the unnamed (spring fed) stream from a point located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15 (T02N, R18E), which is not located on Mr. Lachewitz's property. The right currently allows for the irrigation of 10.3 acres within the North $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 22 (T02N, R18E), which would be located on Mr. Lachewitz's property.

Judging by Part 1 (first page) of the application, the application proposes to change right 37-7215F to allow for the diversion of either 0.153 cfs or 0.011 cfs (?) from a point located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15 (T02N, R18E), which is not located on Mr. Lachewitz's property. However, Question 6d (second page) of the application indicates that the irrigation water will be diverted from the pond site on Mr. Lachewitz's property. In addition, the application appears to propose irrigating 28.44 acres with right 37-7215F, which currently allows for the irrigation of only 10.3 acres. Note that the increase in allowable irrigated acres, and the development of the pond, would constitute an enlargement in use of the original right, which cannot be approved by IDWR.

Item # 5 of Part 1 (first page) of the application indicates an "R" in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22 (T02N, R18E), which I assume is some sort of effort to describe the proposed pond location. However, the map with the aerial photo that was included with the application indicates that the proposed pond site is located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22 (T02N, R18E). Item # 5 of Part 1 (first page) of the application also identifies 3 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 (T02N, R18E), which does not correspond to Mr. Lachewitz's property.

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Item B1 of Part 1 (first page) of the application does not appear to describe any uses (recreation, recreation storage, etc.) or amounts of water that would be associated with the proposed pond.

The application indicates that the pond will have a storage volume of 4.2 ac-ft and a surface area of 0.86 acres. You indicated that based on irrigated pasture (Irrigation requirement of 2.53 ac-ft per acre in Hailey area) 1.66 acres will need to be dried up to provide the storage volume for the pond. However, no evidence was included with the application that proving that pasture was grown on the property. For applications that propose a change in nature of use of an irrigation right, some sort of evidence (crop reports, third party affidavits, etc.) needs to be provided showing what type of crop has been historically irrigated. In addition to the 1.66 acres, an additional 0.86 acres will need to be dried up to account for the evaporative losses from the pond.

You had previously indicated (telephone conversations and previous applications filed with IDWR) that the pond will be built essentially on the unnamed (spring fed) stream on Mr. Lachewitz's property and that Big Wood River water right, 37-562 which is delivered via the Cove Canal, will also run into the proposed pond and then be diverted from the pond into Mr. Lachewitz's irrigation system. If this is the case, both rights 37-562D and 37-7215F need to be included in the application to reflect both sources of water being impounded in the pond. Note that this would entail drying up the same 2.52 acres ($4.2 / 2.53 + 0.86$, provided you can demonstrate that pasture was grown on the property) under both of the water rights, and proportionately reducing both of the rights.

If you have any questions, or need further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner", with a stylized flourish at the end.

Corey Skinner, PE
Water Resource Engineer

Enclosures