

Comment Report

37-21338

1. jroberts 2/28/2005 Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake River Plain Area (Moratorium Area)

Exempt: Y

Reason: Mitigation Plan

Doc Attached:

Explanation: Within Eastern Snake River Plain (Moratorium Area)

Special Administration Areas : Big Wood River (Groundwater Management Area)

Exempt: Y

Reason: Mitigation Plan

Doc Attached:

Explanation: Within Big Wood River (Groundwater Management Area) - Surface Water

Special Administration Areas : Trust Water Area (Trust Water Area)

Exempt: Y

Reason:

Doc Attached:

Explanation: Within Trust Water Area

2. jroberts 2/28/2005 Legal Notice Remarks

Comment: Application for a new water right for the storage components and the aesthetic and recreation uses of the ponds and waterways associated with a proposed nine hole golf course. Water is diverted under existing right 37-657B. Point of diversion is an existing headgate on the Hiawatha Canal approximately 4 miles north of Hailey and 1/4 mile west of HWY 75. Place of use is located approximately 3 - 3.5 miles north of Hailey on the east side of HWY 75.

3. jroberts 3/2/2005 comments/analysis

Comment: This permit is for the storage components and aesthetic and recreation uses of the ponds and waterways associated with a proposed nine hole golf course. The water is diverted under water right 37-657B. (See Memo from Jeff Rau of Brockway Engineering in pending transfer #71721 for additional information on that right.)

Narrative in Support of Transfer Water Right #37-657B

Prepared For: The Valley Club Inc.
Prepared By: Jeffrey S. Rau – Brockway Engineering

INTENT OF TRANSFER

The proposed transfer requests the creation of a permissible place of use for an irrigation water right to allow irrigation of a new nine hole golf course to be known as The Valley Club West Nine. The water right is an irrigation water right which has historically been beneficially used for agriculture on the same parcel. The creation of the permissible place of use (PPU) for the property will allow for the irrigation plan for the new golf course. Based on the development plan for the golf course, the irrigated area of the golf course is 79.9 acres located within the permissible place of use. The remaining acres will be used for both mitigation as outlined in this transfer with the remainder transferred at a later date to other property.

The new course will have water features including lakes, streams, and a realignment of 1,850 feet of the Hiawatha Canal. The proposed transfer requests a change in the nature of use of a portion of the right to allow for mitigation of the water features.

STRUCTURE OF TRANSFER

Brockway Engineering has calculated the water surface area of the water features and offers the following analysis:

Hiawatha Canal

The development plan calls for the realignment of 1,850 feet of the Hiawatha Canal to enhance the water features of the golf course and create additional wildlife habitat. The new route and associated water features will increase the water surface area and result in a larger amount of water lost to evaporation. The canal section and water features created by the new development will be fully lined with either a natural clay liner or a PVC pond liner so seepage from this reach will not be increased. The realignment of the canal will result in a total of approximately 1.33 acres of open water in the new section. The existing canal in this same reach accounts for approximately 0.65 acres which results in a net increase of open water area of 0.68 acres. This increase of open water will be mitigated by drying up 0.70 acres of land under water right #37-657B.

Golf Course Water Features

The golf course water features include ponds and associated streams adjacent to the golf course and proposed residential area. Based on our analysis of the development plan, the proposed water features account for a total of approximately 5.6 acres of new open water area within the property. To mitigate for evaporation from these water features, a total of 5.6 acres will be dried up for mitigation in the transfer under the original water right.

Irrigation Use

The original right was decreed for 2.02 cfs (101") on a place of use of 100 acres (1.01"/ac). After the acres are removed for the Hiawatha canal mitigation and open water amenities, the balance of acres still under irrigation are 93.7 acres ($100 \text{ ac} - 0.7 \text{ ac} - 5.6 \text{ ac} = 93.7 \text{ ac}$). Under the proposed transfer, the creation of the PPU for the property will allow 93.7 acres of irrigation within the 110.7 acre PPU. Based on the original decree, the proportional flow amount under irrigation should be 1.90 cfs.

PROPOSED TRANSFER AMOUNTS & FLOW RATES

Hiawatha Canal Loss

As outlined in the transfer, 0.70 acres will be removed from the right and used for mitigation of the additional open water area generated by the realignment of the Hiawatha Canal. Based on the decreed right of 1.01 miners inch per acre, this equates to 0.71 miners inches or 0.01 cfs.

Open Water Mitigation

The open water features on the golf course and residential area account for 5.6 acres of open water features. This includes streams and ponds. The evaporation from these features are mitigated by removing 5.6 acres of irrigation on the water right and converting them to mitigation. Based on the decreed right of 1.01 miners inch per acre, this equates to 5.66 miners inches or 0.11 cfs. Water converted to mitigation remains consumptive in accordance with the historical use of the water right for irrigation of the crop land.

Remainder Irrigation

After the mitigation for the Hiawatha canal losses and the open water amenities, the remaining portion of the right equates to 1.90 cfs over 93.7 acres as shown on the transfer documents.

Mitigation as Consumptive Water

The proposal to mitigate for the new open water areas of the water features requires mitigation and drying up irrigation water right acres as outlined in this narrative. The applicant is reserving these rights as mitigation rights which are consumptive and should be treated accordingly in any future transfers or changes in nature of use. It is not the intent of the applicant to lose the consumptive component of this portion of the right in this transfer process.

Companion Permit Applications

As part of the transfer proceedings for this project, Valley Club Inc. is applying for a water permit which will cover the storage components of the water features as well as the recreation and aesthetic beneficial uses of the ponds and waterways.

TRANSFER CRITERIA

As structured, the proposed transfer will not cause an expansion of the consumptive use of the water and will not cause injury to the Hiawatha Canal owners.

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Hiawatha Canal
Point of Diversion

37-657B - PPU
Valley Club Golf Course
Transfer #71721

37-21337
domestic wells

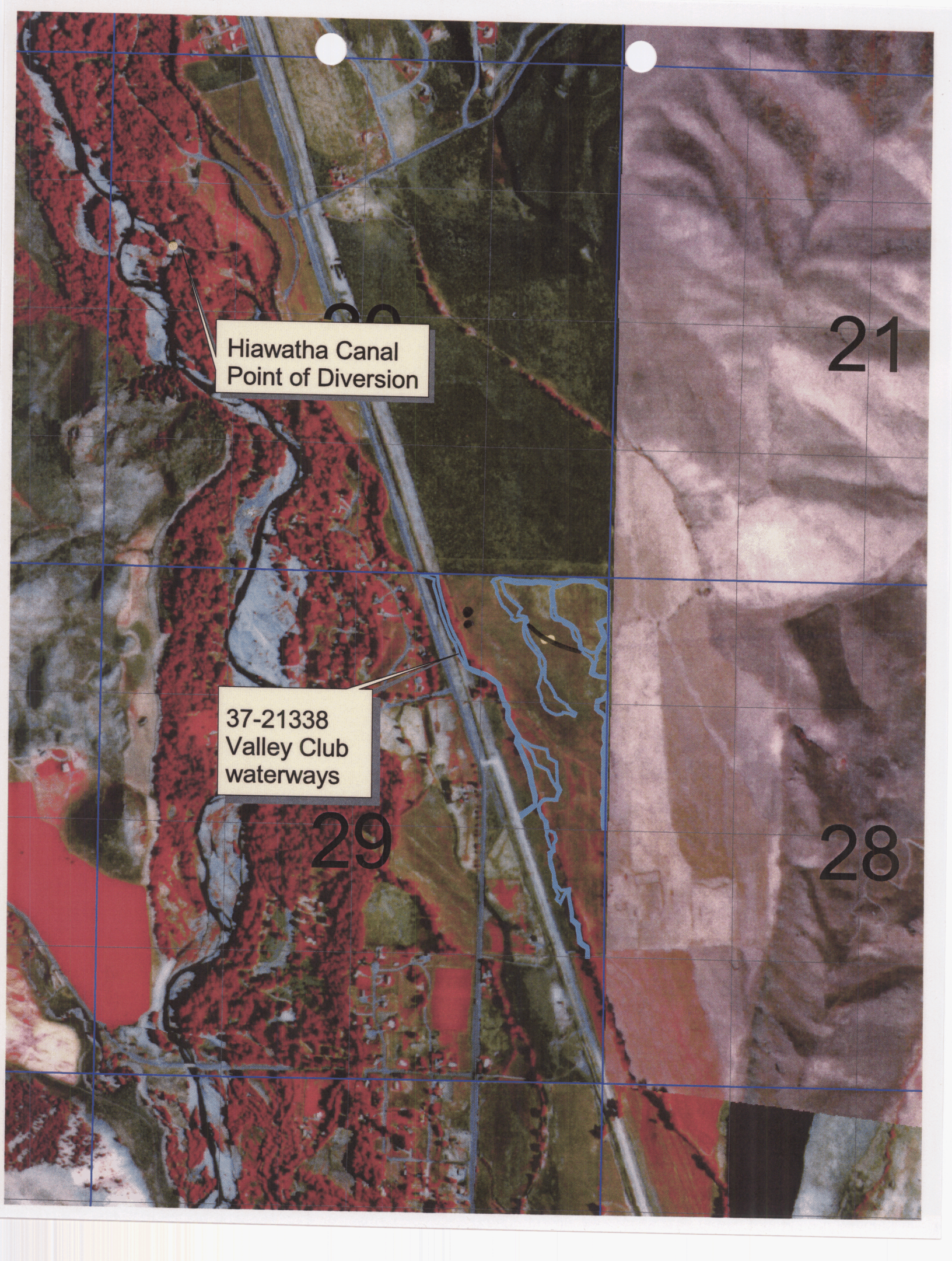
Fire House
(domestic)

Community Housing
(domestic)

37-21337 Subdivision
(domestic)

37-21338
Valley Club
waterways

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Hiawatha Canal
Point of Diversion

37-21338
Valley Club
waterways

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Hiawatha Canal
Point of Diversion

domestic wells
for subdivision

Valley Club Place of Use

HWY 75

Hailey