

Comment Report

37-21177

1. jstanton 1/11/2005 4:27:40 PM Special Administration Area Notes

Comment: Special Administration Areas : Big Wood River GWMA

Exempt: N

Reason:

Doc Attached:

Explanation:

2. jstanton 1/11/2005 4:29:44 PM Additional Information Supporting Application

Comment: Residency affidavit for hydropower development: N/A

Additional hydropower project information: N/A

Additional fish propagation project information: N/A

Appropriation Rule 40.05.c information: N/A

Mitigation Plan or acceptance form: Attached

Evidence of Pre-1987 development: N/A

3. jstanton 1/11/2005 Comment/Analysis

Comment: This application proposes to divert groundwater from a new well to be drilled at the proposed Woodside Elementary School southeast of Hailey. The well will provide water irrigating the landscaping and ball fields around the school. The application was originally filed for 7 acres of irrigation using an 1883 Big Wood River right owned by the applicant as mitigation, with the understanding that this rights is sometimes cut off by the watermaster in late summer due to drought conditons. The application has been held for some time while the mitigation plan was reviewed by Shelley Keen, but Shelley has no given authorization for the application to be advertised.

The applicant has since obtained a groundwater right from land southwest of Hailey that will no longer be irrigated due to the development of a subdivision there. A transfer has been filed for 5 acres of irrigation at the school, leaving only 2 acres that they will have to mitigate for. Reducing the application depends on approval of the transfer, so I suggest that we not change anything at this time; any reduction should occur in Boise at the end of the approval process. If the acreage is reduced, the diversion rate should be reduced to the same per/acre rate as the pending transfer.

As long as the mitigaton plan is acceptable, the application appears to be approvable.

Authority To File: The applicant has submitted a warranty deed showing their purchase of the proposed place of use, and they are already using some of the 1883 right for mitigation at the new high school under an approved water permit.

Water Right Validity: It appears that the mitigation right has been determined to be valid by IDWR.

Injury To Other Rights: There should be none with proper mitigation.

Enlargement of Use: None requested. The application should be conditioned to limit the amount supported by the mitigation plan.

Local Public Interest: There is a great deal of public interest in developing a new school, and this application certainly supports that. It would not do for the kids to have to play on gravel or concrete because they could not get a right to irrigate the land around the school.

Beneficial Use/Conservation of Water Resources: No issues identified.

Review of the application finds that there is no clear inconsistency with criteria set forth in Sec. 42-222 I. C. preventing processing. At least prior to advertising, no other issues have been identified that would require further review or submittal of additional data by the applicant.

4. jstanton 1/12/2005 Legal Notice Remarks

Comment: This application proposes to provide irrigation water for the new Woodside Elementary School that is being built southeast of Hailey; a new well will be drilled to provide water for irrigating 7 acres of land around the school. To mitigate for the effects of the new appropriation, a portion of an 1883 Big Wood River water right owned by the applicant will be left un-diverted in the river. The School District has also acquired a 5-acre groundwater right that will be transferred to the same land at the school; if this transfer is approved, the amount of land irrigated under the new permit will be reduced to two acres. The new well will be located 1 3/8 miles south and 1 1/4 miles east of the curve on Hwy. 75 at the south end of Hailey.

5. ameritt 4/5/2005 recommendation

Comment: This application was processed in coordination with the state office. The application is based on a mitigation plan of not using a portion of right 37-21114. The application was advertised without protest. Recommend approval with mitigation conditions and modification of record for right 37-21114 noting use as mitigation for permit 37-21177. Note that SDE has been changed for permit layeer but draft approval sent by Stanton to Walker should be modified to include mitigation language as drafted by Keen in memos contained in file. Also note that a companion transfer 71677 is being processed and final approval of permit may be held to coordinate with transfer.

6. ameritt 6/1/2005 recommendation 2

Comment: Transfer 71677 and application for permit 37-21177 should be processed together. Both applications have been processed in parallel with state office staff.

Both applications have been advertised without protest. In total these two applications are intended to provide water for irrigation of a total of 7 acres around the Woodside Elementary School. Both rights are intended to be diverted from a common well. Transfer 71677 proposes to move 0.19 cfs for irrigation of 5 acres within the 7 acre PPU at the school. (This is a portion of right 37-11379 which covers a portion of the Stonecove Subdivision. The unchanged portion of this right remains at the subdivision and is intended to be subject to a future transfer.) Application 37-21177 was filed for the entire 7 acres at the school but in the schools consultant letter dated 12/21/2004 it indicates that if the transfer is approved the application could be reduced accordingly. The application for permit is proposed to be mitigated by non use of a portion of right 37-21114 (up to 0.18 cfs and 7 acres) currently decreed from the Big Wood River. A portion of this right (23 acres) is currently also used to mitigate licensed right 37-8821 used at the Wood River High School. I recommend approval with mitigation conditions and modification of record for right 37-21114 noting use as mitigation for permit 37-21177. Note that SDE has been changed for permit layer but draft approval sent by Stanton to Walker should be modified to include mitigation language as drafted by Keen in memos contained in file. NOTE that approval has been reduced to only 2 acres and the rate per acre made consistent with draft approval of transfer 71677 per the letter dated 6/3/05 from SPF. In total this permit and right 37-21409 shall provide 0.27 cfs for irrigation of 7 acres.

7. kwalker 6/16/2005 Permit review

Comment: This application falls within the ESRPA, Big Wood River GWMA and Trust Water area. In review of this application and the proposed recommendations I found I needed to add a couple of conditions to those recommended by region. I added conditions 140, 26A and R59 to the proposal to make it more consistent with other permits we have been issuing. Recommend approval as suggested by region with additions as described above.

8. kwalker 6/28/2005 Mitigation P/U

Comment: Through many phone messages with Christian Petrich it was determined that the mitigation place of use could be any 2 acres in SENW, S10, Twp. 2N, Rge. 18E. The land where right 37-21114 is located has been subdivided and it would not matter where we cut out the 2 acres. Christian would like to have a copy of the mitigation shape that is created for this 2 acre parcel when it has been finalized.

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