

Memorandum

Date: September 29, 2023

From: Blake Burkard

To: Water Right Files 63-33141 & 63-34046

Subject: Licensing Review of Certified Water Right Examiner Report

Water right permits 63-33141 & 63-34046 each authorized 80 acres of irrigation from groundwater, with a shared point of diversion in the NE¼ SE¼, Sec. 24, Twp 01N, Rge 01E, B.M., Ada County. The beneficial use field examination reports for these rights were submitted by Certified Water Right Examiner Scott King of HDR INC. and received by IDWR on November 17, 2022. The field exams were conducted concurrently on November 3, 2022. The purpose of this memo is to review the recommendations made in the field exam reports.

Ownership:

Both permits are owned by Mellin Properties LTD Partnership, who are still the place of use and point of diversion owners at the time of this memo. There are no ownership clarifications needed.

Overlap:

The field report correctly states that no other water rights exist at the places of use. There are no overlap concerns.

Point of Diversion and Place of Use:

The reviewer confirms the POD for both permits to be the same well in the permitted location. Permit 63-33141 described the POD to the quarter-quarter-quarter, which is reserved for the legal descriptions of springs. I agree with the reviewer's recommendation to describe the POD to the quarter-quarter, instead.

The POUs for both permits, the north half (63-34046) and south half (63-33141) of a single pivot, had been irrigated between some date after October 15, 2022, when the well was completed, and November 3, 2022, when the field exam was conducted. The reviewer included a photograph of sprouted wheat, which can take as little as 7 days to germinate. Scott King's report stated that the POU acreage for each quarter-quarter was 33.7 acres, excepting: "The north half pivot (63-34046) is a slight 0.32-acre smaller POU due to end gun area not irrigating around well site in the NE¼SE¼." Later, he stated, "A 67.01-acre POU in the north half pivot leaves a 33.5-acre POU in each quarter-quarter."

This was an attempt to have the Department round up the 67-acre POU to 68 acres. It is incorrect to divide the QQs equally, given the NE¼SE¼ is 0.32 acres smaller. I recommend a 33.7

(34) acre POU in the NW¼SE¼ and a 33.4 (33) acre POU in the NE¼SE¼, keeping the 67.01-acre measured POU at 67 acres for 63-34046. I recommend the POU for 63-33141 to be 68 acres.

Diversion Rate and Volume:

The well drilled for the two permits, at the time of the field exam, had yet to receive 3-phase power from the nearby power infrastructure. The germinated wheat seed, which was the only beneficial use identified during the field exam, had been irrigated by connecting the well pump to a diesel generator. The submitted field report included a measurement taken, averaging 10 minutes of pumping, which was 2.0 cfs. The measured rate is roughly 0.3 less than what the pump curve reads, and the report suggested that we license the permits with the rate of 1.3 cfs. The Department employs the practice of licensing theoretical rates only when it is many years tardy in conducting an exam and the diversion system shows signs of degradation, or other similar circumstances. Since the diversion system used in the field exam was consistent with how beneficial use was achieved, I recommend licensing the measured rate, dividing the total rate proportionally to the two permits, or 1.0 cfs each.

The volume recommended by the examiner was calculated with a 68-acre POU, 306 acre-ft, which is agreeable for 63-33134. Since the north half of the pivot (63-34046) irrigated 67 acres, I recommend a volume of 302 acre-ft.

Conditions:

I agree with the examiner that the conditions of the permit were followed. I recommend removing 004, 046, and 26A and changing condition 121 to 103, as is standard for licensing. I also recommend adding condition F06 to note that both water rights are diverted from the same POD.