

MEMORANDUM

TO: Water Allocations Bureau, Region
FROM: Gary Spackman *Gary*

RE: Reservoir one-time fill

Date: August 2, 2006

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IDWR occasionally receives applications to appropriate water proposing multiple uses of storage where the requested storage volume equals the reservoir capacity, but the proposed multiple uses of storage exceed the reservoir capacity. An example is an in-reservoir storage use and an out-of-reservoir storage release for use at a location remote from the reservoir. Specifically, an applicant might apply to appropriate eight acre-feet of storage water in a pond for recreation and aesthetic uses, and may also apply to appropriate storage water to irrigate two acres during the irrigation season. If IDWR limits storage water volume to eight acre-feet, the permit holder can only fill the pond with eight acre-feet of water once per year. If the permit holder irrigates two acres with water stored in the pond, the pond will be nearly empty, and the permit holder will not be able to fill it again until the following year.

Similarly, an applicant proposing to store water for a largely nonconsumptive use often intends to "top off" the storage reservoir throughout the year to replace evaporation and seepage losses.

According to IDAPA Rule 37.03.08.35.03.b.v, an applicant must apply for the total maximum volume of water needed during the year. If the applicant applies for a total maximum volume of storage water per year exceeding the storage capacity of the reservoir, the application must describe a plan of operation for filling the reservoir more than once during the year. If an existing storage water right holder wishes to fill the reservoir more than once per year, or top it off over the course of the year, but the water right holder's water right allows only one annual fill, he or she must file a new application for the additional water needed. Filing a new application costs both the applicant and the Department more time and resources than if the original water right sought the additional volume of water needed and included a refill plan. (See 65-22997 and 65-22989 for examples.)

When applications for storage are received and reviewed, staff should try to identify applications that imply refilling of a proposed reservoir and inform the applicant that he or she has only applied for a one-time fill of the reservoir. If the applicant expresses an intent to refill the reservoir during the year, the applicant should add the volume of water needed for refill to the application and describe how the reservoir will be refilled.

An applicant seeking to refill a reservoir during the same calendar year must apply for a storage volume greater than the reservoir capacity and the refill plan should be explained in the applicant's remarks.