

MEMORANDUM

Date: January 9, 2017
To: Transfer 81786
From: Cooper Fritz
Re: Review & Evaluation of Sufficiency of Information

This transfer combines the City of Montpelier's three water right claims into four wells. A license for water right 11-7437 will be issued at the same time as this transfer approval.

Authority to File:

The applicant, City of Montpelier, has the authority to file. The City was the owner of the water rights at the time of transfer submittal. The application was signed by Rick Roberts, the Director of Public Works for the City of Montpelier. The City owns the properties where all of the four wells are located.

Water Right Validity:

The three water rights included in the transfer are all statutory claims. Therefore, the Department must verify the elements of the claims prior to approving the transfer. The statutory claims are valid for transfer. 11-4351 was claimed for 1.35 cfs with a priority date of 12/31/1934. Montpelier provided evidence to substantiate the claim, specifically a Montpelier News-Examiner article published on 12/1/1938. The article states the water right, which provided 607 gpm to the city's system, was completed in 1934.

11-4353 was claimed for 2.97 cfs with a priority date of 7/27/1943. Montpelier provided evidence supporting the claim, specifically a News-Examiner article, dated 7/22/1943. The article stated that the newly developed well would be connected with the city's water mains on the following Tuesday, 7/27/1943. The article also stated the new well produced 1,333 gpm.

Finally, right 11-4352 was claimed for 3.32 cfs with a priority date of 11/17/1960. Montpelier provided evidence to support the claim's priority date, specifically a third News-Examiner article, dated Thursday, 11/24/1960. The newspaper article stated that the well was connected into the city's system the prior Thursday (November 17), and could produce at least 3.32 cfs.

Injury to Other Water Rights:

No other water rights will be injured as a result of this transfer. The transfer was advertised and no protests were received.

Enlargement of Use:

No enlargement of use will result from this transfer's approval.

11-7437, also owned by the City of Montpelier, was licensed concurrently with the transfer's approval. A combined limit condition that includes the three claims contemplated in this transfer, as well as license 11-7437, limits the four rights to 8.0 cfs. A settlement agreement, stemming from 11-7437's application for permit, stipulated that the four rights would be limited to 8.0 cfs.

The City's service boundary was not updated as part of this transfer. The transfer does not propose to change the place of use. However, the transfer's narrative states that the golf course will be removed from the City's service boundary. A conversation on 1/9/2018 with Rick Roberts indicated that he was not ready at the time of this transfer's approval to update the City's service boundary.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.