

Review Memo

Date: December 15, 2010

To: File 63-12552

From: Craig L. Saxton

RE: Should this be reviewed as RAFN or Non-RAFN

City of Kuna municipal. Original permit filed by United Water in 2000 as part of the non-contiguous service area or an independent closed system. Now owned by City of Kuna and field exam indicates that it is comingled with other City of Kuna rights (I have an e-mail into Ed Squires about this to confirm).

This right was permitted after the 1996 Municipal Water Rights Act but before Licensing Memo #1 was updated on October 19, 2009 which provides guidance for issuing permits after the date of the memo.

Question: Do we need to look at all the City of Kuna rights and evaluate if they really need the fully permitted diversion rate that was developed, or if we can move forward basing our license off of the capacity developed (which is the full permitted diversion rate).

I met with Shelley Keen on August 6, 2010 to discuss this question. It has been a while since our meeting but my notes indication that the conclusion was if the use was developed before it was integrated into the municipal system, then it is ok to license as a non-RAFN permit, meaning, based on the installed capacity developed and operational during the development period of the permit. If the system was developed after integrated, then we needed to ask more questions.

Analysis:

According to Ed Squires e-mail receive on 8-9-10, as of 2007;

“In 2007, while the water right was still under development, a “service area” issue came up between the City of Kuna and UWID with the resolution that that City would incorporate those subdivisions and the surrounding areas into its water service area and that it would acquire the wells and the water right from UWID.”

The beneficial use field exam indicates that Well 1 and Well 2 were drilled in 2000 and 2002 respectively.

A request for extension of time to submit beneficial use was received on March 1, 2005. The statement confirms both wells drilled with the non-contiguous system in place and that they were serving customers.

Conclusion:

This permit was issued based on the proposed development of two subdivisions, not unlike other small Municipal rights. The wells were drilled and the delivery system was in place with water being put to beneficial use prior to the system being incorporated into the City of Kuna's municipal system.

It is appropriate to view this permit as a non-RAFN permit and to issue a license to the capacity of the system developed during the authorized development period, limited by the permitted diversion rate.