

MEMORANDUM

TO: Transfer No. 76676 & Permit 65-23085 & 65-23086 Amendments

FROM: Angie Grimm

DATE: September 13, 2011

RE: Evaluation of Applications No. 76676, 76677, and 77678

Transfer No. 76676 proposes to modify rights 65-12985 and 65-13457 to add all well sites (existing and proposed) as P/Ds and create a PPU for the entire Terrace Lakes Subdivision service area and combined ground water distribution system. The permit amendment applications no. 76677 and 76678 propose to amend permits 65-23085 and 65-23086 to describe the same P/Ds and PPU as Transfer No. 76676 proposes.

The site is approximately 0.5 miles west of South Middle Fork Rd generally between McBride Creek Rd and Easley Creek Rd approximately 2.5 miles northwest of Crouch.

Contact person for the applicant is Lori Graves at SPF Water Engineering LLC.

Summary of Information Submitted

Authority to File: The applicant is the current owner of record for permits 65-23085 and 65-23086. The applicant proposes to change ownership of rights 65-12985 and 65-13457 via the transfer application. The applicant submitted a recorded Special Warranty Deed for Water Rights conveying ownership of rights 65-12985 and 65-13457 from the current owner of record to the transfer applicant. The applicant has authority to change the rights. The applicant is a registered company in good standing with the ID Sec of State (Organizational ID/ Filing No. C166675).

Water Right Validity: Rights 65-12985 and 65-13457 presumed to be valid. Both rights were licensed 3/28/2006. SRBA is not applicable to these rights developed after 1987. Recent beneficial use confirmed via 2009 aerial photography. Amendment of permits 65-23085 and 65-23086 does not require review of validity.

Injury to Other Water Rights: Injury should not occur under the proposal provided use of the wells proposed as PDs does not interfere with nearby existing wells. It is not likely any type of well construction activities would interfere with nearby wells considering there are not very many wells in this area and the water producing zones are composed of granite and decomposed granite units. The water bearing zones in these types of geologic units are generally not well connected and or laterally extensive. There are no known ground water quantity or quality concerns in the area. As ground water rights, use of the proposed P/Ds is subject to reasonable pumping level provisions of I. C. § 42-226. The proposed wells are within 0.5 miles of the current wells/PDs for the rights proposed for transfer. Considering the applicant is not proposing to increase diversion beyond authorized limits, it is unlikely the proposed PD additions will significantly impact the ground water supply in this area.

Enlargement of Use: The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of the transfer or amendments of permit. Irrigation under right 65-12985 will be limited to 25.8 acres within the PPU. Domestic use under rights 65-12985 and 65-13457 will be limited to 450 homes when combined. Domestic use under permits 65-23085 and 65-23086 will be limited to 83 and 350 homes respectively.

Local Public Interest: Authorizing the proposed PDs within the entire subdivision service area provides for more versatility in design and use of this public water supply system. It is in the public interest to provide for a more stable delivery system.

Beneficial Use/Conservation of Water Resources: The transfer application proposes beneficial use consistent with conservation of water resources in Idaho.

The transfer application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Data entry of the transfer application will affect the water right records of rights 65-12985 and 65-13457. These are rights developed and licensed after 1987, thus there are no SRBA records to migrate.

Rights 65-12985 and 65-13457 (Transfer No 76676) and permits 65-23085 (Amendment No. 76677) and 65-23086 (Amendment No. 76678) are the only rights associated with the PDs described as proposed and existing PDs in the applications. Rights 65-7118, 65-7140, 65-10780, and 65-10782 are all surface water rights of Terrace Lakes Recreational Ranch Inc within the proposed PPU/service area. Diversion and use of these rights is not directly connected with the ground water diversion system (Rights 65-12985 & 65-13457 and Permits 65-23085 & 65-23086) due to water quality restrictions per information on file for adjudication review of right 65-13457 and the review memo of a previous transfer (Transfer No 73896). Rights 65-12289, 65-12290, 65-12292, 65-12301, 65-13562, and 65-13737 are individual property owner's surface water rights used for external and back-up internal uses associated with a few homes within the existing PPU (service area). These properties use the applicant's ground water system as the primary source for internal domestic use. These surface water rights are also not connected to the applicant's ground water system. There are no other overlapping rights.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the transfer application can be approved as reflected by the draft approval. Condition 046 is applicable since new wells are proposed.