

MEMORANDUM

TO: Transfer No. 76465 US Geothermal
FROM: Michele Edl
DATE: 7/1/2010
RE: Evaluation of Sufficiency of Information Submitted

The purpose of the transfer is to change the point-of-diversion and place-of-use of water right 43-2347. The proposed POD is an existing well in NWNESW section 26 of Township 15S, Range 26E. The proposed POU is 137 acres of U.S. Geothermal property located in sections 26 and 27 of Township 15S, Range 26E.

Contact persons are either Doug Glaspey or Scott Nichols.

Summary of Information Submitted

Authority to File:

Water right ownership change was processed in July 2006. The applicant, U.S. Geothermal Inc., is the water right owner of record. Water right 43-2347 was sold to the applicant prior to the sale of the land it had been appurtenant to. The Grant Deed conveying water right to US Geothermal was signed July 18, 2006. The Warranty Deed conveying the property that it had been appurtenant to, was signed July 26, 2007,

U.S. Geothermal Inc., is registered with the ISOS (No. C173447) and Doug Glaspey, COO, signed the application.

Water Right Validity:

The partial decree was issued on June 28, 2002. Irrigation at the former place-of-use in section 27 is visible in 2006 aerial photography. Forfeiture is not an issue.

Injury to Other Water Rights:

No new injury is anticipated. The well log for the former point-of-diversion puts the local, cold water aquifer at ~250 ft below ground surface. Both the former POD and the proposed POD are presumed to be diverting groundwater from the same aquifer and it is also presumed that both wells have been used concurrently for several years. Both wells are located within the boundaries of the Raft River Critical Ground Water Management Area.

At 250 ft below ground surface these wells should not impact to local surface water.

Enlargement of Use:

No enlargement is anticipated.
43-2347 authorizes less than standard 0.02 cfs/ac but that is sufficient for some crops.

Local Public Interest:

No negative issues were identified.

Beneficial Use/Conservation of Water Resources:

The proposed use consistent with conservation of water resources in Idaho

Review of the application finds that there is no clear inconsistency with criteria of I. C. § 42-222 that would prevent processing.

Additional Information &/or Analysis

Both wells are within the ESPA moratorium area and the cold water aquifer they access is probably tributary to the ESPA, but the well locations are outside of the model grid area. The Department doesn't have a mechanism to quantify local injury to a change in point-of-diversion in this area. The current policy is to rely on 'reasonable' pumping rates.

This groundwater area is not yet under a watermaster's control.

Discussion

2 different maps of the proposed POU were submitted with the application. Both were projected on 2004 aerial photography and generated by mapping software that is outside of the IDWRs library. I created the POU shapes for this transfer. They match the size but they do not match the shapes provided in the application. IDWRs ArcMap projection of the QQs meant that an exact copy of the shapes would not match either the labeled acreage provided in the POU map or the place-of-use grid. I adjusted the shapes to fit the acres given on the grid rather than perfectly mimic the application photo/map. I sought and obtained approval of my shapes from Doug Glaspey.

The proposed POD is the same well as was identified in previous transfer 72440. Three other rights (43-2381, 43-2534B and 43-10069) are diverted from the same well. The POD is known to U.S. Geothermal as Cold Well #4.

Data entry affected the correct record.

The previous transfer 72440 changed the NOU for the following rights to cooling with land application of wastewater: 43-120, 43-2167B, 43-2381, 43-2534B, and 43-10069. IDEQ has since approved permit LA-000210-01 for that use. It is effective 2/23/2007 - 2/23/2012.

The irrigation and stockwater POU for this transfer appears to overlap the land application of cooling water authorized through the previous transfer.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.