

Lester, Steve

From: Lester, Steve
Sent: Friday, July 18, 2008 4:38 PM
To: Keen, Shelley
Subject: SPF question about transfer time

Attachments: Elk Ck Canyon project.pdf

Shelley:

Roxanne sent an email inquiry about longer times than 1 year to complete proposed transfer changes. She asks in the context of a planned community project along I84 near Simco Road - "Elk Creek Canyon."

Please see the attached: her email, cover letter about 3 appls, first 3 pgs of transfer application 73789 (only has incomplete data entry now).

Here's the background:

- 1) Appl 61-12090, phase 1 of project, municipal, not RAFN proposal, processed & protested.
- 2) Appls 61-12095 & 61-12096, additional phases, municipal, hints at RAFN but not supported by information required for RAFN, not processed yet.
- 3) Appl 73789, additional phases, change irrigation to municipal, hints at RAFN but not supported by additional information required for RAFN, not processed yet.

I imagine we are constrained about prolonged time frames beyond normal procedures for permits & transfers - there is some wiggle room but we probably don't want to go too far. I think their best bet is to clearly file RAFN appls since they are definitely hinting at that in appl information provided to date, except for 61-12090. Applicant could amend all 3 unprocessed appls to propose RAFN and provide required information, would establish time frame Roxanne asks about, problem solved. Otherwise I bet it will get pretty squirrely (is that a word?).

What are your thoughts? Thanks for your help.

Steve



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Lester, Steve

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Wednesday, July 16, 2008 10:57 AM
To: Lester, Steve
Subject: Question about length of time to accomplish transfer

Steve,

We have clients that have acquired water rights in Elmore County and wish to transfer them to new locations in support of planned communities. Developments of significant size will not be created in the one-year time frame IDWR usually conditions transfers. It seems there are at least three alternatives:

1. File multiple transfer applications to incrementally transfer the water rights as development occurs (Not our preferred alternative!)
2. Receive an approved transfer that is conditioned to allow drying up and moving the water rights as development occurs
3. Receiving an approved transfer based on some form of future needs

I thought I'd bring this up now so we can understand restraints to the transfer process (1 year? 5 years? 20?) and start some thought about likely conditions on future transfers. I think the first transfer like this that will be up for processing will be #73789 for Elk Creek Canyon LLC. (It looks like the transfer may be amended and used as part of a mitigation plan to resolve a protest to application 61-12090.)

Please let me know IDWR's thoughts. I'd welcome a meeting to discuss the issues surrounding transfers of this type.

Roxanne Brown
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7/17/2008