

MEMORANDUM

TO: Transfer No. 73896

FROM: Daniel A. Nelson

DATE: February 29, 2009

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to add four new wells to provide additional capacity and emergency back up for a water system that provided domestic and irrigation for the Terrace Lakes Subdivision. Existing wells are not adequate to provide adequate pressure and distribution for the subdivision.

The site is located approximately 2.5 miles northwest of Crouch on Middlefork Road, approximately ½ mile west of the point where Warm Springs Creek crosses Middlefork Road.

Contact person for the applicant is the applicant, Michael Martin from SPF Water Engineering LLC at (208)383-4140 in Boise, Idaho.

Deviations from Transfer Policy Standards

The application came into our office with maps that did not match the place of use described on the transfer application. Additional questions arose concerning the ownership of the water rights associated with the transfer, and additional water rights that could overlap the place of use. I corresponded with the applicant on February 20, 2008, to request these items so we could process the application.

The applicant's consultant requested additional time to supply the needed information on 3/13/2008. The request was granted. The additional information and an amended transfer were received on 8/1/2008. A review of this information revealed that the place of use and the legal descriptions still did not match the Boise County tax lot information and didn't cover the entire subdivision. A second amended transfer was received on February 23, 2009 with the proper place of use and legal descriptions.

Summary of Information Submitted

Authority to File: The applicant is the owner of record from water right 65-12985. The owner for 65-13457 was in the name of Terrace Lakes Resorts, which is the common name of the subdivision and associated resort. A letter was provided on 8/1/2008 stating that the Applicant, Terrace Lakes Recreational Ranch, Inc. does business as Terrace Lakes Resorts. Therefore, Terrace Lakes Recreational Ranch, Inc. has the authority to file the transfer and should be listed as the owner of both water rights.

Water Right Validity: Both rights were licensed in 2006, and were not required to be associated with the Snake River Basin Adjudication (SRBA).

Injury to Other Water Rights: There should be no injury to other water rights. This use has been in place for several years. The transfer was filed to provide more versatility to the delivery system.

Enlargement of Use: No enlargement has been proposed. The water user will be limited by it's existing water rights.

Local Public Interest: It is within the local public interest to provide a more stable delivery system.

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

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

Discussion

The original application for transfer supplied by the consultant did not include the entire subdivision. This is a common occurrence in Boise County. The Boise County tax lot data is not registered properly, and makes it difficult to determine the actual place of use. The tax lot data was adjusted in the first transfer amendment, but once the consultant and I reviewed the information, we were concerned that the some of the place of use may be excluded due to the adjustments that were made. A second attempt was made to adjust the tax lot data properly, and a second transfer amendment was submitted. We believe we have properly identified the place of use.

Data entry affected the correct record, whereas this is a licensed right, there were no other records too cause a problem in this area.

Overlapping rights at the existing P/U are actually for ground surrounding the place of use. Water right 65-10722 is for a private homeowner within the subdivision and is not connected into the main water delivery system. Water rights 65-7118, 65-12984, 65-10780, & 65-10782 are all owned by the applicant, but they are for the golf course, resort, and various commercial type enterprises that are not connected into the main water delivery system. The only true overlapping water right permit is 65-23086. Water right permit 65-23086 is for the same place of use and the same points of diversion, and was filed with the water rights in this transfer. This transfer was filed to show the new wells added in the permit. Water right permit 65-23086 claims that surface water is used on a portion of the ground within the place of use, however, in reviewing the various water rights, I cannot find any surface water rights on the lands covered by the new place of use proposed by this transfer. In a telephone conversation with Mr. Martin, Martin stated that the irrigation and the culinary systems have never been connected. Therefore, no supplemental or combined conditions should be included in the conditions for this 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.

Condition 046 would be applicable since new wells are proposed.