

MEMORANDUM

TO: Transfer No. 75059 File
FROM: Steve Lester 
DATE: December 4, 2008 (replaces two prior versions)
RE: Evaluation of Sufficiency of Information Submitted

EXPEDITED

The transfer proposes to add a well to 3 rights previously linked in approved Transfer 69087 from 2001. A new well is urgently needed to address IDEQ requirements for arsenic levels in the water supply for the City of Kuna. The City is under a stayed consent order from IDEQ until this problem is corrected.

The new well site in Kuna is located about ¼ mile northeast of Ten Mile Road and Kuna Road just south of Indian Creek.

Contact person for the applicant is Ed Squires, Hydro Logic Inc.

Deviations from Transfer Policy Standards

The affected rights include specific tracts listed in the P/U to represent land application of waste water codified in Transfer 69087 (P/U also includes service area of City). The P/U in page 1 of the application omitted the NENW of Section 2 for that list. Allow processing without amending the application for this minor error.

Also, page 3 of the application does not list other municipal rights for the City. Allow processing without amending the application for this omission since the information is readily available. Also note a single Part 2 represents all 3 rights. This is acceptable under these circumstances.

The application map shows 2 wells in SESE Section 23. There is only 1 well according to department records. The map appears to be incorrect – which was pointed out to the consultant in an email sent 10/15/08 for future follow up if needed (records correction? abandoned well? etc. – do not need to delay this transfer over that detail).

Summary of Information Submitted

Authority to File: The City owns the rights and has authority to file the application.

Water Right Validity: Right 63-3266 and 63-8215 are presumed to be valid based on the pending SRBA recommendations. The SRBA objection period is over and objections were not filed.

Right 63-11970 is a post-1987 right licensed in 1996 and confirmed in the 2001 approval of Transfer 69087. The consultant provided well production data (Well #4) and credible details confirming validity of this right (letter received 10/7/08).

Injury to Other Water Rights: Adding a well adjacent to the existing #4 Cedar Well should not cause injury since the new well will only supplement lost production from the existing well.

Enlargement of Use: Enlargement will not occur under this proposal.

Local Public Interest: A new well serves the local public interest to secure a municipal water supply meeting IDEQ requirements.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) 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

A recent municipal permit approved for the City, 63-31741, included many protestants and considerable, protracted controversy. Transfer processing included a comment letter to that protestant mailing list. IDEQ comments are not needed since those will be covered in any approval of a drilling permit if that step materializes.

The application was protested. The protest was unconditionally withdrawn 12/3/08, allowing the transfer to be approved.

There are no other City rights with P/Ds associated with the existing and proposed locations in the transfer application. There are also no associated rights needed in processing the transfer.

The consultant overpaid the transfer fee by \$2000 – error in reading the fee schedule. A refund was processed.

Data entry affected the correct records in this transfer.

Note - Land Application P/U update: Transfer 69087 from the early 2000s was needed to add land application of waste water P/U for land not in the City service area at that time. That is the land listed in P/U on page 1 of this new application. However, that P/U is within the current service area and no longer needs to be specifically identified.

Condition WD8 covers land application and refers to “land specifically described above” (see condition #8 in draft approval). This implies a defined land list but should now be interpreted as referring to the land noted in condition #1, which is the current service area. I guess we could delete WD8 based on the current service area. But it seemed best to retain it to note a specific activity that may of interest and/or value to some people. That is why this unusual approach was used for this new transfer.