

MEMORANDUM

TO: Transfer No. 74820 File
FROM: Steve Lester 
DATE: June 25, 2008
RE: Evaluation of Sufficiency of Information Submitted

Parallel processing is not needed for this simple case although legal notices are required.

The transfer proposes to add a new well to the municipal system to meet IDEQ requirements for maximum demand under extreme conditions as noted in Application Attachment A.

The site is southeast of Eagle, southwest of Hwy 55 and State Street, and close to the north channel of the Boise River.

Contact person for the applicant is attorney Molly O'Leary per telephone calls and her 6/19/08 fax.

Summary of Information Submitted

Authority to File: The applicant is the right holder and can change the right. The applicant is also registered with IDSOS under C49246.

Water Right Validity: The right is presumed to be valid based on the pending SRBA recommendation. The SRBA objection period is over and objections were not filed.

Injury to Other Water Rights: Injury is not found.

Enlargement of Use: Adding a well to keep the right whole does not enlarge the use.

Local Public Interest: Local public interest is served by enhancing the municipal provider system to comply with IDEQ standards.

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 proposed well will be similar to a nearby well drilled for the company under Permit 63-12559. That well is known as Well #7 and was cased to 376 feet with screens from 331-401 feet. Well #7 does not intercept ground water shallower than 200 feet.

The proposed well is not expected to tap the shallow aquifer and therefore is not complicated by the issue of shallow ground water tributary to the Boise River above Star. An appropriate condition of approval should be included to address the shallow ground water issue.

The company holds several other municipal rights as follows:

- Licenses 63-7368 and 63-7618, also recommended in the SRBA
- License 63-11798, a post-1987 right not required for inclusion in, and not claimed in, the SRBA
- Permits 63-12147 and 63-12559, not required for inclusion in, and not claimed in, the SRBA.

Rights 63-7368 and 63-7618 share the same current P/Ds as the right being transferred, but this does not preclude adding a P/D to only 63-9245.

The adjudication recommendation for this right includes condition E62 according to the current proof report for that record. A Query of E62 yields no results. I think the condition is a typo based on trying to maintain an existing licensing condition: cannot exceed 4.5 cfs (*not 4.5 cfs per acre*) when combined with 63-7368 and 63-7618. An approved transfer can correct this error.

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.

Note inclusion of a condition preventing diversion of water above 200 feet. Also note correction of a presumed typo in existing adjudication recommendation condition E62.