

MEMORANDUM

TO: Transfer No. 74509 File

FROM: Steve Lester 

DATE: April 14, 2008 (Revised from 3/10/08)

RE: Evaluation of Sufficiency of Information Submitted

REQUEST TO EXPEDITE TO ADDRESS COMMUNITY WATER SYSTEM PROBLEMS.

The transfer proposes to change/add diversions and correctly describe the P/U for locations of homes and stubbed lots.

The site is Jughandle Estates about 3 miles east of Hwy 55 and Lake Fork, southeast of McCall.

Contact person for the applicant is Roxanne Brown, SPF Water Engineering.

Summary of Information Submitted

Authority to File: The applicant owns the rights as noted in IDWR records.

Water Right Validity: Right 65-7290 was decreed in late 2000. The transfer was filed in early 2008, more than 5 years after the decree. The applicant provided the best available information regarding beneficial use between 2003-2007 to confirm validity of this right. See "discussion" portion of this memo for more details.

Right 65-7573 was licensed in 2007, closing the adjudication record "decreed as permit." This right is therefore presumed to be valid.

Injury to Other Water Rights & Enlargement of Use: Injury and enlargement are not found in this proposal.

Local Public Interest: The transfer serves the local public interest by protecting and enhancing a community water 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

Rights for the subdivision have a long, complex history. See field exam report for 65-7573 for details – my 1991 exam, presentation of a possible water right solution at 1992 IDWR Agents Conference (derailed by subsequent changes in thinking etc.), and finally my 2005 exam report to license that permit.

Nothing needs to be added to that long track record except to note rights 65-4059 and 65-7257 discussed in 65-7573 exam are not included in the transfer because they are not part of the community system.

Note the application map was amended without the traditional steps. See my 2/28/08 letter and consultant's 2/29/08 email reply. The original map had a minor error based on total subdivision area instead of a slightly smaller area where houses can be built. This smaller area is also confirmed by the current P/U in 65-7573, just NWSE instead of NESE and NWSE in Section 7. The incorrect original map has been attached to a copy of the consultant's email in the application file. This minor clarification should be acceptable without a more formal approach generally required for application changes.

Confirming validity of 65-7290 proved to be somewhat difficult. According to the applicant's consultant, there are no written records about water use provided to IDEQ or to any other organization. The applicant does not keep independent records about how much water has been used from the wells. The consultant provided an April 11, 2008 cover letter with an affidavit from the water system operator, Warren Drake. He noted the continued use of the system for 107 lots since at least 2002.

I recall his helpful involvement in the 1991 field exams in which 107 homes and/or stubbed lots were verified. It is reasonable to assume continued use for homes found in 1991 plus any homes built since then since no other community water system exists. It is reasonable to assume stubbed lots without constructed homes have not been disconnected from the system. Additionally, all the lots do not have exempted domestic wells as alternative sources of water. This is about as good as it is going to get to find supporting information in this case. Right 65-7290 is presumed to be valid.

Summary

The application was not protested and can be approved as soon as possible.