

MEMORANDUM

TO: Transfer No. 74478 File

FROM: Steve Lester 

DATE: January 28, 2008 – updated March 14, 2008

RE: Evaluation of Sufficiency of Information Submitted

EXPEDITED FOR NEW SCHOOL SITUATION¹

The transfer proposes a new well that will only be used for a new school. This is needed due to problems with the existing shared well resulting from the split from older wr record 63-3041 into current aj records 63-32624 (Tomer) and 63-32625 (School District).

The transfer will serve Lake Ridge Elementary School about ½ mile southwest of Hwy 45 and Locust Lane south of Nampa.

Contact person for the applicant is King at SPF Water Engineering.

Deviation from Transfer Standards

Standards call for identifying P/Ds to 10-acre tracts when confirmed. The current P/D for 63-32625 is SWSENW. The application proposes a new P/D in the SENW without specifying a 10-acre tract. The application map clearly does not indicate a new well site in SWSENW. Instead, it appears the new site will be near the line between NESENW and SESENW. Allow the flexibility of a 40-acre site to accommodate this situation.

Summary of Information Submitted

Authority to File: The SRBA Recommendation is held by the applicant, documenting authority to file the application.

Water Right Validity: The right is presumed to be valid based on the SRBA Recommendation.

Injury to Other Water Rights: Injury should not occur under this proposal, assuming the new well will not interfere with the existing well owned by Tomer (see discussion below).

¹ We expedited this application in a 2/5/08 training session at Western to acquaint additional staff with transfer processing. That worked well!

Enlargement of Use: The applicant does not propose to enlarge the use.

Local Public Interest: A viable well for the new school serves the local public interest.

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

Data entry affected the correct record, the SRBA Recommendation.

The applicant objected to the SRBA Recommendation to dispute that primary surface water also serves the land. The objection was resolved as noted in Application Attachment D, the completed SF-5. Therefore, 63-32625 is a primary right.

No other rights irrigate the school property. The proposed well will only be used for the school site under this application. The only known complication is the original well for the site will be about 350 feet from the proposed well based on the consultant's 12/4/07 cover letter.² A comment letter will be sent to Tomer, the presumed owner of the original well based on the split of wr record 63-3041 (see Tomer, 63-32624), to address potential well interference.

Tomer did not protest or otherwise comment.

The application can be expedited. It should not be approved without final confirmation that the Court acknowledges settlement of the SRBA objection. IWATRS check on 3/14/08 confirmed the adjudication recommendation is ready to be decreed but has not yet been decreed.

Summary

The application is approvable as shown in the draft approval if protests are not filed.

² A 350ft. distance might not be consistent with current P/D in SWSEnw and the proposed P/D on application map near eastern edge of the SENW. That detail does not complicate transfer processing. This detail favors avoiding a 10-acre tract limitation for a new well.