

MEMORANDUM

TO: Shelley Keen *WR File*
FROM: Steve Lester *[Signature]*
DATE: January 31, 2007
RE: Status of Application for Permit 63-11741 for Paul and Frances Porter

Mr. Porter recently visited the office to work on his older rights for the SRBA. He requested clarification about the status Application 63-11741. Specifically, he asked why it has not been approved when so many others just like it have been. I told him I would look into it and let him know what I found. I am asking for your help to do that.

This memo follows email exchanges we had last November regarding the application. My email speculated that the application was most likely approvable based on the file history. Your reply was something along the lines of looking into this matter after SRBA work winds down.

The application remains on "basin 63 moratorium" hold at the SO. I think a good case can be made to approve the application as follows.

The site is east of Hwy 45 between Nampa and Melba, not a problematic area beyond broader basin 63 ground water issues.

The application for supplemental ground water irrigation was filed on 5/22/92 and proposed use of an existing well (from 63-3184 and 63-7062) plus a new well. The new well was completed by 3/23/92, apparently as a replacement well under the old rights.¹

Temporary approval for 63-11741 was granted on 7/16/92 for the 1992 season. Another temporary approval followed for the 1994 season.

The applicants complied with the 1995 re-processing exercise. The application was advertised without protest in 1995 and forwarded to the SO for approval.

¹ Older rights have a single shared p/d in NWNE S10. The 1992 well was drilled as a "new well" under the older rights in NENW according to the well log. Was it a replacement well or was a second production well drilled? Where is the well – NWNE or NENW?

Application 63-11741 lists 2 p/d in NENW S10. Current SRBA recommendations for older rights identify a single licensed p/d in NWNE. Something does not add up here.

Approval did not occur for some reason – perhaps the application got caught in the cutoff against new approvals sometime in 1996.

About 70 applications with similar histories were approved under the 1995-1996 re-processing method. Approvals were limited to applications for which a supplemental well was drilled in 1992, owners received temporary approvals in 1992 and 1994, and they successfully completed the mid-1990s re-processing.

I recall one or two situations since then that were similar to the Porters' case and approvals followed. Unfortunately I cannot recall the permit number(s).

Application 63-11741 should be approved to mirror several dozen similar approvals already granted and based on more or less identical histories.

One complication should be resolved. If the new well is in NENW as noted by the well log, then the SRBA recommendations for the older rights are incorrect. A transfer would be needed to correct those records since the p/d change occurred after 1987. Such a transfer could also add a p/d to the older rights to accurately reflect the situation if that is the case. If the new well is in NWNE, then Application 63-11741 should be amended to match that information. It is not clear at this time if one or two production wells are out there.

Western staff could easily confirm the location of the new well and determine if an older well is also used. The appropriate steps could then be taken. One way or another, Application 63-11741 would be in position to be approved.

Please let me know if you agree with this analysis. I would like to let Mr. Porter know the likely outcome of his request. Thanks for looking into this one.

MAR 25 1964

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

* Should be
REPLACEMENT in
NWNE under
63-3184 &
63-7062?
-52 1/31/07

-52 1/31/07

MAR 25 1966
Department of Motor Resources
Western Regional Office