

MEMORANDUM

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Department of Water Resources
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FROM: Steve Lester 

February 5, 2003

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Department of Water Resources

RE: IDOC Transfer No. 67055 & Amendment No. 69884

This memo serves as a brief summary of the situation. A more thorough memo will follow resolution of the protest.

The transfer and amendment of permit applications were revised in early 2002 to add two other wells to this package.¹ See the amended legal notice under the 6-20-2002 file entry for a summary of the proposed changes to create a collection of irrigation/municipal rights serving the old and new prison sites south of Boise.

Pat Donaldson with IDOC has been the primary contact person for the applicant. Consultant Keith Anderson (recently deceased) provided considerable assistance to the applicant. I understand David Barber (or his assistant) from the attorney general's office will represent the applicant at the next prehearing conference.

The original 1999 applications were not protested. United Water, represented by Givens Pursley, protested the 2002 amended filings.

Discussion

The transfer includes five licenses and three beneficial use claims. All the rights in the transfer are fully claimed in the SRBA. The licenses were claimed in 1989, tolling forfeiture after that date under the new transfer policy effective late last year. The beneficial use claims were filed in 1995. The transfer decision will affect all of the adjudication claim records.

The amendment addresses Permit No. 12296. That permit and license 63-3445 (license revised by approval of Transfer 5314 in 1998) cover the new prison site while the remaining rights serve the old prison. It should be noted that the permit is considered

¹ A replacement well was drilled in 2001, although it became an *additional* well after being completed. The revised applications add this well plus older unused well no. 6 to the package. The complete list of wells identifies nos. 1-8 plus 4B. The latter is the well drilled in 2001.

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fully consumptive due to land application of wastewater. The permit is outside of the scope of the SRBA.

Ron Howerton completed a thorough examination of all the SRBA claims in 1995. He prepared a draft summary of his field exams, documenting beneficial use and all other necessary elements of the claims. Additional fieldwork is not needed. The applicant provided additional data on 8-22-2002 about water uses at the sites.

If approved, the amended transfer will address dual water uses at the two prison sites. Four wells will provide most if not all of the irrigation water, and five other wells will function as municipal sources for the rest of the water needs. The five municipal wells can serve as backup irrigation wells if necessary. The four irrigation wells cannot serve as backup wells for municipal use. Volume limitations for municipal use would be necessary if the transfer is approved.

If approved, the amended permit will provide municipal use. A volume cap on municipal use would be needed in approving the amendment. A volume limitation has not been quantified yet for the amendment proposal.

Both filings propose a service area boundary within which irrigation and municipal uses would occur from some combination of nine wells.

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