

MEMORANDUM

DATE: March 6, 2006

TO: Gary Spackman → File 36-16299

FROM: Shelley W. Keen *SK*

RE: Purpose of Use

Valley School District No. 262 filed Application for Permit 36-16299 for the use of water in its school buildings and for fire protection. The school district put "municipal" as the intended beneficial use. In my opinion, IDWR should issue the school district's permit for domestic use, not municipal use, because the school district does not qualify to be a municipal provider.

Water rights for municipal use, which entitle the water right holders to certain privileges not available to holders of rights for other purposes, can be issued only to certain classes of water appropriators, called municipal providers, defined in Idaho Code § 42-202B(5). Part (b) of the statute authorizes political subdivisions of the state of Idaho to be municipal providers if they supply water for municipal purposes to users within a service area. The school district may meet the first part of the test to be a municipal provider under part (b) of the statute because a school district is, in fact, a political subdivision of the state of Idaho. However, the school district does not meet the second part of the test under part (b), which requires that it supply water for municipal purposes.

Municipal purposes is defined in Idaho Code § 42-202B(6) as follows:

"Municipal purposes" refers to water for residential, commercial, industrial, irrigation of parks and open space, and related purposes, excluding use of water from geothermal sources for heating, which a municipal provider is entitled or obligated to supply to all those users within a service area, including those located outside the boundaries of a municipality served by a municipal provider.

The school district's use of water does not meet the definition for municipal purposes because the school district is not supplying water for residential, commercial, industrial, irrigation, or any other use to "all those users within a service area." Rather, the school district is providing water for its own use on its own land.

There is no precedent in Idaho's water rights records for granting a municipal right to a school district for use in the district's schools. Nearly all the school district rights in the database list the beneficial use as "domestic," with a few showing the use as "commercial." There is one school district water right that lists "municipal" as the beneficial use in the database, but it is actually a license issued to Camas County Rural High School District No. 25 in 1943 for the "school water

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supply (including drinking water, fire protection, irrigation of Block 15, and all other general school use). It appears that for the sake of convenience IDWR chose to enter "municipal" in the database rather than try to list the specific purposes described on the license.

I also looked to see if there are any municipal rights issued to any of Idaho's colleges or universities. Right 22-4130 is the only one that lists "municipal" as the beneficial use, but it is an unconfirmed statutory claim filed by Ricks College in 1983 for "Municipal water for the city of Rexburg."

I am not sure why Valley School District No. 262 chose to apply for municipal use, unless district officials thought that municipal rights have fewer restrictions under the Eastern Snake River Plain moratorium. The fact is that under the moratorium IDWR restricts both domestic and municipal water uses to components that are either non-consumptive or that meet the definition of domestic use found in Idaho Code § 42-111. In this case, the indoor school use is essentially non-consumptive, and the outdoor use can be limited to 2500 gpd, which meets the definition of domestic use.

Despite the largely non-consumptive use of water proposed by the school, IDWR should require mitigation for the new use because there is no guarantee that the used water will return to the reach of the Snake River where it would have emerged if it were not diverted.

If you concur with this analysis, I will present a revised draft permit to the applicant and the protestant before bringing it to you for approval.

Drilling Permit N 36-93-5-0389
 Water Right Permit No. 36-15190
 Injection Permit No. _____

WELL DRILLER: PLEASE COMPLETE FOR VERBALS
 IDWR Employee Issuing Verbal: _____
 Verbal Issued Date: _____ Time: _____

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AUG 10 1993

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 AUG 09 1993
 Department of Water Resources
 Southern Region Office

State of Idaho
 Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print): Valley School District
2. Mailing Address: 882 Valley Rd South
 City & State Hazelton, Id Zip Code 83335 Telephone 829-5353
- ☒ Well Owner ☐ Well Operator ☐ Contractor or Other, specify _____
3. Proposed Well Location: Twp. 9S, Rge. 20E, Sec. 31, SW 1/4 SW 1/4
 Gov't Lot No. _____ County Jerome
 Street Address of Well Site As Above
 Lot, block and subdivision _____
4. Proposed Use of Well:

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC:

☒ Irrigation
 Stock
 (Over 1,000 Head)

☐ Municipal
☐ Test

☒ Industrial
 Other School
 (Describe)

☐ INJECTION

- ☐ MONITORING: A well bore schematic and map is required for each blanket permit.
 No. of proposed wells: _____

5. Well Construction Information:

- A. ☒ New well ☐ Modify (Deepen or Enlarge) ☒ Replace - See Condition 9
- B. Proposed Casing Diameter 12" Proposed Maximum Depth 400
- C. Anticipated bottom hole temperature:
- ☐ 85°F or less (Cold Water Well) ☐ 85°F to 212°F (Low Temp. Geo. Well) ☐ 212° F. or more (Geothermal Well)

6. Construction Start Date: 8-9-93
7. Anticipated Well Driller: Walker Water Systems Inc
 NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's Signature Eugene Walker Date 9 Aug 93
 Title _____ (Owner, Firm Representative, Other)

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IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

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DEC 20 1993

Department of Water Resources

1. DRILLING PERMIT NO. 36 - 93-S - 0309
Other IDW Permit: Region Office 36-15190

2. OWNER:
Name Valley School District
Address 882 Valley Road So.
City Hazelton State ID Zip 83335

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N
W
S
T. 9 North ☐ or South ☒
E. R. 20 East ☒ or West ☐
Sec. 31 SW 1/4 SW 1/4 1/4
Gov't Lot County Jefferson 180 acres

Address of Well Site 882 Valley road So.

(Give at least Direction + Distance to Road or Landmark)

Lot No. Block No. Subd. Name

4. PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☒ Other School

5. TYPE OF WORK

☒ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD

☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
Cement grout	0	50	25 SB		Overbore

Was drive shoe seal tested? Y ☐ N ☐ How?

8. CASING/LINER:

Diameter	From	To	Gauge	Casing	Liner	Steel	Plastic	Welded	Threaded
12.750	1	50	.250			☒	☐	☒	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes

Top Packer or Headpipe Bottom Tailpipe

9. PERFORATIONS/SCREENS

☐ Perforations Method
☐ Screens Type Material

From	To	Slot Size	Number	Diameter	Tailpipe Size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:

XX Pump ☐ Boiler ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time
654	0	255'	6

Temperature of water 58 Was a water analysis done? Yes ☒ No ☐

By whom? Rihhs Analytical Labs

Water Quality (odor, etc.) clear

Bottom Hole Temperature

11. STATIC WATER LEVEL:

253' 6" below surface Depth artesian flow found

Artesian pressure lb. Describe access port Well cap

Describe Controlling Devices:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SWL
15	0	23	Surface		
	23	47	Grey basalt		
	47	70	Grey basalt w/ trace brown		
	70	88	Brown basalt		
	88	18	Grey basalt		
	118	33	Red scoria		
	133	39	Brown basalt		
	139	54	Grey/brown basalt		
	154	57	Brown basalt		
	157	75	Grey basalt		
	175	78	Brown basalt		
	178	222	Grey basalt		
	222	226	Black basalt w/ trace talc		
	226	249	Grey/brown basalt		
	249	255	Brown basalt, soft		
	255	270	Black basalt		
	270	277	Soft brown/ black basalt		
	277	284	Soft brown basalt		
	284	300	Black basalt	X	
	300	310	Black/red basalt	X	
	310	320	Grey basalt		
	320	365	Black/red basalt	X	
	365	366	Black/red basalt	X	
			caving some		
	366	374	Red/brown basalt, broken	X	
	374	380	Black/red basalt, cinders	X	
	380	400	Black/red basalt, broken		
Date: Started 8/9/93			Completed 8/19/93		

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Walker Water Systems, INC. Firm No. 15

Firm Official Date 8/26/93

and Supervisor or Operator Fred Walk Date 8-29-93

(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved

Date 8/9/93

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Loren O. Halverson
Signature of Authorized Department Representative

Mgt. Southern Region
Title

Receipt No. SDIC080 Received by DJ Fee \$200 Date 8/9/93

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension expires: _____

WELL LOG AND REPORT TO THE STATE RECLAMATION ENGINEER OF IDAHO 024358

Log No. _____
 Rec. _____
 Well No. _____
 FEB 17 1954
 Permit No. _____
 Department of Reclam

DO NOT FILL IN

Owner CLASS A SCHOOL DIST 262 Driller J. EMMETT SMITH, INC.
 Address EDEN, IDAHO Address 321 W. MAIN ST. - JEROME Lic. No. 1
 Location of Well: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T. 9 N/S, R. 20 E/W JEROME Co.
 and _____ feet N/S, and _____ feet E/W from _____ corner of _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ Sec. _____
 Water will be used for DOMESTIC USE Total depth of well 260
 Size of drilled hole 6 1/2 Weight of casing per linear foot 19.18
 Thickness of casing 0.280 Casing Material PIPE
 (Casing 12" in diameter and under give inside diameter; casing over 12" in di give outside diameter.)
 Diameter, length and location of casing 6" 42' 0 TO 42'
 Number and size of perforations _____ located _____ feet to _____
 from surface of ground.
 Other Perforations: _____
 If flowing well, give flow in c.f.s. _____ or g.p.m. _____ and shut in pressure _____
 If nonflowing well, give depth of standing water from surface 223'
 If flowing well, describe control works _____
 (Type and size of valve, etc.)
 On pumping test delivery was 15 g.p.m. or _____ c.f.s. Drawdown was _____
 Length of time pumped during check was 1 hr. _____ min. Water temp. _____ °Fahre
 Date of commencement of well 12-4-53 Date of Completion of well 12-18-53
 Type of well rig 71 STAR DRILL - BABLE TOOLS

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks — Seal, Grouting, Etc.
6"	0	42'	42'	

WELL LOG

From Feet	To Feet	Type of Material	Drilling Time		Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
			Hrs.	Min.		
0	40	CLAY YELLOW				
40	90	LAVA RED MEDIUM				
90	120	LAVA GRAY HARD				
120	132	CLAY RED				
132	165	LAVA GRAY MED. HARD				
165	198	LAVA GRAY CREVICE				
198	247	LAVA GRAY HARD			237	
247	260	LAVA RED CINDERS				
If more space is required use Sheet No. 2						

WELL DRILLERS STATEMENT

This well was drilled under my jurisdiction and the above information is true and correct to the best of my knowledge and belief.

E. Emmett Smith, Jr.

Signed

By

License No.

024359

36-16299

$$2,500 \text{ gal/day} \times 0.70 = 1,750 \text{ gal/day}$$

0.2 acres

mean IR 6.11mm/day

efficiency

$$\frac{6.11\text{mm}}{1 \text{ day}} \times \frac{1\text{cm}}{10\text{mm}} \times \frac{1\text{in}}{2.54\text{cm}} \times \frac{1\text{ft}}{12 \text{ in}} \times \frac{325,851\text{gal}}{1 \text{ acre foot}} \times 0.02 \text{ acres}$$

$$= 1,306 \text{ gal/day}$$

$$1,306 \text{ gal/day} < 1,750 \text{ gal/day}$$

0.20 acres can be irrigated in July
with a diversion limited to 2500 gpd.

S. Kean

Paul 1 ENE Consumptive Use from Allen and Brockway 83

** Monthly average daily (mm/day) and Seasonal Totals (mm) **

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Total
ETr									
MEAN ETr	1.83	4.34	6.04	7.68	8.23	6.80	5.17	3.28	1326.
STDV ETr	0.36	0.45	0.47	0.47	0.27	0.36	0.42	0.35	50.
Alfalfa Hay									
MEAN CU		2.52	5.61	6.74	6.75	5.18	3.55	1.23	966.
MEAN IR		2.01	4.85	6.00	6.51	4.92	3.18	0.82	864.
STDEV CU		0.26	0.44	0.41	0.22	0.27	0.29	0.13	33.
STDEV IR		0.55	0.81	0.89	0.34	0.58	0.60	0.38	57.
Alfalfa Seed									
MEAN CU		2.81	5.43	6.75	5.94	3.08	1.60	0.52	799.
MEAN IR		2.29	4.68	6.01	5.71	2.85	1.27	0.13	701.
STDEV CU		0.29	0.42	0.41	0.19	0.16	0.13	0.06	29.
STDEV IR		0.58	0.80	0.89	0.32	0.46	0.46	0.34	54.
Dry Beans									
MEAN CU			1.81	2.98	7.10	4.70	0.71		532.
MEAN IR			1.31	2.48	6.89	4.49	0.44		480.
STDEV CU			0.14	0.18	0.23	0.25	0.06		16.
STDEV IR			0.46	0.54	0.32	0.50	0.35		30.
Field Corn									
MEAN CU			1.81	2.91	6.98	6.36	4.15	1.07	714.
MEAN IR			1.25	2.36	6.74	6.09	3.78	0.68	640.
STDEV CU			0.14	0.18	0.23	0.34	0.33	0.11	22.
STDEV IR			0.50	0.58	0.34	0.64	0.63	0.36	37.
Silage Corn									
MEAN CU			1.81	2.91	6.98	6.36	4.15		681.
MEAN IR			1.25	2.36	6.74	6.09	3.78		619.
STDEV CU			0.14	0.18	0.23	0.34	0.33		22.
STDEV IR			0.50	0.58	0.34	0.64	0.63		39.
Sweet Corn									
MEAN CU			1.81	2.60	6.40	6.21			525.
MEAN IR			1.25	2.06	6.18	5.94			476.
STDEV CU			0.14	0.16	0.21	0.33			17.
STDEV IR			0.50	0.56	0.32	0.63			35.
Peas									
MEAN CU		1.31	3.43	6.23	2.88				422.
MEAN IR		0.90	2.85	5.60	2.71				367.
STDEV CU		0.14	0.27	0.38	0.09				17.
STDEV IR		0.40	0.58	0.78	0.21				40.
Potatoes									
MEAN CU		1.30	1.94	5.20	6.91	5.29	3.09		726.
MEAN IR		0.95	1.50	4.71	6.73	5.10	2.82		667.
STDEV CU		0.14	0.15	0.32	0.22	0.28	0.25		23.
STDEV IR		0.35	0.41	0.63	0.29	0.49	0.46		40.
Sugar Beets									
MEAN CU		1.30	1.82	3.80	7.96	6.65	4.44	2.11	861.
MEAN IR		0.84	1.25	3.21	7.71	6.37	4.05	1.68	769.
STDEV CU		0.14	0.14	0.23	0.26	0.35	0.36	0.23	27.
STDEV IR		0.43	0.51	0.65	0.36	0.66	0.66	0.45	46.
Spring Grain									
MEAN CU		1.31	3.77	7.60	7.70	1.94			683.
MEAN IR		0.91	3.19	6.92	7.47	1.76			620.
STDEV CU		0.14	0.29	0.47	0.25	0.10			23.
STDEV IR		0.39	0.60	0.88	0.34	0.35			47.
Winter Grain									
MEAN CU	0.72	3.76	6.03	7.68	7.31	1.55			827.
MEAN IR	0.35	3.25	5.31	6.95	7.07	1.36			742.
STDEV CU	0.14	0.39	0.47	0.47	0.24	0.08			33.

STDEV IR	0.31	0.64	0.81	0.92	0.34	0.35			59.
Pasture									
MEAN CU		2.61	4.65	5.91	6.33	5.23	3.98	2.52	956.
MEAN IR		2.12	3.97	5.24	6.11	4.98	3.61	2.09	860.
STDEV CU		0.27	0.36	0.36	0.21	0.28	0.32	0.27	33.
STDEV IR		0.54	0.71	0.80	0.32	0.57	0.61	0.48	54.
Orchard									
MEAN CU		1.74	3.31	6.03	6.99	5.78	4.37	2.28	933.
MEAN IR		1.28	2.69	5.35	6.76	5.52	3.99	1.86	839.
STDEV CU		0.18	0.26	0.37	0.23	0.30	0.35	0.24	30.
STDEV IR		0.46	0.61	0.81	0.34	0.60	0.64	0.46	51.
Vegetables									
MEAN CU			1.84	4.02	6.33	5.41	3.53		647.
MEAN IR			1.41	3.56	6.16	5.21	3.25		599.
STDEV CU			0.14	0.25	0.21	0.29	0.28		21.
STDEV IR			0.41	0.55	0.27	0.50	0.49		33.

End of Data Set