

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 11/9/2004

RE: MITCHELL D. TUEL TRANSFER NO 71605, WATER RIGHT 63-32005

The transfer proposes to retire one acre of ground from the original place of use at the corner of Kuna Mora Road and South Cloverdale in the NENE S12 T1N R1E, Ada County and move the appurtenant groundwater to a new place of use located approximately ½ mile north of Bennett Road and ¼ east of Track road, at Lot 12B Block 2 of Aram Estates Subdivision, NWSE S26 T2N R2W in Canyon County.

AUTHORITY TO FILE:

The applicant has supplied a copy of the Water Right Sales Agreement, which is conditioned upon the approval of this transfer. The applicant has also supplied a copy of the water right warranty deed that is unsigned, and won't be signed until this transfer is approved. The applicant has also supplied a copy of the warranty deed showing ownership of the property where the water will be moved.

WATER RIGHT VALIDITY:

Scott King has recently recommended this right for the Snake River Basin Adjudication (SRBA).

INJURY TO OTHER WATER RIGHTS:

There is no evidence that this small irrigation use would create injury to other local groundwater users.

ENLARGEMENT OF USE:

No additional rate or volume is being requested. The water right will also go from a primary right to a supplemental right, which would reduce the amount of water used from groundwater if the surface water system is repaired. The surface water system at the new place of use is inadequate to supply all of the users on the system, so this primary right will be used exclusively until the surface water system can be repaired and upgraded. After the system is upgraded, the applicant will be required to use the surface water first, thus reducing the overall use of ground water under this right. Therefore, enlargement of the right should not be an issue.

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation standards for the area.

SCANNED
NOV 11 9 2004

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARATIVE

This water right is a primary water right that is being moved to ground that is already covered by Boise-Kuna Irrigation District water. The applicant lives in a subdivision where the developer constructed an irrigation system that was not adequate to supply all of the water users with the Boise-Kuna Irrigation District water. The homeowners association supplying the water is having difficulty gaining support from the homeowners and raising sufficient funds to rebuild the irrigation system.

The system is set up in such a way that some of the homeowners are getting adequate water supply, while others in the system run out of water, which burns up their irrigation pumps. Therefore, several subdivision owners have purchased a portion of water right 63-31439 to use until the homeowners association can be convinced to rebuild the system in such a way that everyone in the subdivision has adequate water supply. This will probably include a pressurized irrigation system with a single irrigation pump.

The applicant has purchased a primary water right for the use on their property. This will allow them to use the well exclusively until the subdivision can rebuild the irrigation system. This right should be conditioned so that once the subdivision's water system is repaired the applicant will be required to use the full allocation of surface water first. This will make this a supplemental water right. The applicant has been informed that this transfer will turn this primary water right into a supplemental water right, and have agreed to the supplemental conditions being put on the water rights.

Other than the Boise-Kuna Irrigation District water rights there are no significant overlapping water rights.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.

SCANNED
NOV 09 2004