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Groundwater and Environmental Engineering

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APR 22 2003
Department of Water Resources

April 21, 2003

Jeff Peppersack
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Subject: Capitol Water Corporation - Transfer 66602

Dear Jeff:

At the request of Robert Price, President of Capitol Water Corporation, I have reviewed the approval for transfer 66602 (approved March 12, 2003). The transfer cleared up a number of inconsistencies in Capitol's water rights related to nature of use and place of use, and now authorizes Capitol to operate all of their wells as an integrated system. We appreciate the Department's efforts in consolidating these water rights.

In reviewing the transfer approval, I noted that condition No. 11 of water right No. 63-7108 states "A portion of this right in the amount of 1.56 cfs shall be considered forfeited through approval of Transfer 66602". The reason for the forfeiture determination appears to be statements on Page 7 of Ed Squire's (Hydro Logic) memo to Gary Spackman, dated August 30, 2002. The memo recommended that the instantaneous flow rate of the Capitol wells be reduced to 5685 gpm, apparently based on Capitol's own estimates of their system demand at that time.

The forfeiture determination is problematic for Capitol, as it reduces the total authorized diversion rate from 14.29 cfs (6,414 gpm) to 12.69 cfs (5,696 gpm). The current capacity of the Capitol water system is estimated at approximately 15.6 cfs (7,000 gpm), and a recent distribution system analysis by MWH calculated that the peak hour demand for the system (using IDEQ public water system criteria) at approximately 18.3 cfs (8,200 gpm). Thus, while the 12.69 cfs rate is adequate to meet peak day requirements, this rate does not appear to be adequate to meet peak-hour demands (approximately double the peak day requirement), nor does this rate meet system current capacity.

Capitol now lacks adequate water rights to fully utilize their pumping capacity, and they lack capacity to meet peak water demands. Therefore, Capitol needs to secure authorization for diversion of additional water. Could Capitol challenge the forfeiture determination of Transfer 66602, either through attempting to amend the Transfer order or through the SRBA, or is their only alternative a new application for permit? We should note that the five licensed water rights that are claimed by Capitol in the SRBA were probably producing at or near full licensed amounts during the late 1980s, as this period was prior to the large reductions in well capacity that occurred during the 1990s. Demand was apparently greater than pumping capacity during this period, which forced Capitol to drill a new well (63-11528) to meet customer needs.

Given the Department's recent policy to toll forfeiture during the period that an adjudication claim is pending, can the Department reconsider the T66602 approval to eliminate the forfeiture of 1.56 cfs? If so, then Capitol Water Corporation could more fully utilize its current well capacity under existing water rights, and Capitol can file a new application for permit to develop the additional capacity needed to meet peak hour demands.

Please contact me to discuss this matter. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry M. Scanlan". The signature is fluid and cursive, with the first name "Terry" being more prominent.

Terry M. Scanlan, P.E., P.G.

Cc: Bob Price

Capitol Water Corporation Water Rights
21-Apr-03

Well No.	Original Water Right No.	Original (cfs)	Original Water Right (gpm)	Current Capacity (cfs)	Current Capacity (gpm)	Current Water Right (cfs)	Current Water Right (gpm)
1	63-3152	0.920	413	0.920	413	0.92	413
2	63-3071	0.800	359	0.000	0	0.80	359
3	63-3166	3.340	1499	0.780	350	3.34	1499
4	63-7108	4.900	2199	4.456	2000	3.34	1499
5	63-3002	0.888	399	2.896	1300	0.89	399
6	63-11528	3.400	1526	3.400	1526	3.40	1526
7				3.119	1400		
Total		14.248	6395	15.572	6989	12.69	5695

Source of Current Capacity Data

*Hydro Logic Memo 8/2/02

**Capitol Water Corporation Estimate 4/03

***Scanlan Engineering Design Documents - 6/5/02

***Scanlan Engineering Design Documents - 6/10/98