

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON
DATE: 5/14/2004

RE: LAKEWOOD #4 HOA TRANSFER, RIGHTS 63-8402, 63-9658, AND 63-10818 FOR TRANSFER # 71237

The transfer proposes to abandon the well in the NWNE and replace it with a new well in the NENW. This would leave two points of diversion in the NENW S26 T3N R2E, Ada County.

AUTHORITY TO FILE:

The applicant is the owner of record. No further ownership documentation required.

WATER RIGHT VALIDITY:

I performed a recent field exam on these rights and Craig Saxton has recommended the rights as licensed. Validity of the right should not be an issue

INJURY TO OTHER WATER RIGHTS:

This subdivision has been in place for quite some time. There is no evidence to suggest any injury with the movement of the well.

ENLARGEMENT OF USE:

The applicant is not requesting more than what has been licensed previous water rights.

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.

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

SCANNED
MAY 19 2004

NARATIVE

The ditches and pipelines that deliver water from the well being abandoned runs through a couple different subdivisions before reaching the actual place of use. The applicant's have a difficult time maintaining the ditch and are concerned about safety issues. The entire system would be more efficient and safer if the well location was changed.

There is an older water right, 63-2418, for irrigation purposes that overlaps the place of use. However, during the field exam it was evident that this water right has not been used in a long time, and the field exam for 63-8402 suggests that 63-2418 was replaced by surface water at some point. It is believed that the wells no longer exist. In essence the water right has been forfeited. During the field exam I conducted on this application, the president of the homeowner association stated that they didn't want to go through the hassles of trying to revive this water right. He considered it forfeited. No adjudication claim has been filed on this right, so it should disappear during the adjudication process. The entire area is now in subdivisions, so the likelihood of this older right being revived is next to none.

The totals when all three rights are combined should be limited to 5.8 acres, at 0.12 cfs, 26.1 afa for irrigation. The aesthetic storage should be limited to 2.0 afa of volume. The Aesthetic use should be limited to 0.30 cfs, and the Diversion to Storage should be limited to 0.42 cfs. The system is comprised of a system where the water from the wells is diverted into the ponds. The water in the ponds is diverted for irrigation. The water in the ponds for aesthetic use re-circulated through the pond system by a pump. So the volume for the aesthetic use should be kept open.

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

MAY 14 2004