

MEMORANDUM

TO: FILE
FROM: DANIEL A. NELSON *DAN*
DATE: 6/9/2004

**RE: VALLIVUE SCHOOL DISTRICT # 139 TRANSFER #71295,
RIGHT 63-10182**

The transfer proposes to add a point of diversion for the domestic use and eliminate the irrigation component for water right 63-10182. The new well will be located in the same location as the existing well. Both wells are located in the NWSW S10 T3N R3W, Canyon County. **THE APPLICANT HAS REQUESTED THAT THIS APPLICATION BE EXPEDITED DUE TO ACCOMPLISH THE WORK DURING THE SUMMER VACATION.**

AUTHORITY TO FILE:

The applicant is the owner of record; therefore ownership should not be an issue.

WATER RIGHT VALIDITY:

This water right was licensed in 4/29/1993, and there is no question that the school has been in operation since the licensing of the water right.

INJURY TO OTHER WATER RIGHTS:

No increase in rate of diversion or volume is being requested. This school has been in operation for several years without controversy. No injury is anticipated.

ENLARGEMENT OF USE:

This water right was originally licensed with an irrigation component. This transfer review revealed that an older license, 63-2856, for irrigation overlapped the school property. Further review of the licensing of this right revealed that the well listed on application for permit for this water right was an existing irrigation well. All the information suggests that the irrigation well licensed for this water right was already covered under water right 63-2856. The applicant has requested that the irrigation component be removed from water right 63-10182. The irrigation of the school grounds will be covered under water right 63-2856. With the removal of irrigation from this water right, the applicant has removed the possibility of enlargement issues. Please see narrative for more details.

LOCAL PUBLIC INTEREST:

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

SCANNED
JUN 10 2004

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.

NARATIVE

The largest issue for this transfer is the overlap of water right 63-2856. During the filing of water right 63-10182 the school was not aware of 63-2856, the existing irrigation water right. This overlap was not identified in the permitting or licensing process by IDWR staff. This issue lay dormant until this transfer was filed. Technology has allowed us to easily identify this overlap issue. Water right 63-10182 should have never included an irrigation component. Therefore, this transfer will give the department the opportunity to rectify this situation.

The applicant has filed an adjudication claim for the 22.3 acres identified by the applicant as actual irrigation of the school grounds. Jan Shurte of our adjudication staff reviewed the adjudication claim and stated that is looked as though it could be recommended as claimed if there aren't any further issues. A copy of this memo will accompany the adjudication claim to help explain the situation.

Therefore, this transfer should change water right 63-10182 to only list domestic use on the water right. All irrigation use will be covered by 63-2856, and is not included in this transfer. The SRBA staff will review that water right in their process.

The school is located on high ground that cannot be served by canal water. Water right permit 63-31889 was recently issued for fire protection for the school. This permit should not affect this transfer, since it will use different wells and is for a non-consumptive use.

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.

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