

Nelson, Dan

From: Nelson, Dan
Sent: Thursday, May 06, 2004 9:54 AM
To: 'TMSCANLAN@aol.com'
Subject: RE: Vallivue School Transfer 63-10182

Hello Terry,

I am meeting with Jan Shurte tomorrow, and I will discuss this situation with her at that time, and then talk it over with Steve Lester. In reviewing the water rights, 63-10182 utilized two existing wells. One was an existing irrigation well (I am assuming the same well used with 63-2856), and the other was an existing domestic well. No other wells were mentioned during the licensing process. Therefore, there should only be two wells at the school. None of the documentation mentions a third well. A request was made during the permitting process for 63-10182 for a third well for fire protection, but the school withdrew the amendment and decided to use the irrigation well for this purpose. My review of these water rights would only allow 2 wells, but I will discuss your proposal with the folks that would make that determination.

I could see that it would be possible for 63-2856 to be recommended in the SRBA. Your proposal does sound plausible. However, if we count the irrigation portion under water right 63-2856, an adjudication review will need to take place prior to proceeding with a transfer. If the school needs three wells, they would still need to file a transfer. If they decide to file a transfer for three wells, then they would need to include 63-2856 on the transfer form, and an adjudication review would need to be done on 63-2856. The school has asked us to expedite the transfer, so they could complete their construction prior to the start of school. You would need to inform them that this will take additional time to sort through these issues.

I think you are headed in a good direction concerning the irrigation right. The field exam for 63-10182 suggests that the well used for 63-2856 is the same well used for irrigation of the school. My only concern is that the school is aware of the time issue and they understand that they may not meet their deadline. Another possibility here is to file a fire protection application for permit for the new well with a fire protection use. The new well could only be used for fire protection, but it would go through the system faster without the immediate need for the transfer. Then you could file the transfer to get all of the water rights clarified and working together when there isn't a construction deadline. It is just a thought that might help them through their time needs.

I will let you know what Jan and Steve say as soon as I can get with them.

Thank you for time and effort, and I will talk to you soon.

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

-----Original Message-----

From: TMSCANLAN@aol.com [mailto:TMSCANLAN@aol.com]
Sent: Wednesday, May 05, 2004 6:41 PM
To: dnelson@idwr.state.id.us
Cc: mikes@pinnacle-engineers.com
Subject: Vallivue School Transfer 63-10182

Dan -

I discussed the Vallivue school property with Wilder Irrigation District. They indicated that the school property is within the boundary of the irrigation district, but that it is "high ground" without district water rights. This should satisfy your supplemental concern.

5/6/2004

I am recommending to the School District that they submit an SRBA claim for water right 63-2856. I suspect that the District was irrigating under this right (whether they realized it or not) from the time they bought the property until 1983 when they submitted water right application 63-10182 for irrigation and domestic purposes. I note that water right 63-2856 was licensed in 1979, yet the school was in existence at least by the mid 1970s (I remember playing sports there between 1975 and 1978), and probably much earlier. The SRBA recommendation can be to disallow the irrigation under 63-10182 since it is covered under 63-2856.

With this in mind, we might have a mechanism for avoiding the transfer completely. Water right 63-2856 authorizes diversion from a well the NWSW Section 10. Water right 63-2856 authorizes diversion from two wells the NWSW Section 10. There are currently three wells at the school. One of these wells is located in a well house and is out of service. All three wells were present when the field exam was conducted for 63-10182 (although only two were noted in the exam). Therefore, could we determine that two of the existing wells qualify as points of diversion for 63-10182, and the third well is a point of diversion for 63-2856? If so, could we then abandon the existing well that is out of service, and drill a new well under water right 63-10182 as a replacement? Let me know what you think. Thanks.

Terry