

Peppersack, Jeff

From: Lester, Steve
Sent: Friday, June 03, 2005 8:30 AM
To: Peppersack, Jeff
Subject: RE: United Water Transfer Application

Jeff:

Your reply covers all the concerns. We will process as usual, including advertisement but excluding contact to Peter. Thanks for the help.

Steve

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

From: Peppersack, Jeff
Sent: Thursday, June 02, 2005 5:06 PM
To: Lester, Steve
Subject: RE: United Water Transfer Application

Steve,

Gary and I discussed this one today. My concern was that approval of a transfer would require a determination of the validity of the right and validity is one of the issues in IMAP. Gary and I agreed that we could probably isolate the issue by focusing on the historical use from the two wells and adding conditions in an approval that the validity would be subject to the SRBA.

Gary and I both agreed that the transfer should be advertised. It may be protested and may be stalled by the association with IMAP, but we shouldn't withhold public notice just because it could be protested. The discretion to advertise or not has only been applied to correction of clerical errors. Other situations may qualify if they meet the criteria in the statute, but I don't think we can assume that this one won't affect other right holders.

We don't recommend discussing with Peter because he would likely want to stay out of it if associated with IMAP in any way.

Let me know if you want to discuss further.

Jeff

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

From: Lester, Steve
Sent: Monday, May 23, 2005 12:47 PM
To: Peppersack, Jeff
Subject: RE: United Water Transfer Application

Jeff:

I talked to Roger Dittus at UW about this. He explained the reason for the transfer is not really a well production (quantity) issue but rather a water quality one. Water from Cassia #2 well has to be sufficiently diluted with better quality water in order to make good use of the quantity from Cassia #2. For that portion of UW's service area ("first bench" according to Roger), this means another well with better water quality must be used to provide sufficient dilution even though the additional quantity from the "dilution well" might not be needed.

This arrangement makes Cassia #2 more expensive to use. Roger said it costs \$83/MGal to operate Cassia #2 compared to \$43/MGal to use Fisk well. Apparently UW can lower its costs by diverting a significant portion of the right in question from Fisk instead of from Cassia #2.

Steve

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

From: Peppersack, Jeff
Sent: Monday, May 23, 2005 8:32 AM
To: Lester, Steve
Subject: RE: United Water Transfer Application

Steve,

Gary and I have begun discussion on this, but Gary would like some additional info regarding the intent. Do you have something that describes the purpose of the transfer?

Jeff

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

From: Lester, Steve
Sent: Friday, May 20, 2005 4:13 PM
To: Peppersack, Jeff
Subject: United Water Transfer Application

Jeff:

United Water just filed a simple P/D transfer to 1 license. They propose to add an existing well to the license, apparently to address some distribution problems within their network.

The municipal right to be changed is currently diverted under the "Cassia #2" well. A different UW municipal right is diverted under the "Fisk" well about 2 miles NW of Cassia #2.

The transfer proposes that the right now using Cassia #2 also be allowed to use Fisk. The Fisk right is not proposed for change (by adding Cassia #2).

Both rights are post-1987 so SRBA factors are n/a.

However, all UW rights are involved with IMAP. IMAP is temporarily on hold pending SRBA determinations. The new transfer being proposed would not affect IMAP since all UW wells are proposed as alternate P/Ds for all UW ground water rights. Cassia #2 and Fisk are listed in the comprehensive IMAP well list (IMAP Tab N, Page 1).

The purpose of this email is to seek agreement with SO, specifically with you and Gary, prior to processing the transfer. The application is quite routine and without complication except for IMAP considerations. I discussed this with John Westra and we agreed to seek SO concurrence on the following points:

1) new transfer should be processed as simple P/D change to 1 right now using Cassia #2 well. Right using Fisk well does not need to be changed to include Cassia #2 well. IDWR has previously sanctioned this approach.

2) IMAP protestants should not be notified by comment letter regarding this new transfer but IDEQ should be. No value is found in sending a comment letter to the lengthy IMAP mailing list for this routine tweak of a single right.

3) We should seek IMAP hearing officer comments/concurrence before proceeding in case this approach will upset things in the IMAP world.

This appears to be a very routine request by UW. I'm surprised we have not had similar ones since IMAP was filed several years ago. It's possible some of IMAP parties will come unglued over this but doubtful. Because of that slim possibility, the department is well served to arrive at a consensus before processing the new transfer. Please consult with Gary and then comment on the above. If everything sounds ok with both of you, we will process the transfer after soliciting and receiving Peter's comments.

Thanks.

Steve

p.s. we are in no hurry but maybe the applicant is