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RECEIVED
NOV 30 2020
DEPARTMENT OF
WATER RESOURCES

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF INTEGRATED MUNICIPAL APPLICATION PACKAGE ("IMAP") OF SUEZ WATER IDAHO INC., BEING A COLLECTION OF INDIVIDUAL APPLICATIONS FOR TRANSFERS OF WATER RIGHTS AND APPLICATIONS FOR AMENDMENT OF PERMITS.	**DECLARATION OF MICHAEL P. LAWRENCE RE MEMORANDUM ANALYZING *STAFF MEMO* ATTACHMENTS 1 AND 2**

I, MICHAEL P. LAWRENCE, declare:

1. I am one of the attorneys of record for SUEZ Water Idaho Inc. ("SUEZ"), the applicant in the above-captioned matter. I am over the age of eighteen and the facts stated below are based on my personal knowledge and experience. I make this declaration pursuant to Idaho Code Section 9-1406.

2. Attached to this declaration as Exhibit A is a true and copy of my November 30, 2020 memorandum ("*Lawrence Memorandum*") to Idaho Department of Water Resources ("IDWR") Hearing Officer James Cefalo. The *Lawrence Memorandum* analyzes "Attachment 1: Suez Water Right Portfolio" and "Attachment 2: IMAP Rights" attached to the January 14, 2019 memorandum prepared by IDWR staff entitled "Staff Review of Suez Water Idaho, Inc.'s Integrated Municipal Application Package" ("*Staff Memo*"), which has been submitted

into the record of the above-captioned proceeding.

3. I prepared the *Lawrence Memorandum* in support of *SUEZ's Response to IDWR's Staff Memo* filed with IDWR on November 30, 2020, in which the *Lawrence Memorandum* is referred to as the "*Side Memo*."

4. The purpose of this declaration is to submit the *Lawrence Declaration* into the record in the above-captioned proceeding.

5. I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

DATED this 30th day of November, 2020.

Michael P. Lawrence
Attorney for Applicant SUEZ Water Idaho Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 2020, the foregoing was filed, served, and copied as shown below. Service by email is authorized by the Hearing Officer's Order of September 11, 2017

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Michael P. Lawrence

EXHIBIT A

Copy attached of November 30, 2020 Memorandum by Michael P. Lawrence to James Cefalo, IMAP Hearing Officer, regarding "Analysis of *Staff Memo* Attachments 1 and 2"

GIVENS PURSLEY LLP
Attorneys and Counselors at Law

MEMORANDUM

TO: James Cefalo, Idaho Department of Water Resources, IMAP Hearing Officer

FROM: Michael P. Lawrence

RE: Analysis of *Staff Memo* Attachments 1 and 2

DATE: November 30, 2020

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INTRODUCTION

This memorandum is prepared on behalf of SUEZ Water Idaho Inc. ("SUEZ") in response to the January 14, 2019 memorandum entitled "Staff Review of Suez Water Idaho, Inc.'s Integrated Municipal Application Package" ("*Staff Memo*"), which was prepared by the Idaho Department of Water Resources ("IDWR" or "Department") staff and provided to the Hearing Officer in the IMAP proceeding.[1] This memorandum is referenced in *SUEZ's Response to IDWR's Staff Memo* submitted to IDWR on November 30, 2020 ("*Response Memo*").

The *Staff Memo* included a spreadsheet labeled "Attachment 1: Suez Water Right Portfolio" which is described as "a table outlining the water right authorizations included in IDWR's analysis" ("*Staff Attachment 1*"). *Staff Memo* at 15. The *Staff Memo* also included a spreadsheet labeled "Attachment 2: IMAP Rights," which is a spreadsheet displaying IDWR staff's analysis of the proposed changes to SUEZ's water rights that would result from approval of the IMAP ("*Staff Attachment 2*").

The first section of this memorandum addresses the differences between the water rights portfolio SUEZ described in its *Master Water Plan for the Years 2015 to 2065* ("*Master Water Plan*") (dated 9/23/2016 including errata dated 4/28/2017) and the portfolio described in *Staff Attachment 1*. The second section addresses three water rights that were inadvertently omitted from SUEZ's *Master Water Plan* and were not included in *Staff Attachment 1*, but should be added to any analysis of SUEZ's portfolio. The third section addresses the proposed changes to water rights resulting from the IMAP described in the *Staff Attachment 2*.

To aid the reader, the following table lists the SUEZ water rights addressed in this memorandum, together with a summary description of how each right is addressed and a reference to the location in where it is addressed:

[1] The "IMAP" is shorthand for the IDWR proceeding known as *In the matter of the Integrated Municipal Application Package ("IMAP") of SUEZ Water Idaho Inc., Being a Collection of Individual Applications for Transfers of Water Rights and Applications for Amendments of Permits.*

Table 1: Water rights discussed in this Memorandum		
WR#	**Description of issue**	**Location in Memorandum**
63-147D	Update to SUEZ portfolio	Section II.A at page 10
63-169F	Diversion rate after adjustments	Section I.C at page 8
63-243E	Diversion rate after adjustments	Section I.C at page 8
63-243H	Diversion rate after adjustments	Section I.C at page 8
63-2915	Diversion rate after adjustments	I.B at page 7
63-3239	Diversion rate after adjustments	I.B at page 7
63-3222	Update to SUEZ portfolio	Section II.B at page 11
63-8248	Transferable elements and quantities	Section III.A at page 12
63-10890	Update to SUEZ portfolio	Section II.C at page 11
63-10945	Diversion rate after adjustments; transferable elements and quantities	Section I.C at page 8; Section III.C at page 12
63-11990	Transferable elements and quantities	Section III.C at page 12
63-12140	Use of quantity reflected in draft license	Section I.A at page 6, Section I.C at page 8, and Section III.B at page 12
63-12310	Use of quantity reflected in draft license	Section I.A at page 6, Section I.C at page 8, and Section III.B at page 12
63-12362	Transferable elements and quantities; Fire protection should not count toward municipal portfolio	Section III.C at page 12; Footnote 11 at page 13
63-12363	Diversion rate after adjustments	Section I.B at page 7
63-31406	Use of quantity reflected in proof of beneficial use	Section I.A at page 6, and Section I.C at page 8

DISCUSSION

I. COMPARING *STAFF ATTACHMENT 1* AND SUEZ'S PORTFOLIO ANALYSIS IN THE *MASTER WATER PLAN*

The portfolio analysis is one of the factors used in the so-called "Gap Analysis," which determines the "gap" between SUEZ's current water rights portfolio and its reasonably anticipated future needs ("RAFN").[2] The Department's analysis of SUEZ's total water rights

[2] IDWR guidance describes the "Gap Analysis" as an "analysis of the difference (gap) between what will be needed [to supply municipal RAFN] and what is currently provided for by the [municipal provider's] existing

portfolio in *Staff Attachment 1* is only slightly different than SUEZ's analysis in the *Master Water Plan.*

Page 15 of the *Staff Memo* includes a table summarizing the Department's calculation of SUEZ's portfolio. The table is reproduced below, with columns added to the right showing SUEZ's calculations from its *Master Water Plan* and the difference between the *Staff Memo*'s and SUEZ's calculations:

Table 2: Difference between *Staff Memo* Gap Analysis and *Master Water Plan* Gap Analysis			
Portfolio (ground water and surface water rights or permits)	***Staff Memo* cfs**	**SUEZ cfs**	**Difference (*Staff Memo* cfs minus SUEZ cfs)**
1. Total "face value" or "paper" diversion rate (sum of each right)	412.86	415.01	-2.15
2. Total diversion rate after combined limit adjustments	366.90	370.34	-3.44
3. Total diversion rate after combined limit and volume limit adjustments	351.14	350.58	0.56
4. Total diversion rate after temporal considerations	331.14	330.58	0.56
5. Forecast for Water Demand in 2065	370.87	370.87	0
Gap = Difference between portfolio (#4) and RAFN (#5)	39.73	40.29	-0.56

As shown in the table above, there is very little difference between the Department's and SUEZ's portfolio calculations and adjustments, and therefore very little difference in the respective "gap" calculations. Concerning these differences, the *Staff Memo* concludes:

> While the water right portfolio combined diversion rate IDWR calculated (331.14 cfs) is slightly greater than Suez's tally, the rate is within 0.17% of the rate stated by Suez (330.58 cfs). Either way, the Suez 2065 water demand forecast (370.87 cfs) exceeds the currently authorized overall water right diversion rate.

Staff Memo at 16. SUEZ agrees with these conclusions.

The subsections below explain the differences between the *Staff Memo's* and SUEZ's figures in the table above.

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water right portfolio." Mat Weaver, *Memorandum – Application Processing No. 74, Permit Processing No. 20, License Processing No. 13, Transfer Processing No. 29*, at 17 n.11 (Mar. 16, 2015) (replacing Nov. 15, 2014 and Nov. 13, 2013 versions) ("RAFN Municipal Water Right Handbook").

A. Item 1: Total "face value" or "paper" diversion rate (sum of each right)

The *Staff Memo*'s total calculated "face value" of SUEZ's portfolio is 2.15 cfs less than SUEZ's (412.86 – 415.01 = -2.15). *Compare Staff Memo* at 15 *with Master Water Plan* at 36. The *Staff Memo's* 412.86 figure is the sum of the quantities in the "Diversion Rate" column in *Staff Attachment 1*. SUEZ's 415.01 figure is the sum of the quantities in the "CFS as of 2016 (on face of right)" column in the *Master Water Plan*'s Exhibit 2.

The 2.15 cfs difference is attributable to three water rights: 63-12140, 63-12310, and 63-31406. The different quantities used for these rights by IDWR and SUEZ are summarized in the following table:

Table 3: Differences between "face values" assigned to water rights

WR#	IDWR Diversion Rate	SUEZ CFS as of 2016 (on face of right)	Difference
63-12140	1.72	3.50	-1.78
63-12310	1.74	3.00	-1.26
63-31406	2.00	1.11	0.89
TOTAL	**5.46**	**7.61**	**-2.15**

For right nos. 63-12140 and 63-12310, the *Staff Memo* used lower quantities than SUEZ based on IDWR's draft licenses for the rights. *See Staff Attachment 1* (note at bottom stating "Draft License to be used for quantity in portfolio."). SUEZ's portfolio analysis in its *Master Water Plan* pre-dated IDWR's draft licenses, thus resulting in SUEZ using the permitted quantities. In any case, because SUEZ agrees with the quantities in the draft licenses, those are the correct quantities as reflected in *Staff Attachment 1*.[3]

Concerning right no. 63-31406, the *Staff Memo*'s 2.0 cfs quantity reflects the permitted amount, while SUEZ's 1.11 cfs quantity reflects the proof of beneficial use statement filed in 2011. However, this right is not in the IMAP, and SUEZ understands that *Staff Attachment 1* does not reflect a "draft license" quantity because the Department has not yet evaluated the licensing of SUEZ's non-IMAP permits. Assuming IDWR licenses this right based on the demonstrated well pumping capacity at the time of proof, this permit will be licensed for 1.11 cfs (as reflected in SUEZ's *Master Water Plan* portfolio analysis), making the *Staff Memo's* analysis overstated by 0.89 cfs (2.0 – 1.11 = 0.89). Accordingly, *Staff Attachment 1* should reflect a 1.11 cfs quantity for right no. 63-31406.

[3] On May 30, 2018, Givens Pursley mailed a letter to IDWR raising issues with certain draft licenses proposed by IDWR, but accepting the diversion rates in the draft licenses for right nos. 63-12140 and 63-12310. In an email exchange ending September 12, 2018, IDWR indicated that the licenses would not be issued for rights with permit amendment applications pending in the IMAP (nos. 63-11878, 63-12140, and 63-12310). Copies of SUEZ's May 30 letter and IDWR's email are included in Exhibit A. SUEZ anticipates that the licenses will be issued for these permits following IMAP approval.

B. Item 2: Total diversion rate after combined limit adjustments

The *Staff Memo*'s total calculated diversion rate after eliminating combined (but not individual) rate and/or volume limitations is 3.44 cfs less than SUEZ's (366.90 cfs - 370.34 cfs = -3.44 cfs). *Compare Staff Memo* at 15 *with Master Water Plan* at 36. Of course, 2.15 cfs of this difference is attributable to the difference in the "face value" of the rights described above in Section I.A. That leaves a 1.29 cfs difference between IDWR's and SUEZ's combined diversion rate and volume limit calculations (3.44 cfs - 2.15 cfs = 1.29 cfs).[4]

The 1.29 cfs difference is attributable to three water rights: 63-2915, 63-3239, and 63-12363. The different quantities used for these rights by IDWR and SUEZ are summarized in the following table:

Table 4: Differences between initial combined limit adjustments

WR#	IDWR CFS Reduced for Combo Limit and/or volume removal from face	SUEZ CFS as of 2016 (reduced to account for combined rate limits)	Difference
63-2915	1.42	2.00	-0.58
63-3239	0.42	2.80	-2.38
63-12363	4.50	2.83	1.67
TOTAL	**6.34**	**7.83**	**-1.29**

These differences are the result of IDWR, in this step of its calculations, reducing the diversion rates to eliminate a combined volume limit for 63-2915 and 63-3239, but not reducing the diversion rate for 63-12363 to eliminate a combined diversion rate limit (with 63-11558).[5] On the other hand, SUEZ's analysis at this step did not reduce the diversion rates for 63-2915 and 63-3239 to account for the combined volume limits (SUEZ addressed only combined diversion rates at this step). Thus, with respect to these rights at this step of the analyses, comparing SUEZ's and IDWR's figures is an apples-and-oranges situation.

In any event, when all individual and combined diversion rate and volume limits are taken into account, IDWR's and SUEZ's calculated rates for these rights are identical:

---

[4] Another way to look at it is that the Department's calculations to eliminate combined diversion rate and/or volume limitations reduce SUEZ's portfolio by 45.96 cfs (412.86 cfs - 366.90 cfs = 45.96 cfs), while SUEZ's similar calculations reduce SUEZ's portfolio by 44.67 cfs (415.01 cfs - 370.34 cfs = 44.67 cfs). The difference between the Department's and SUEZ's calculations is 1.29 cfs (45.96 cfs - 44.67 cfs = 1.29 cfs).

[5] Water right nos. 63-11558 (2.67 cfs) and 63-12363 (4.5 cfs) have combined authorized rates of 7.17 cfs, but are subject to a combined use limit of 5.5 cfs. Accordingly, in the IMAP, SUEZ has asked that the junior right (63-12363) be reduced to 2.83 cfs, yielding combined authorized rates of 5.5 cfs, thereby eliminating the need for the combined use limit. The *Staff Memo* suggests that 63-12363's diversion rate cannot be reduced through the IMAP because the right no longer is included in the IMAP. *Staff Memo* at 25. As discussed in the *Response Memo*, SUEZ disagrees with this suggestion. In any case, whether the right can be changed in the IMAP is immaterial to the calculation of its effective diversion rate due to the combined limitations.

Table 5: Comparison of final combined limit adjustments for same rights as Table 4		
WR#	**IDWR CFS limit after Vol on face removed (assumes 1/1 to 12/31 season of use)**	**SUEZ EFFECTIVE CFS as of 2016 (accounting for the lower of reduction due to combined rate limits and elimination of volume limits)**
63-2915	1.42	1.42
63-3239	0.42	0.42
63-12363	2.83	2.83

Thus, although there appears to be a discrepancy between IDWR's and SUEZ's calculations for these rights at this step, there is no difference in overall portfolio analyses.

C. Item 3: Total diversion rate after combined limit and volume limit adjustments

The *Staff Memo*'s total calculated diversion rate after eliminating individual and combined diversion rate and volume limitations is 0.56 cfs more than SUEZ's (351.14 cfs - 350.58 cfs = 0.56 cfs). *Compare Staff Memo* at 15 *with Master Water Plan* at 36.[6] This difference is attributable to seven water rights, as summarized in the following table:

Table 6: Differences between combined limit and volume adjustments			
WR#	**IDWR CFS limit after Vol on Face removed (assumes 1/1 to 12/31 season of use)**	**SUEZ EFFECTIVE CFS as of 2016 (accounting for the lower of reduction due to combined rate limits and elimination of volume limits)**	**Difference**
63-169F	0.81	0.39	0.42
63-243E	3.30	1.33	1.97
63-243H	0.93	0.33	0.60
63-10945	0.26	0.54	-0.28
63-12140	1.72	3.50	-1.78
63-12310	1.74	3.00	-1.26
63-31406	2.00	1.11	0.89
TOTAL	**10.76**	**10.20**	**0.56**

For the first three rights listed in the table (63-169F, 63-243E, and 63-243H), unlike IDWR, SUEZ calculated an "effective" diversion rate by reducing the diversion rates to eliminate the annual volume limitations on each of the individual rights. It is unknown why the

[6] Another way to look at it is that the Department's cumulative reductions to SUEZ's portfolio amount to 61.72 cfs (412.86 cfs - 351.14 cfs = 61.72 cfs), while SUEZ's cumulative reductions to SUEZ's portfolio amount to 64.43 cfs (415.01 cfs - 350.58 cfs = 64.43 cfs). The difference between the Department's and SUEZ's calculations is 0.56 cfs (351.14 cfs - 350.58 cfs = 0.56 cfs).

Staff Memo did not account for these rights' annual volume limitations.[7] Specifically, SUEZ calculated the constant diversion rate for each right that would be necessary to reach each right's annual volume limitation if diverted non-stop for their 259-day (3/1 to 11/15) period of use. For example, to divert 63-169F's 199.0 acre-foot annual volume in 259 days, SUEZ would have to divert 0.39 cfs constantly for the entire period (199.0 AF ÷ 259 days = 0.77 AF per day; 0.77 AF ÷ 1.9835 = 0.387 cfs). In short, *Staff Attachment 1* should reflect the "SUEZ effective CFS" quantities in the table above for right nos. 63-169F, 63-243E, and 63-243H.

Concerning 63-10945, the right has annual volume limits totaling 393 AF associated with its irrigation component (239.0 AF) and its domestic component (154.0 AF). SUEZ's calculation to remove the annual volume limit assumed diverting the entire 393 AF volume year-round (393 AF ÷ 365 days = 1.08 AF per day; 1.08 AF ÷ 1.9835 = 0.54 cfs). It is not clear how IDWR calculated the 0.26 cfs shown in *Staff Attachment 1*, which appears to assume an annual volume of 188 AF (0.26 cfs x 1.9835 AF/day x 365 days = 188.2 AF).[8] In any event, as described in Section III.C(1) below, neither SUEZ's nor IDWR's calculations appear correct because right no. 63-10945's transferable volume should be calculated at 325.72 AF. Based on this annual volume, the year-round diversion rate for the right is calculated to be 0.45 cfs (325.72 cfs ÷ 1.9835 = 0.45 cfs). Accordingly, *Staff Attachment 1* should reflect a 0.45 cfs quantity for right no. 63-10945.

Concerning 63-12140 and 63-12310, as described above in Section I.A, the *Staff Memo* used lower quantities based on IDWR's draft licenses for the rights, which were not yet prepared when SUEZ prepared its analysis in the *Master Water Plan.* Similarly, concerning 63-31406, the *Staff Memo*'s 2.0 cfs quantity reflects the permitted amount while SUEZ's 1.11 cfs quantity reflects the proof of beneficial use statement filed in 2011. Accordingly, *Staff Attachment 1* correctly reflects the draft license quantities for 63-12140 and 63-12310, but should be updated to reflect the 1.11 cfs proof of beneficial use quantity used by SUEZ for 63-31406.

D. Item 4: Total diversion rate after temporal considerations

The *Staff Memo*'s total diversion rate after temporal considerations is 0.56 cfs more than SUEZ's (331.14 cfs - 330.58 cfs = 0.56 cfs). *Compare Staff Memo* at 15 *with Master Water Plan* at 36. This difference is attributable to the same seven water rights and the reasons described above in Section I.C. In this step, IDWR's and SUEZ's analyses agree that the effective diversion rate under SUEZ's total portfolio is reduced by 20 cfs due to the fact that SUEZ's 63-31409 right (which authorizes 20 cfs when the Boise River is "on flood release") cannot be diverted at the same time as its exchange rights (which can be used only when salmon flow augmentation is occurring, which by definition is not a flood release). *See Master Water Plan* at 39-40. In other words, because SUEZ can never divert its 63-31409 right at the same time as its

[7] These rights are not included in the IMAP transfer applications.

[8] *Staff Attachment 2* contains a note stating that right no. 63-10945's diversion rate should be 0.11 cfs after a "NOU change analysis limited to 81.4 af based on historical consumptive use for non-fire protection uses" *Staff Attachment 2*, n. 4. As explained in Section III.C(1) below, SUEZ disagrees with this statement.

exchange rights, its 20 cfs rate is not additive to SUEZ's overall portfolio for purposes of conducting the Gap Analysis.

E. Forecast for Water Demand in 2065 and "Gap"

The *Staff Memo* correctly identifies SUEZ's total forecasted water demand in 2065 to have a peak day production rate of 370.87 cfs. *Compare Staff Memo* at 15 with *Master Water Plan* at 36. There is no difference in this respect between IDWR's and SUEZ's analyses.

However, for the same reasons explained in the subsections above, there is a 0.56 cfs difference between IDWR's and SUEZ's respective Gap Analyses. Specifically, IDWR found that SUEZ's gap in 2065 is 39.73 cfs, whereas SUEZ's determined its gap to be 40.29 cfs in 2065. *Compare Staff Memo* at 15 with *Master Water Plan* at 36. The *Staff Memo* properly concluded that this difference between the respective portfolio analyses is very small (0.17%) and that, in any case, "the Suez 2065 water demand forecast (370.87 cfs) exceeds the currently authorized overall water right diversion rate." *Staff Memo* at 16.

II. UPDATES TO SUEZ'S WATER RIGHTS PORTFOLIO

This section addresses three water rights owned by SUEZ that were inadvertently omitted from the *Master Water Plan* and were not included in *Staff Attachment 1*. Altogether, as shown in the following table, these rights add 0.46 cfs to SUEZ's portfolio, or an additional 0.14% to SUEZ's portfolio compared to the *Master Water Plan*'s portfolio analysis (0.46 cfs ÷ 330.58 cfs = 0.00139). *Staff Attachment 1* should be updated to include these rights:

Table 7: Additional rights to include in SUEZ's portfolio

WR#	Diversion Rate on Face of Right (cfs)	Annual Volume Limit, if any (AF)	Effective CFS
63-147D	0.79	190	0.37
63-3222	0.33	49.2	0.07
63-10890	0.17	12.6	0.02
TOTAL	**1.29**	**251.8**	**0.46**

Each of the rights is described in turn below.

A. 63-147D

SUEZ holds 42.22 shares in Boise Valley Irrigation Ditch Company ("BVID"), which represents a total diversion rate of 0.79 cfs (each share represents 8.46 gpm, or 0.019 cfs). Water right no. 63-147D, which is held in BVID's name, authorizes the diversion and use of this amount of BVID water to irrigate up to 42.2 acres with up to 190 AF annually within SUEZ's service area during the irrigation season.[9] This right was recognized in the original IMAP filing

[9] Transfer No. 67019, approved on February 12, 2001 (amended on June 1, 2001), changed right no. 63-147D so it could be used for the irrigation of 42.2. acres within SUEZ's (then United Water's) service area.

in 2001, but was inadvertently omitted from more recent IMAP filings, including the *Master Water Plan*. *Staff Attachment 1* should be updated to include this right with a 0.37 cfs diversion rate reflecting the constant diversion rate possible during the irrigation season given the annual volume (190.0 AF ÷ 259 days = 0.73 AF/day; 0.73 AF ÷ 1.9835 = 0.37 cfs).

B. 63-3222

Right no. 63-3222 is a ground water right decreed to Brian Water Corporation ("Brian") in 2007 for diversions of 0.33 cfs and 49.2 AF annually to supply domestic water to 41 homes in the Brian Subdivision in southeast Boise. SUEZ acquired Brian's assets in 2014 and now serves Brian Subdivision with SUEZ municipal water. SUEZ intends to file a Notice of Change in Water Right Ownership for this water right.

This right was inadvertently omitted from SUEZ's *Master Water Plan* portfolio analysis. *Staff Attachment 1* should be updated to include this right with a 0.07 cfs diversion rate reflecting the constant diversion rate possible given the annual volume (49.2 AF ÷ 365 days = 0.13 AF/day; 0.12 AF ÷ 1.9835 = 0.07 cfs).

C. 63-10890

Right no. 63-10890 is a ground water right licensed to Brian in 1992 for total diversions of 0.17 cfs and 12.6 AF annually (9 AF for irrigation; 3.6 AF for domestic) to supply domestic and irrigation water to six homes in the Brian Subdivision. As mentioned above, SUEZ acquired Brian's assets in 2014 and now serves Brian Subdivision with SUEZ municipal water. SUEZ intends to file a Notice of Change in Water Right Ownership for this water right.

This right was inadvertently omitted from SUEZ's *Master Water Plan* portfolio analysis. *Staff Attachment 1* should be updated to include this right with a 0.02 cfs diversion rate reflecting the constant diversion rate possible in irrigation season given the annual volumes for domestic and irrigation uses (0.0185 cfs for irrigation + 0.005 cfs for domestic = 0.019 cfs).[10] (12.6 AF ÷ 365 days = 0.035 AF/day; 0.035 AF ÷ 1.9835 = 0.017 cfs).

III. PROPOSED CHANGES TO WATER RIGHTS RESULTING FROM THE IMAP DESCRIBED IN THE *STAFF ATTACHMENT 2*

Staff Attachment 2 is a spreadsheet displaying IDWR Staff's analysis of the proposed changes to SUEZ's water rights that would result from approval of the IMAP. Most, but not all, of the information in the spreadsheet appears correct.

In the subsections that follow, SUEZ describes the revisions that must be made to *Staff Attachment 2* so it accurately reflects the changes to SUEZ's water rights if the IMAP is approved. These are summarized in the following table:

[10] Irrigation = 9 AF ÷ 245 days = 0.037 AF/day; 0.037 AF ÷ 1.9835 = 0.0185 cfs. Domestic = 3.6 AF ÷ 365 days = 0.01 AF/day; 0.01 AF ÷ 1.9835 = 0.005 cfs.

Table 8: Difference between Staff Memo's and SUEZ's post-IMAP changes			
WR#	***Staff Attachment 2***	**SUEZ Analysis (for updating *Staff Attachment 2*)**	**Difference (*Staff Attachment 2* – SUEZ Analysis)**
63-8248	1.17	1.16	0.01
63-12140	1.72	3.50	-1.78
63-12310	1.74	3.00	-1.26
63-10945	0.11	0.54	-0.43
63-11990	0.00	0.86	-0.86
63-12362	0.00	2.22	-2.22

The differences are explained in the subsections below.

A. 63-8248

Staff Attachment 2 lists a "Municipal Use Diversion Rate (After IMAP)" of 1.17 cfs for right no. 63-8248. However, *Staff Attachment 1*'s "CFS limit after Vol on Face removed" and the SUEZ *Master Water Plan*'s "Effective CFS" each list the quantity as 1.16 cfs. *Staff Attachment 2*'s slight difference appears to be a typo or the result of rounding. A value of 1.16 cfs should be used as reflected in *Staff Attachment 1*.

B. 63-12140 and 63-12310

Staff Attachment 2 lists a "Municipal Use Diversion Rate (After IMAP)" of 1.72 cfs for right no. 63-12140 and 1.74 cfs for right no. 63-12310. These are based on the draft licenses for the right, which SUEZ has indicated acceptance of. *See supra* note 3 and Exhibit A. These quantities are correctly reflected in *Staff Attachment 1* and *Staff Attachment 2*.

C. 63-10945, 63-11990, and 63-12362

The *Staff Memo* asks SUEZ "to submit the information necessary to complete the consumptive use analysis for the nature of use changes proposed for Rights 63-10945, 63-11990, and 63-12362." *Staff Memo* at 28. The IMAP seeks to change these licensed rights to municipal use through the IMAP. Their current elements are summarized as follows:

Table 9: Summary of rights requiring consumptive use analysis					
Right Number	**Source**	**Priority Date**	**Purpose of Use**	**Cubic Feet per Second (CFS)**	**Acre-Feet Annually (AFA)**
63-10945	GW	10/29/1989	Irrigation, Domestic, Fire Protection	1.06 (I); 0.66 (D); 1.72 (F)	239.00 (I); 154.00 (D)
63-11990	GW	1/27/1993	Domestic, Fire Protection	0.94 (D); 1.8 (F)	624.00 (D)
63-12362	GW	9/30/1996	Fire Protection	2.22	

The *Staff Memo* states that a change to a water right (or component thereof) held specifically for firefighting to municipal would constitute an enlargement of the right. *Staff Memo* at 19. To nevertheless avoid a dispute over the issue, SUEZ should agree to a modification of the IMAP transfer application for right nos. 63-10945, 63-11990, and 63-12362[11] to remove the proposed changes from fire protection to municipal uses. However, 63-10945 and 63-11990 should remain in IMAP and their non-fire protection nature of use is changed to municipal with RAFN protection under the 1996 Municipal Water Rights Act, and also (together with 63-12362) so their places of use are changed to SUEZ's service area and so they can be diverted from all 81 APODs sought in the IMAP.

The following subsections address the transferable consumptive use for the domestic and irrigation components of right nos. 63-10945 and 63-11990. In summary, when these rights are changed from domestic and irrigation uses to municipal use, they should be limited to prevent enlargement as follows:

Table 10: Summary of Consumptive Use Analysis

Right Number	Annual Volume Limit (AF)	Diversion Rate, in CFS (eliminating volume limits)
63-10945	325.72*	0.45**
63-11990	455.0	0.63***

* 154 AF from domestic + 171.72 from irrigation
** 325.72 AF ÷ 365 days ÷ 1.9835 AF/day = 0.45 cfs
*** 455.0 AF ÷ 365 days ÷ 1.9835 AF/day = 0.63 cfs

(1) 63-10945

Staff Attachment 2 provides that the change in nature of use to municipal for right no. 63-10945 results in an 0.11 cfs diversion rate and 81.4 AF annual volume based on "historic consumptive use for non-fire protection uses." *Staff Attachment 2*, n. 4.[12] This is incorrect.

In summary, the amount of right no. 63-10945's domestic and irrigation uses that can be transferred to municipal use is 325.72 AF: 154 AF from domestic, and 171.72 from irrigation.

[11] Right no. 63-12362 should remain in the IMAP so its place of use is changed to SUEZ's service area and so its can be diverted from all 81 APODs sought in the IMAP. Because its only authorized use is fire protection, right no. 63-12362's quantity also should be removed from the calculation of SUEZ's municipal water rights portfolio for purposes of conducting a Gap Analysis.

[12] Note 4 in *Staff Attachment 2* cites a "Pam Skaggs IMAP Transfer-Rights Change in Nature of Use to Municipal spreadsheet" ("*Skaggs Spreadsheet*") as the basis for IDWR's conclusion that right no. 63-10945 (post-IMAP transfer) should have an 0.11 cfs diversion rate and 81.4 AF annual volume. The *Skaggs Spreadsheet* (copy attached as Exhibit B to this memorandum) assigns "[n]o consumptive use value for internal domestic uses." In other words, it suggests that no portion of right no. 63-10945's domestic component should be transferred to municipal use. However, as explained in the main text, this is contrary to IDWR's policies set forth in the Department's *Administrator's Memorandum – Transfer Processing No. 24* (Dec. 21, 2009) ("*Transfer Memo*"), a copy of which is attached as Exhibit C to this memorandum.

Converting this volume to a constant diversion rate results in 0.45 cfs (325.72 AF ÷ 365 days ÷ 1.9835 AF/day = 0.45 cfs).

This differs from the 0.11 cfs and 81.4 AF reflected in *Staff Attachment 2*, for the reasons discussed in the following subsections. This also differs from SUEZ's *Master Water Plan*, which used the right's full annual volumes of 239 AF and 154 AF for irrigation and domestic uses, respectively, for a total annual volume of 393 AF and a calculated diversion rate (to eliminate the annual volume) of 0.54 cfs (393 AF ÷ 365 days ÷ 1.9835 AF/day = 0.54 cfs).

(a) Consumptive domestic use

The domestic component of right no. 63-10945 authorizes diversions of 0.66 cfs and 154 AF per year for indoor use at 256 homes.

According to the *Transfer Memo*, the Department does not consider it to be an enlargement to change a domestic use to a municipal use where the domestic use has "historically been essentially for municipal purposes." *Transfer Memo* at 32. In those cases, a change to municipal use "will not require limitation to the historic consumptive use under the right. However, the change will be subject to the annual diversion volume, if specifically stated on the water right license or decree." *Id.*

Here, right no. 63-10945's domestic component essentially has been used for municipal purposes. SUEZ has owned the right since 1998 (when it acquired the Warm Springs Mesa Water Company), and has used the right to deliver water for in-house potable use. The license includes an irrigation component (analyzed below), and expressly prohibits the domestic portion of right from being used for "lawn, garden, landscape, or other types of irrigation." Accordingly, pursuant to the *Transfer Memo*, changing this right's domestic use to municipal should not require a limitation to the right's historical consumptive use because the indoor use was essentially municipal use.

The right, however, does have an annual diversion volume limit of 154 AF per year specifically stated in the license. Accordingly, pursuant to the *Transfer Memo*, the change from domestic to municipal use must be subject to this limitation.

(b) Consumptive irrigation use

The irrigation component of right no. 63-10945 authorizes diversions of 1.06 cfs and 239 AF per year to irrigate 53 acres within a 71 acre place of use. The irrigation consists of turfgrass and landscaping in the Warm Springs Mesa residential subdivision.

For this consumptive use analysis, SUEZ assumes that all 53 acres authorized for irrigation in license no. 63-10945 are irrigated.[13] According to ETIdaho's information for the

[13] According to the narrative in the beneficial use field exam report for this right (a copy of which is attached hereto as Exhibit D), the 53 acres of irrigation authorized under 63-10945 was calculated based on an assumed average lot size of 9,000 square feet for 256 lots. It is not clear how the 9,000 square foot average lot size was determined. However, the beneficial use field exam report narrative states that it is based on "the average

Boise WSFO Airport (NWS -- USC00101022) station, the precipitation deficit during an annual growing season for Grass - Turf (lawns) – Irrigated is 987 millimeters of water,[14] which equates to an annual consumptive use of 3.24 AF per acre of turfgrass (987 mm ÷ 25.4 mm/inch ÷ 12 in/ft = 3.24 ft).

Based on these values from ETIdaho, the total annual irrigation consumptive use under license no. 63-10945 is 171.72 AF (3.24 AF/acre x 53 acres = 171.72 AF).[15]

(2) 63-11990

SUEZ has owned right no. 63-11990 since 1999 (when it acquired the South County Water Co.), and has used the domestic portion of the right to deliver water for in-house potable uses and irrigation (to the extent surface water is not available).[16]

The domestic use of this right is attributable to both in-house potable uses and outdoor irrigation, and should not be limited to historical consumptive use because this blend of indoor and outdoor uses—both of which occur under the right's "domestic" purpose of use—is essentially a municipal use. The Department recognized this when it approved the right's application for permit, stating that "the applicant . . . generally provides water in a manner similar to a municipality and does not have control over the source of water used for irrigation in a subdivision within its service area." *63-11990 Final Order* at 4. Thus, the indoor and outdoor domestic use has historically been essentially for municipal purposes which the *Transfer Memo* exempts from a historic consumptive use limitation. *Transfer Memo* at 32. This means that all

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irrigation per lot." Thus, it includes only irrigated areas, and does not include non-irrigable lands (e.g., driveways, building footprints, etc.).

[14] A copy of the ETIdaho webpage containing this information is attached as Exhibit E to this memorandum. The information can also be found at: http://data.kimberly.uidaho.edu/ETIdaho/

[15] The *Skaggs Spreadsheet* recognizes that right no. 63-10945's irrigation component was licensed at "[0].2 acres per lot," or 9,000 square feet per lot, but nevertheless uses 0.1 acres per lot for its calculations ("average irr 0.1 per lot regardless of size"). This assumption drives the equation that results in IDWR's 81.4 AF per year limit on the right ("0.1 acre x 256 homes = 25.6 acres," "25.6 acres x 3.18 af = 81.4 AF"). Converting this 81.4 AF per year limit to a year-round diversion rate results in the 0.11 cfs rate reflected in *Staff Attachment 2* (81.4 AF / 365 days / 1.9835 AF/day = 0.11 cfs). The origin of the 3.18 AF/acre consumptive use factor used in the *Skaggs Spreadsheet* is unknown. If it is used instead of ETIdaho's 3.24 AF/acre factor (used by SUEZ in the main text), the annual consumptive use for irrigation under right no. 63-10945 is calculated to be 168.54 AF (3.18 AF x 53 acres = 168.54 AF).

[16] License no. 63-11990 has a condition stating that "[s]urface water available from Nampa & Meridian Irrigation District shall be used for lawn, garden and landscape irrigation to the extent it is available." In approving the original permit, the Department determined: "The proposed use listed as 'irrigation' on the application can not be approved due to the [1992] moratorium [on new consumptive uses in the Boise River basin]. The right holder can, however, use water for irrigation purposes as limited by and included in the 'domestic use' allowance [of Idaho Code § 42-111], provided the applicant otherwise complies with the terms of this approval." *Final Order, In the Matter of Application for Permit No. 63-11990 in the name of South County Water Co.*, p. 4 (Sep. 3, 1993) (*"63-11990 Final Order"*) (copy attached as Exhibit F). Idaho Code § 42-111(1)(a) limits irrigation under a "domestic use" to 1/2 acre of irrigation not to exceed 13,000 gallons per day (when combined with other "domestic uses").

0.94 cfs of the right's domestic use should be eligible for transfer to municipal (subject to the volume limitation).[17]

The right's license limits domestic use to 624 AF annually. This limitation was not in the permit, but was added at licensing. Normally, this annual diversion volume limit would remain a limitation after the change to municipal use. However, SUEZ recognizes that the 624 AF annual volume limit appears to be based on an incorrect assumption that no surface water would be used for irrigation. As mentioned in footnote 16 above, the license contains a condition requiring the use of surface water for irrigation to the extent available. To resolve this, the 624 AF volume limit should be reduced to the extent that the right's domestic use does not include irrigation because surface water is used instead.[18]

According to the *63-11990 Final Order*, when the right was permitted, 140 of the subdivision's 260 acres had surface water available. *63-11990 Final Order* at 2.[19] When the right was licensed, the beneficial use field examiner reported that the right's annual volume of 624 AF was calculated as "520 homes x 1.2 af = 624." A copy of the beneficial use field exam report is attached as Exhibit G. SUEZ understands that the 1.2 AF per year factor used in the field exam report was at the time (and perhaps still is) the Department's standard volume per

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[17] The *Staff Memo* did not recognize that irrigation under the domestic component of right no. 63-11990 essentially was a municipal use that could be entirely transferred to a municipal purpose according to the *Transfer Memo*. Instead, the *Staff Memo* suggested that, "[i]f a significant portion of the irrigation water for the subdivision was accomplished with surface water, the consumptive use volume available for transfer to municipal use may be limited." *Staff Memo* at 19. As explained in the main text, the volume should not be limited to the historical consumptive use (because the irrigation use essentially is municipal). However, the annual volume limit on the existing license should be reduced because it appears to have been calculated incorrectly at the time of licensing.

[18] The *Skaggs Spreadsheet* reaches an incomplete conclusion about the right's volume and diversion rate. It seems to recognize that all 0.94 cfs are eligible to be transferred to municipal, but it arrives at no conclusion (it says "???? AF") for the volume limit and, in turn, calculates no adjusted diversion rate to remove the volume limit (it says "??? for Municipal (Reduced rate to remove municipal volume))." *See* Exhibit B. The failure to determine the annual volume that can be transferred appears to be based on the following statement in the *Skaggs Spreadsheet*: ".1 acre x 520 lots = 52 acres Irr x 3.18 af = 165.4 AF maximum possible from primary surface water source; supplemental evaluation required to determine contribution of ground water under this right when used with shares as conditioned." SUEZ does not agree with this analysis, but the issue appears moot because SUEZ calculates (explained in the main text) that the right's annual volume should be reduced by 169 AF (from 624 AF to 455 AF) because of assumed surface water supplies exceeds the "165.4 AF maximum possible [reduction] from primary surface water" determined in the *Skaggs Spreadsheet*.

[19] Finding of Fact No. 8 in the *63-11990 Final Order* states:

> Of the 260 acres of land to be irrigated, about 200 acres have been irrigated in the past with surface water provided by Nampa & Meridian Irrigation District. Walden Pond Subdivision comprises about 120 acres of the 260 acres. This subdivision has been constructed in the past and did not provide for the use of surface water within the subdivision for irrigation purposes. Edgewater Estates Subdivision which has not been constructed comprises about 140 acres of the 260 acres and will provide for the use of surface water in the subdivision for irrigation purposes.

63-11990 Final Order at 2.

household for domestic indoor and outdoor use combined, with each portion allocated 0.6 AF per year.

According to the *63-11990 Final Order* and beneficial use field exam report, Exhibit F and Exhibit G respectively, the subdivision has a total of 520 homes with 260 irrigated acres. Of the 260 irrigated acres, about 200 had been irrigated with surface water historically (i.e. prior to subdivision development). *See supra* note 19. However, only 140 acres of the subdivision's 260 irrigable acres were constructed to make surface water irrigation available. Thus, of the total 520 homes, all of them used ground water for indoor potable uses, but only 46% (120 ÷ 260 = 46%) use ground water for primary irrigation. The other 54% (140 / 260 = 54%) have primary surface water. Conservatively assuming that the surface water is always available (i.e. that supplemental ground water is never needed on lands with primary surface water, which is likely untrue), the annual volume available for transfer to municipal should be reduced by 168 AF per year (520 homes x 54% = 281 homes; 281 homes x 0.6 AF = 169 AF). This means that, when changed from domestic to municipal use, right no. 63-11990's annual volume limit should be reduced from 624 AF to 455 AF.[20] Eliminating this volume limit results in a constant year-round diversion rate of 0.63 cfs (455 AF ÷ 365 ÷ 1.9835 = 0.63 cfs). This is the quantity that should be reflected in *Staff Attachment 1* and *Staff Attachment 2*.

[20] License no. 63-11990 also has conditions stating that its domestic use "is for 520 homes" and that the use "shall not exceed 13,000 gallons per day per dwelling." This equates to 7,572 AF per year (520 x 13,000 = 2,467,400,000 gallons = 7,752 AF). But this is irrelevant because the right's total domestic use is specifically limited to 624 AF per year.

[Blank page inserted to facilitate double-sided printing and tabbing of exhibits.]

Exhibit A **CORRESPONDENCE RE LICENSING OF PERMIT NOS. 63-11878, 63-12140, AND 63-12310**

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Michael O. Roe
Jamie Caplan Smith
P. Mark Thompson
Jeffrey A. Weir
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Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

May 30, 2018

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Re: Licensing SUEZ permits under the *Peppersack Guidance*

Dear Dan, Chelsey, and Manuel:

This letter follows up on your request that we provide in writing the reasons why SUEZ Water Idaho Inc.'s ("SUEZ") ground water permits currently being reviewed for licensing by the Department should be licensed based on the common law method used by the Department for non-RAFN water rights prior to enactment of the 1996 Municipal Water Rights Act. Under this method, the Department issued licenses based on demonstrated pumping capacity of the individual wells associated with the permits, irrespective of system-wide pumping capacity, system-wide demand, or the right holder's system-wide portfolio.

I. BACKGROUND

A. SUEZ'S PERMITS

SUEZ holds ten permits, seven of which are included in the Integrated Municipal Application Package ("IMAP") proceeding and are being reviewed for licensing at the direction of the IMAP's Hearing Officer. This letter addresses the seven IMAP permits.

For reasons discussed later in this letter, it is important to understand the dates the permits were applied for and issued, and also the dates proof of beneficial use was submitted. This information is set forth in the following table:

Water Right Number	Application Filed Date	Permit Issued Date	Proof Filed Date	Priority Date	Source	In IMAP?
63-11878	6/15/1992	8/31/1992	7/22/1999	6/15/1992	GW	Yes
63-12140	8/22/1994	1/26/1995	1/28/2000	10/19/1994	GW	Yes
63-12192	3/31/1995	2/13/1997	8/6/2002	8/6/2002	GW	Yes
63-12310	1/19/1996	5/10/1996	8/29/2001	8/29/2001	GW	Yes
63-12452	4/15/1998	9/3/1998	7/2/2008	4/15/1998	GW	Yes
63-12464	7/13/1998	12/28/1998	12/30/2008	7/13/1998	GW	Yes
63-12516	4/13/1999	7/13/1999	6/29/2009	4/13/1999	GW	Yes
63-12055	9/8/1993	3/10/1995	2/28/2002	9/8/1993	Boise River	No
63-31409	11/16/2001	3/19/2004	2/27/2014	11/16/2001	Boise River	No
63-31406	1/18/2002	4/15/2004	2/1/2011	1/18/2002	GW	No

B. IDWR GUIDANCE

The Department's licensing of municipal water rights is governed generally by statutes (e.g., Idaho Code § 42-217), but more specifically by two guidance memoranda:

- Jeff Peppersack, Administrator's Memorandum – Processing Applications and Amendments and Determining Beneficial Use for Non-RAFN Municipal Water Rights (Application Processing No. 18; Licensing No. 1) (Oct. 19, 2009) (the "*Peppersack Memo*"); and

- Mat Weaver, Memorandum – Application Processing No. 74, Permit Processing No. 20, License Processing No. 13, Transfer Processing No. 29 (Mar. 16, 2015) (replacing Nov. 15, 2014 and Nov. 13, 2013 versions) ("*Weaver Memo*").

The *Peppersack Memo* addresses so-called "non-RAFN" water rights, and the *Weaver Memo* addresses RAFN rights. The Department uses the term RAFN rights to describe permits and licenses acquired in compliance with the rigorous provisions of 1996 Municipal Water Rights Act requiring documentation of long-term needs, a gap analysis, and so forth. Non-RAFN rights are all other municipal water rights.

The *Peppersack Memo* marked a new policy under which applications for permits will be deemed "non-RAFN" unless they are expressly sought under the 1996 Act. Until the *Peppersack Memo* was issued in 2009, this concept of RAFN vs. non-RAFN rights did not exist and, as a practical matter, no one expressly sought rights under the 1996 Act.

The thrust of the *Peppersack Memo* is that for a non-RAFN municipal right, no license will be issued unless the provider can demonstrate the following at the time of proof:

(1) it has installed system-wide capacity capable of physically diverting all of the water it is authorized to divert in under its entire portfolio (including the new license), and

(2) its current peak demand equals or exceeds what is authorized under the entire portfolio (including the new license).

In other words, it is our understanding that the Department asks: Can you really pump all this water and, if so, do you need that much water? If the answer to either question is "no," the license may still be issued but it will include a combined use condition that effectively provides no new net diversion authority. (We understand this has been referred to as the "Tuthill compromise" in reference to the former Director. It is a compromise in that it allows a license to be issued rather than denied outright.)

If SUEZ's permits were evaluated today under this standard in the *Peppersack Memo*, they would fail both tests and would be issued with combined use limits effectively yielding zero additional diversion authority. SUEZ does not believe this is appropriate (i.e., the *Peppersack Memo* should not apply) for the reasons discussed below.

By its own terms, the *Peppersack Memo* applies only to permits issued after its issuance date (October 19, 2009). "This guidance provided in this memo pertains to the review and processing of permits to be issued after the date of this memorandum." *Peppersack Memo* at p. 1. All of SUEZ's permits were issued prior to the *Peppersack Memo*.

However, the *Peppersack Memo* goes on to imply that it may have retroactive effect in some instances. For rights issued prior to the *Peppersack Memo*, it provides:

> Existing permits issued prior to the date of this memorandum should be handled on a case-by-case basis when determining beneficial use for licensing purposes. Determination of beneficial use for permits pre-dating this memorandum may depend on the date the permit was issued in relation to the 1996 Municipal Water Rights Act and/or any specific intent to limit the beneficial use that could be developed under the permit at the time it was issued.

Peppersack Memo at p. 1.

The *Peppersack Memo* does not say exactly how pre-*Peppersack Memo* permits should be evaluated. But it strongly implies that those issued prior to 1996 and those issued after 1996

but which lack specific intent to limit beneficial use should be licensed according to the prior practice under prior guidance and the common law Growing Communities Doctrine. Indeed, the *Peppersack Memo* turns immediately to a discussion of what that prior practice is.

In short, the practice prior to the *Peppersack Memo* was to license non-RAFN municipal water rights based on the common law standard of "the maximum instantaneous diversion rate for the pumping system that was installed and operational during the development period." *Peppersack Memo* at p. 1.

Thus, prior to the *Peppersack Memo*, the Department issued licenses for non-RAFN municipal permits based on the demonstrated pumping capacity of the individual well associated with the permit. The Department did not evaluate either system-wide pumping capacity or system-wide demand *vis à vis* the right holder's system-wide portfolio. For the reasons described below, this is the standard that should be applied to all of SUEZ's permits being reviewed for licensing.

II. ANALYSIS: HOW IDWR'S GUIDANCE SHOULD BE APPLIED TO SUEZ'S PERMITS

As mentioned, proof of beneficial use has been filed for all ten of SUEZ's permits. However, we understand the Department's current licensing review involves only the seven ground water permits in IMAP. Accordingly, only these are addressed below.

A. LICENSING OF THREE PRE-1996 ACT IMAP GROUND WATER PERMITS

The 1996 Act became effective on July 1, 1996. SUEZ has three ground water permits issued prior to the 1996 Act (Nos. 63-11878, 63-12140, and 63-12310). We understand that, based on the reference in the *Peppersack Memo* to consideration of "the date the permit was issued in relation to the 1996 Municipal Water Rights Act," the Department intends to license these based on the demonstrated pumping capacity of the individual wells associated with the permits without a combined use limit. We agree with licensing these permits under that standard.

B. LICENSING OF FOUR POST-1996 ACT IMAP GROUND WATER PERMITS

That leaves four IMAP ground water permits issued after the 1996 Act (Nos. 63-12192, 63-12452, 63-12464, and 63-12516). Per the *Peppersack Memo*'s directive that the Department should take into account "any specific intent to limit the beneficial use that could be developed under the permit at the time it was issued," *Peppersack Memo* at p. 1, these should be licensed under the same standard as the pre-1996 Act permits. In other words, the Tuthill compromise should not apply to these four permits.

Nothing in the records for these permits suggests they were applied for or approved with any intent to limit the beneficial use that could be developed, or that they were intended to be treated any differently than pre-1996 Act rights. Indeed, the application for No. 63-12192 was filed before the 1996 Act (on March 31, 1995), so it certainly was applied for with the expectation that it would be permitted, developed, and licensed under the common law approach for pre-1996 Act rights described in the *Peppersack Memo*.

And while the other three IMAP ground water permits (Nos. 63-12452, 63-12464, and 63-12516) were applied for after the 1996 Act, there also is no indication that they were intended to be treated any differently than pre-1996 Act rights. All three permits were applied for and approved in 1998 and 1999– within about three years after the 1996 Act became effective. It cannot be said that anyone at that time—not even the Department—fully understood how the 1996 Act would be applied to municipal water rights. Indeed, the RAFN vs. non-RAFN distinction announced by the *Peppersack Memo* would not be known for another decade. In short, these three permits were applied for and approved just like pre-1996 Act permits, and they should be licensed that way.

In addition, these four ground water permits were issued prior to the IMAP (May 4, 2001). Indeed, that is the reason they were included in the IMAP. Accordingly, with the IMAP filing in 2001, SUEZ filed an application to amend each of these permits within a context showing that they were permitted under the common law, non-RAFN standards. Thus, these amendment applications in the IMAP demonstrate that there was no "specific intent to limit the beneficial use that could be developed under the permit at the time it was issued." *Peppersack Memo* at p. 1.

Thus, if these four ground water permits are licensed now (prior to completion of the IMAP), they should be licensed under the "case-by-case" provision in the *Peppersack Memo* allowing them to be evaluated on the basis of pre-1996 protocol. In other words, like the pre-1996 permits, they should be evaluated under the common law standard based on the pumping capacity of the associated well.

Alternatively, if the Department will not license these four permits based on the common law protocol and insists on imposing combined use limits, they should be left as permits until the IMAP is completed. SUEZ understands the Department's policy is to not allow permit amendments after proof has been filed (outside of permit amendments necessary to conform to proof), but that rule should not apply to these four permits because the IMAP's permit amendments were filed before proof was submitted. (The earliest proof date for these four permits is August 29, 2001.) And each proof was submitted prior to the date of the *Peppersack Memo* (October 19, 2009). (The latest proof date of these permits is June 29, 2009.) In other words, SUEZ should not be penalized by forcing these permits to be licensed when there are pending permit amendment applications filed prior to the proof submissions, and the proof

submissions were made prior to the new policies announced in the *Peppersack Memo*. If the IMAP is approved, these permits can be licensed under the criteria established under the *Weaver Memo* for RAFN rights.

III. SUMMARY

Prior to the *Peppersack Memo*, non-RAFN municipal permits were licensed under common law protocol on the basis of individual pumping capacities of the associated well without consideration of system-wide installed capacity, system-wide demand, or portfolio size.

All of SUEZ's seven ground water permits in the IMAP were issued prior to the *Peppersack Memo*, which recognizes that permits issued prior to the memo are not subject to it. Instead, they are subject to "case-by-case" evaluation.

We understand that the Department agrees that the three pre-1996 Act ground water permits should be licensed under the common law protocol and issued without combined use limits. The *Peppersack Memo* recognizes that the case-by-case evaluation may take into account the fact that they were issued prior to the 1996 Act.

The four ground water permits included in the IMAP that were issued after the 1996 Act also should be licensed based on the common law protocol without a combined use limit. The *Peppersack Memo* recognizes that the case-by-case evaluation may take into account whether there was "specific intent to limit the beneficial use that could be developed under the permit at the time it was issued." SUEZ plainly sought and was granted non-RAFN permits under the common law just as it had prior to the 1996 Act. These permits were included in the IMAP so they could obtain the RAFN protection of the 1996 Act. These permits were applied for and issued with the expectation that they would be developed and licensed under the common law approach and without any specific intent to limit their beneficial use.

But, if the Department will not license these under the common law, they should be left as permits while the IMAP proceeds because proof for these four permits was submitted after the IMAP was filed and before the *Peppersack Memo*.

I stand by ready to discuss this further and to provide any other additional information that might be helpful.

Sincerely,

Michael P. Lawrence

cc: Gregory P. Wyatt, Vice President and General Manager, Suez Water Idaho Inc.
Roger D. Dittus, Hydro-Geologist, Suez Water Idaho Inc.
Garrick L. Baxter, Deputy Attorney General, IDWR
Shelley W. Keen, Water Rights Section Manager, IDWR
Nick Miller, Regional Manager, IDWR

30-147 / 13622997_7

Michael P. Lawrence

From: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Sent: Wednesday, September 12, 2018 7:56 AM
To: Michael P. Lawrence
Cc: Rauhut, Manuel
Subject: RE: Licensing of SUEZ permits [IWOV-GPDMS.FID814780]

Mike,

Since we can't issue water right licenses while there are pending applications to amend the permits, IDWR will wait for decisions on the amendments before issuing the licenses for Permits 63-11878, 63-12140, and 63-12310.

Regards,

Shelley

Shelley Keen
Water Allocation Bureau Chief
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Michael P. Lawrence [mailto:mpl@givenspursley.com]
Sent: Monday, September 10, 2018 4:48 PM
To: Keen, Shelley
Cc: Rauhut, Manuel ; Christopher H Meyer
Subject: RE: Licensing of SUEZ permits [IWOV-GPDMS.FID814780]

Shelley,

Thanks for your email. Sorry for the delay in responding.

Concerning the three permits (63-11878, 63-12140, and 63-12310) for which you indicate IDWR is prepared to issue licenses, SUEZ had not intended to withdraw them from the IMAP. We do not understand that the Hearing Officer expects SUEZ to do that.

Please advise.

Thanks,
Mike

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From: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Sent: Wednesday, August 22, 2018 10:47 AM
To: Michael P. Lawrence <mpl@givenspursley.com>
Cc: Rauhut, Manuel <Manuel.Rauhut@idwr.idaho.gov>
Subject: Licensing of SUEZ permits

Mike,

I'm responding to your May 30, 2018, letter regarding the licensing of the SUEZ permits. The draft licenses for Permits 63-11878, 63-12140, and 63-12310, are in progress and should be ready soon. Because those three permits were issued before the 1996 Municipal Water Rights Act, the draft licenses will be based on the capacity of the pumping system installed and operational at the authorized point(s) of diversion during the development period of the permit, subject to the limits of the permits. This intent is consistent with item II.A of your letter. Applications to amend these three permits were proposed in the IMAP. I've been told it may be SUEZ's intent to withdraw the applications for amendment from consideration in the IMAP, but I haven't seen anything in writing. It would be helpful if you could clarify SUEZ's intent. If the applications for amendment remain in place, there must be decisions on them before IDWR can issue water right licenses. Any approved changes would then be incorporated into the draft licenses. Alternatively, if the proposed amendments are withdrawn, the three licenses can be issued separate from the IMAP process, and transfer applications proposing to change the licensed water rights could be filed later.

Regarding Permits 63-12192, 63-12452, 63-12464, and 63-12516, IDWR is not likely to have draft licenses before the hearing officer issues an order on the IMAP, based on the timeline suggested in the hearing officer's August 13, 2018, email to the IMAP parties. Licenses for these four permits will be considered when the IMAP proceedings are complete.

As always, call or email if you have questions.

Regards,

Shelley Keen
Water Allocation Bureau Chief
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

[Blank page inserted to facilitate double-sided printing and tabbing of exhibits.]

IMAP 2018								
		As Recorded					Uses proposed changed to Municipal Use	Consumptive use for each right from irrigation or irrigation component of Domestic use
63-10845		Beneficial Use	From	To	Rate	Volume	Lots developed with homes & irrigation use	0.1 acre x 256 homes = 25.6 acres
		IRRIGATION	1-Mar	15-Nov	1.06 CFS	239.0 AF	[illegible] x 52 acres [illegible] Mostly [illegible]	25.6 acres x 2.18 [illegible] = 61.4 AF
		DOMESTIC	1-Jan	31-Dec	0.48 CFS	154.0 AF	0.5 [illegible] x 256 homes for internal use	No consumptive use value for internal domestic uses
		FIRE PROTECTION	1-Jan	31-Dec	1.72 CFS		No Change	No change for Fire Protection use
				Total Diversion	1.72 CFS	393.0 AF		**Available for Transfer: 1.72 CFS for Fire Protection**
								1.72 CFS for Municipal & 61.4 AF
								0.11 CFS for Municipal (Reduced rate to remove Municipal volume)
								1.72 CFS for Fire Protection & Municipal uses
63-11990		Beneficial Use	From	To	Diversion	Volume		
		DOMESTIC	1-Jan	31-Dec	0.04 CFS	024 [illegible] AF	[illegible] x 520 homes ([illegible] for internal & [illegible] for irrigation or external use) Mostly [illegible] & some 3 or 4 acre lots, average of 0.1 acre per lot regardless of size 260 Acres with 200 acres [illegible], Walden Pond 120/260 acres no SW system, Edgewater Estates 140/260 acres will use SW when constructed Around 115 acres total developed lots split between the two subdivisions	Primary use for Fire Protection when developed No consumptive use value for internal domestic uses Supplemental to Nampa Meridian Irrigation District for irrigation component of Domestic use 1 acre x 520 lots = 52 acres [illegible] x 2.18 af = 105.4 AF maximum possible from primary surface water source, supplemental evaluation required to determine contribution of ground water under this right when used with [illegible] as combined
		FIRE PROTECTION	1-Jan	31-Dec	1.90 CFS		No Change	
				Total Diversion	1.90 CFS	E24		
								Available for Transfer: 1.90 CFS for Fire Protection
								0.94 CFS for Municipal & [illegible] AF for Municipal
								1?? CFS for Municipal (Reduced rate to remove Municipal volume)
								1.00 CFS for Fire Protection & Municipal uses
Criteria		Transfer Memo #24						
	Page 22	5c (1) Evaluation of Validity	Beneficial Use in last 5 years				Domestic use for 256 (internal) & 520 homes (internal & external) Average [illegible] irrigation per lot for 256 subdivision lots	
	Page 29	5d (5) Enlargement of Use	Historic				Need pumping records to support recommendation	
	Page 31	**5d. (12) Enlargement of Use**	Changing the Purpose of Use for a Water Right to Municipal Purposes				61.4 AF & ??? AF (supplemental right) limited to Consumptive Use Vol	
	Page 33	5d (13) Enlargement of Use	Historic Use Recognized for Municipal Purposes				N/A Right is not developed by municipality	Previous owners Wiens Springs [illegible] Inc & South County Water Co
	5d	(12) Changing the Purpose of Use for a Water Right to Municipal Purposes An application for transfer, which proposes to convey an established water right to a municipal provider and change the nature of use to municipal purposes, as defined in Section 42-202B, Idaho Code, shall not be approved without **limiting the volume of water divertible under the right to the historic consumptive use** under the water right prior to the proposed change. If the proposed transfer involves a surface water right, the transfer shall not be approved without also limiting the right to the historic period of use under the right prior to the proposed change						

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Exhibit C **TRANSFER MEMO**

Transfer Memo No. 24 – Table of Contents December 21, 2009

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2	When a Transfer is Required • changes to elements of a water right • changes to points of diversion • changes in place of use • consolidation of acreage • land application of wastewater • correction of errors
4	When a Transfer is Not Required • changes in consumptive use • change in ownership • partial relinquishment • split rights • changes to points of diversion within recorded location • replacement of point of diversion • refined descriptions • changes in place of use within recorded location • generally described place of use • municipal places of use • in-stream stock watering • intensified use of water • mitigation through non-use of a right • land application of wastewater to replace existing supply
7	Requirements for an Acceptable Application for Transfer • application forms • name and address • list of water rights to be changed • associated water rights or water supply • reason for change • description of proposed change • map of system • response to questions on the form • changes to part of a right • signature • filing fee • changes to point of diversion from Eastern Snake Plain Aquifer • historic beneficial use • electronic shape files or photographs documenting place of use changes • applications involving water rights for domestic purposes

Page #	Section
15	Changes to Applications for Transfer • amendment of application • assignment of application
15	Processing an Application for Transfer Prior to Hearing • initiating processing – data entry • additional information • administrative, hydrologic, and legal review • preparation of staff memorandum • rejection or denial of application • applicant contest of rejection or denial • public notice • preparation of approval document • contested case proceedings • gathering information needed for processing • requests for additional information • watermaster recommendation • staff to exercise judgment
19	Evaluation of Authority to File an Application for Transfer • presumption based upon department ownership records • other acceptable documentation • applicant does not own new place of use • conditions on associated rights • authority to sign on behalf of an applicant • corporation, partnership, joint venture, association, or other business entity • approval of irrigation entity or legislature • liens, mortgages, or contract restrictions • municipal provider • agreement not to divert
22	Evaluation of Water Right Validity • department records • other acceptable documentation • validity of unchanged parts of a water right • statutory or beneficial use claims
24	Injury to Other Water Rights • reduction in quantity of water available to other water rights • rotation • unreasonable effort or expense • unusable water quality

Page #	Section
	• mitigation • ground water management area or critical ground water area • change of source • changing aquifer source • conveyance losses • additional considerations • location of nearby wells • location of nearby springs • ground water levels • water-bearing zones
28	Enlargement of use • diversion rate, annual diversion volume, and number of acres licensed or decreed • beneficial use • stacked water rights • changing supplemental right to primary water right • historic beneficial use • period of use • confined animal feeding operations • fish propagation • disposal of waste water • enhanced water supply • water held for reasonably anticipated future needs • changing the purpose of use for a water right to municipal purposes • historic use recognized for municipal purposes • stored water • conveyance losses • measuring requirements for ground water diversions in the ESPA and modeled tributaries
33	Local Public Interest • recreation, fish, and wildlife impacts • water, and hazardous substance standards • local and state requirements • neighboring jurisdictions • state water plan
34	Beneficial Use and Conservation of Water Resources • efficiency of diversion and use • diversion rates for irrigation use • state water plan

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35	Effect on Economy of Local Area • changes in employment • changes in economic activity • stability of economic activity
36	Effect on Agricultural Base of the Local Area • financial impacts on local governments • financial impacts on others • agricultural job displacement • agrarian lands • financial impact on overall economy

ADMINISTRATOR'S MEMORANDUM

Transfer Processing No. 24

To: Water Management Division Staff

From: Jeff Peppersack

RE: **TRANSFER PROCESSING POLICIES & PROCEDURES**

Date: December 21, 2009

This memorandum supersedes Transfer Processing Memorandum No. 24 dated January 21, 2009.

The purpose of this memorandum is to provide policy guidance for processing applications for transfers of water rights pursuant to Section 42-222, *Idaho Code*, and other applicable law. The revisions to the October 30, 2002 memorandum are provided to recognize statewide application of this memorandum, to clarify the guidance based on updates to statutes and Department policy, and to streamline transfer processing to reduce application processing time and existing application backlogs. These policies and procedures are to be followed until rescinded or amended, or superseded by statute or rule or court decision, to assure that applications are processed efficiently and with consistency.

Regardless of whether or not an application for transfer is protested, Section 42-222, *Idaho Code*, requires that the department evaluate whether there would be injury to other water rights, there would be an enlargement in use of the original right, the proposed use would be a beneficial use, the proposed use would be in the local public interest, the proposed use would be consistent with the conservation of water resources within the State of Idaho, and whether the proposed change would impact the agricultural base of the local area. In the case where the place of use is outside of the watershed or local area where the source of water originates, the department must also evaluate whether the change would adversely impact the local economy of the watershed or local area. The department must also evaluate the validity of the right (or part thereof) being changed and must assure that the applicant owns the right or otherwise has the authority to apply for the transfer.

1. When a Transfer is Required.

Section 42-222, *Idaho Code*, requires the holder of a water right to obtain approval from the department prior to changing: (1) the point of diversion, (2) the place of use, (3) the period of use, or (4) the nature of use of an established water right. An established water right is a licensed right, a decreed right, or a right established by diversion and beneficial use. Approval is sought by filing an application for transfer with the department. A claim in an adjudication or a statutory claim must be filed to allow a transfer application to be processed for a right based upon diversion and beneficial use.

Changes to Elements of a Water Right. An application for transfer is required if a proposed change would alter any of the four elements of the water right listed above that can be changed pursuant to Section 42-222, *Idaho Code*, as recorded with the department or by decree. Conditions or other provisions of a water right may further define or limit a recorded element of a water right; an application for transfer is required for a proposed change that could alter such a condition. For example, a proposed change of use under a water right for an industrial use, which includes a condition limiting the quantity of water that can be consumptively used, to a different industrial use that would increase the quantity of water that would be consumptively used can not be made unless enlargement is prevented.

If a proposed change has the potential to injure other rights or the potential to enlarge the right, even when there would be no change in any of the recorded elements of the right, an application for transfer should be filed to provide for evaluation of injury and enlargement issues before the change is made. For example, if the point of diversion from a fully appropriated creek is proposed to be moved where additional water would be available for diversion or if the proposed point of diversion as changed would move upstream of the points of diversion for other rights, the change can not be made unless other conditions are imposed, such as mitigation, to prevent injury.

Changes to Points of Diversion. If a point of diversion is proposed to be moved to a different tract than described as an element under an established water right, then a transfer application is required. This includes a change from one 10-acre legal subdivision to another if the point of diversion has been previously described as a 10-acre legal subdivision. An application for transfer is also required when a point of diversion is proposed to be added for a water right, even when the existing authorized point of diversion is recorded as a 10-acre legal subdivision and the additional diversion would be within the same 10-acre legal subdivision.

If a point of diversion is proposed to be moved from a tributary to a location downstream from the confluence of the tributary and the surface water stream to which the tributary is joined, then an application for transfer is required. If a point of diversion is proposed to be moved from a stream to the stream to which it is tributary at a location upstream of the confluence between them, or moved from one tributary to another tributary, an application for exchange is required pursuant to Section 42-240, *Idaho Code* rather than an application for transfer.

Changes in Place of Use. An application for transfer is required if a change in the location of use between 40-acre legal subdivisions is proposed that would result in an increase in the number of acres within a 40-acre legal subdivision or in use of water at a new 40-acre legal subdivision that is not included within the recorded place of use element for the right. An application for transfer is also required for a proposed change in location of use under a water right for irrigation to a location outside of prescribed boundaries such as those provided under Section 42-219, *Idaho Code*, with or without a proposed change in purpose of use, except for those rights held by irrigation districts or municipal providers, even when the change in location would be included within the same 40-acre legal subdivisions existing prior to the proposed change. A proposed change to any water right held for irrigation involving a change in the number of irrigated acres of less than one acre at the original place of use or at a proposed new place of use is not approvable unless the proposed change involves a new purpose of use within the original place of use or the applicant provides a verification procedure approved by the Director that can be practically administered to prevent injury or enlargement.

Consolidation of Acreage. An application for transfer is required for proposed consolidation of water use for irrigation by permanently reducing the number of acres authorized for irrigation under a water right, while maintaining the original diversion rate or annual diversion volume.

Land Application of Wastewater. An application for transfer is required for a proposed change in the place of use under a water right for uses such as industrial, dairy, or confined animal feeding operations that would allow land application of wastewater from that use or change the location of lands used for application of wastewater, when there is not a full existing water right for irrigation of the place of use receiving wastewater.[1]

Correction of Errors. An application for transfer may also be required to correct errors in licenses or decrees. For example, a transfer application may be required to correct the location of the place of use of a water right decreed by a court if the decree is later determined to be in error. However, a transfer action is not always required to correct such errors. For example, if a water right claim is determined to be in error, the claim can be amended to correct the error. Similarly, some clerical errors in a license or decree may be corrected by issuance of an amended license or decree (by the jurisdictional court) without using the transfer process. Also, a change to a description of the location of the place of use or point of diversion, as used by the department for administration of water rights, resulting from improved methodology does not require an application for transfer, as described below. In addition, conditions that are no longer applicable may be modified or removed from a license without a transfer, provided other rights are not materially affected. For decrees, conditions that are no longer applicable should be noted in comments on the department's electronic record for the right. However, a change to any element of a decreed water right requires filing an application for transfer, unless the appropriate court makes the change by amending the decree.

[1] The guidance provided here effectively revises the guidance to staff for filing an application for transfer as provided in Application Processing Memorandum No. 61 concerning wastewater from industrial uses.

2. When a Transfer is not Required.

An application for transfer is not required if a proposed change will not alter any of the elements of a water right as licensed or decreed, except that even when the recorded elements of a water right are not changed an application should be filed under such circumstances described in Section 1 above. In addition, an application for transfer is not needed when an accomplished change to a water right or an enlargement of a right has been claimed in an adjudication in accordance with the provisions of Sections 42-1425 or 42-1426, *Idaho Code*.

Changes in Consumptive Use. Consumptive use of water under a water right is not, by itself, an element of the water right subject to the requirements to file an application for transfer. Unless there is a specific condition of the water right limiting the amount of consumptive use, changes in water use under a water right for the authorized purpose of use that simply change the amount of consumptive use do not require an application for transfer provided that no element of the water right is changed. However, when determining the amount of water that can be transferred pursuant to an application for transfer proposing to change the nature or purpose of use, and for certain other circumstances as described herein, historical consumptive use is considered.

Change in Ownership. An application for transfer is not required to change the owner of record for a water right or address of record for a right holder. Changes in ownership or address are to be filed in accordance with Section 42-248, *Idaho Code*, or for adjudication claims in accordance with Section 42-1409(6), *Idaho Code*. However, a transfer application filed pursuant to Section 42-222, *Idaho Code*, accompanied by evidence documenting a change in ownership for a water right, or showing a change in the address of the owner of a water right, satisfies the requirements of Section 42-248, *Idaho Code*.

An application for transfer is not required to change the owner of record of one or more water rights, or portions thereof, that are part of a larger group of water rights authorized for use within and appurtenant to a permissible place of use[2] if the conveyance documents provide evidence of the change in ownership and appurtenance of each of the rights and if other elements of the rights will not be changed.

An application for transfer is not required to eliminate one or more points of diversion authorized under a water right through a change in ownership if the conveyance

[2] A permissible place of use is defined as a legal description of the authorized location where water may be applied under a water right for irrigation use, but the use in any year is limited to a specified number of acres which is less than the larger described location. For example, a water right may describe a permissible place of use as four 40-acre legal subdivisions totaling 160 acres, but the water right also limits the acreage that may be irrigated to 40 acres. The water right owner cannot irrigate more than 40 acres in a given year under the right. A permissible place of use is typically, but not always, irrigated by multiple rights with separate acreage limitations that, when used together, provide for irrigation of the entire permissible place of use in the same year.

documents provide evidence of the limitation and if other elements of the rights will not be changed.

Partial Relinquishment. An application for transfer is not required to relinquish a portion of a water right such as elimination of a purpose of use or a point of diversion or a reduction in acres and proportional rate. The water right owner should provide a notarized statement of relinquishment including specific identification of the water right(s) and the specific reduction(s).

Split Rights. An application for transfer is not required when a water right for irrigation is proposed to be split, with notice to the department pursuant to the provisions of Section 42-248, *Idaho Code*, such that a disproportionate per acre share of the right would be conveyed to another party provided that the resulting diversion rates do not exceed 0.02 cfs per acre, the amount of water historically applied per acre, or the amount of water diverted at a particular point of diversion, whichever is greater, for that part of the right conveyed or retained, and provided no other changes are made.

Changes to Points of Diversion within Recorded Location. An application for transfer is not required if a change in point of diversion is proposed to be moved to a location within the same legal public land survey subdivision as currently recorded on the water right and the change will not enlarge the right or injure other rights (if within a recorded legal public land survey subdivision, a transfer is required if injury is likely when moving the point of diversion to bypass another point of diversion or when moving a well significantly closer to another well or surface water source).

An application for transfer is not required for the situation described in the preceding paragraph, even when the point of diversion is described by a shapefile in the department's GIS database. The department will not initiate an enforcement action against the water right owner due to a discrepancy between the department's shape file and the physical location of use within the recorded legal subdivision if the discrepancy is limited to the situation described in the preceding paragraph. The department may update the shapefile in its GIS database from its own information or information provided by the water right owner.

Replacement of Point of Diversion. An application for transfer is not required to replace a point of diversion if the new point of diversion is constructed at the same location as described in the license or decree for the water right, and the change will not enlarge the right or injure other rights.

Refined Descriptions. An application for transfer is not required when a change in the description of the location of the point of diversion or place of use is only the result of improved methodology for referencing and displaying the location, which results in a more accurate description of the same physical location. The department will not initiate an enforcement action against the water right owner due to the discrepancy between the water right record and the referenced location if the discrepancy is created by better methodology and is not due to a change in the physical location. However, if the water right owner wishes to correct the water right record, an application for transfer

or an appropriate amendment will be required, as previously described for correction of errors.

Changes in Place of Use within Recorded Location. An application for transfer is not required if a change in the location of use within 40-acre legal subdivisions is proposed that would not result in an increase in the number of acres within any 40-acre legal subdivision nor use of water at a new 40-acre legal subdivision (except for a proposed change in location outside of prescribed boundaries such as those provided for irrigation use under Section 42-219, *Idaho Code* or by court decree, even when the change in location would be included within the same 40-acre legal subdivisions existing prior to the proposed change).

An application for transfer is not required for the situation described in the preceding paragraph, even when the place of use is described by a shapefile in the department's GIS database. The department will not initiate an enforcement action against the water right owner due to a discrepancy between the department's shape file and the physical location of use within the 40-acre legal subdivisions if the discrepancy is limited to the situation described in the preceding paragraph. The department may update the shapefile in its GIS database from its own information or information provided by the water right owner.

Generally Described Place of Use. As provided in Section 42-219, *Idaho Code*, an application for transfer is not required to change the place of use within a generally described place of use. A generally described place of use may be by court decree or as provided in Section 42-219(5) and (6). Pursuant to Section 42-219(7), any change within a generally described place of use can not result in an increase in the diversion rate, or in the total number of acres irrigated under the water right, and can not cause injury to other water rights. Any change to the boundaries of a generally described place of use requires an application for transfer, except for a municipal provider as described below or for an irrigation district where changes in boundaries must be documented by a map of the revised boundaries filed with the department in accordance with Section 43-323(2), *Idaho Code*.

Municipal Places of Use. An application for transfer is not required to change or add a place of use for "municipal purposes" within the "service area" of a "municipal provider." See Sections 42-202B and 42-222(1), *Idaho Code*, for appropriate definitions and provisions governing use of municipal water rights. The ownership of a portion of a municipal water right held by a municipal provider for reasonably anticipated future needs can be changed to a different municipal provider subject to the provisions of Section 42-248, *Idaho Code*. However, the right can not be changed to a place of use outside the service area of a municipal provider or to a new nature of use, and an application filed for such a change is to be returned and any associated application fee refunded.

In-stream Stock Watering. An application for transfer is not required to divert water away from a stream for stock watering purposes provided the diversion is added and used in conjunction with an in-stream stockwater right and provided the diversion meets

certain conditions pursuant to Section 42-113(3), *Idaho Code*. See guidance memorandum for in-stream stock diversions dated June 26, 2000, for additional information.

Intensified Use of Water. An application for transfer is not required to increase production under an authorized use of water, unless the proposed change would also result in a change to one or more of the elements of the water right(s) as licensed or decreed. For example, an application for transfer is not required to increase the number or volume of raceways in a fish propagation facility, increase the number of cows at a dairy, change irrigation to a more water consumptive crop, or increase the generating capacity of hydroelectric generators, so long as none of the elements of the associated water rights are changed.

Mitigation Through Non-Use of a Right. An application for transfer is not required to mitigate for the diversion and use of water under another right if the mitigation is accomplished through non-use of water under an existing valid water right, except under specific circumstances where a transfer is required as part of the Department's approval of the mitigation plan (see Section 42-223 (10), *Idaho Code* for reference to mitigation approvals where non-use of water may apply).

Land Application of Wastewater to Replace Existing Supply. An application for transfer is not required for a proposed change in the place of use under a water right for uses such as industrial, dairy, or confined animal feeding operations that would allow land application of wastewater from that use or change the location of lands used for application of wastewater, when there is a full existing water right for irrigation of the place of use receiving wastewater.[1]

3. Requirements for an Acceptable Application for Transfer.

The department is a public service oriented agency, and department employees traditionally have helped applicants complete transfer application forms. The existing transfer backlog, together with the increasing number and complexity of new applications for transfer, requires that staff focus their time on processing existing acceptable applications. Department employees are encouraged to provide general assistance to applicants but should refrain from completing application forms on behalf of applicants.

An applicant or qualified consultant must prepare and submit an application for transfer in accordance with the minimum requirements enumerated below to be acceptable for initiating the processing of the application by the department. An application that does not comply with these minimum requirements is to be considered incomplete and is to be returned to the applicant along with a letter or checklist identifying the deficiencies. The letter shall state that unless the application is resubmitted within 30 days of its return, the application fee will be refunded. An application for transfer that satisfies the minimum requirements will be processed in accordance with Section 5, Information Needed to Complete Processing of a Transfer Application.

(1) Application Forms. An application for transfer must be submitted on a current form provided by the department entitled, "Application for Transfer of Water Right." The current form is available from the department's Internet homepage at:

http://www.idwr.idaho.gov/water/rights/water_rights_forms.htm

(2) Name and Address. An application for transfer must include the name and address of the applicant. In addition, the application must include the name and address of any new right holder(s) for the water rights (or parts thereof) being transferred, if different than the applicant. The applicant's name must match the department's current record of ownership for the water rights (or parts thereof) being transferred. Otherwise, adequate documentation must be included to show that a change in ownership or authority to make the change has legally occurred. Adequate documentation can be a warranty or other deed, title policy, contract of sale or option for purchase by applicant (if the contract or option allows the transfer), or other similar document confirming ownership of the water right(s) or the authority to change the water right. See Records Memorandum No. 9 for additional guidance on water right ownership documentation.

A transfer application filed to change a right (or part thereof) claimed in a pending adjudication, where the claimed place of use is based on an accomplished transfer pursuant to Section 42-1425, *Idaho Code*, must include adequate documentation demonstrating the applicant's ownership of the right or authority to make the change.

(3) List of Water Rights to be Changed. An application for transfer must list all water rights for use in a common system of diversion and distribution for which the point of diversion, place of use, period of use, or nature of use are proposed to be changed (the water rights to be transferred). Proposed changes which involve separate diversion and distribution systems must be filed as separate applications. A proposed change to the remaining portion of an existing water right subsequent to a proposed transfer requires a separate application for transfer.

(4) Associated Water Rights or Water Supply. The application must include a separate list of individual water rights, other than those proposed to be changed, and a description of water supplied by a canal company, irrigation district, or municipality, that provide water currently used in the same diversion system or at the same place of use as the right(s) proposed to be transferred (associated water rights or water supply). In addition, the application must include a separate list of associated water rights or water supply proposed to be used in the same system or at a new place of use. If the associated water rights or water supply are not owned by the applicant and changes to conditions

for those rights are necessary, documentation must be submitted confirming that the applicant has the legal authority to make such changes on behalf of the current owner of the other rights.

Changes to conditions or remarks for associated water rights that are necessary as a result of an approved transfer and that do not affect the rights of other persons or entities can be made without a separate transfer application or process. Such changes usually result from a division in ownership and should be included in the transfer approval document.

(5) Reason for Change. The application must list the purpose for and a general statement of the reason for the proposed change.

(6) Description of Proposed Change. The application must describe in writing the proposed changes, which must include the following:

a. The right number(s) assigned by the department for the right(s) proposed to be changed must be identified. If the right was established by a beneficial use for which a claim has not been filed, a claim must be filed before or together with the transfer application. If the right is represented by a decree and the department has not assigned a number to the right, a copy of the decree must be included with a description of the right that is proposed to be changed.

b. The amount of water proposed to be diverted, as a rate of flow in cubic feet per second and as acre-feet per year, if the transferred water right has a volume limitation, for natural flow and ground water rights must be set forth. The amount of any stored water involved in a transfer must be identified in terms of acre-feet per year for each purpose of use listed.

c. The proposed nature or purpose of use must be stated. For non-irrigation uses such as "industrial" or "commercial," a more detailed description of the proposed use(s) must be provided under the "Remarks" section of the application, or as an attachment to the application. For applications proposing to change the nature of use to municipal purposes for reasonably anticipated future needs (RAFN), the applicant shall provide information to establish that the applicant qualifies as a municipal provider and that the RAFN, service area, and planning horizon are consistent with the definitions and requirements specified in Section 42-202B, *Idaho Code*.

d. The period of each year during which water is proposed to be diverted, or diverted and stored, and beneficially used must be set forth for each use listed.

e. The source of water for the proposed changes must be listed. An application proposing a diversion, injection, and re-diversion of water must list the source for the original diversion as the source for the injection and re-diversion. An application proposing to change the point of diversion to a location resulting in a change from ground water to surface water or from surface water to ground water shall include an analysis confirming a direct and immediate hydraulic connection (at least 50 percent depletion in original source from depletion at proposed point of diversion in one day). See Section 5c. (7) for further details.

f. The legal description of the point(s) of diversion must be described. The description must be to the nearest 40–acre subdivision or U. S. Government Lot of the Public Land Survey System. Existing point(s) of diversion should be described to the nearest 10-acre tract, if based on a previously recorded 10-acre description or other accurate means such as GPS or a detailed and accurate map. Proposed point(s) of diversion need only be described to the nearest 40-acre tract. The location of springs must be described to the nearest 10–acre tract. Subdivision names, lot and block numbers, and any name in common usage for the point of diversion should be included in the "Remarks" section of the application form.

g. Except as provided herein, the legal description of the place of use must be set forth to the nearest 40-acre subdivision or U. S. Government Lot of the Public Land Survey System. Subdivision names, block and lot numbers, and any name in common usage for the place of use should be included in the "Remarks" section of the application form. For water rights held by irrigation districts, municipal providers, and others included under the provisions of Sections 42-202B or 42-219, *Idaho Code*, the place of use may be generally described even if previously described to the nearest 40-acre subdivision or government lot.

   i. If irrigation is a purpose of use, the number of acres in each 40-acre tract of the place of use or within a generally described place of use must be shown. The location of uses, other than for municipal providers or

for irrigation, must be identified in the appropriate 40-acre tract(s).

ii. Except for wastewater when there is a full existing water right for irrigation of the place of use receiving wastewater, if a proposed change includes disposal or use of wastewater by land application to growing crops the application must identify the location of the waste disposal area by legal description under the use from which the wastewater originates.

h. An adequate description of the proposed diversion, delivery and application system(s) must be provided. This may include preliminary sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments, and application equipment. The type and location of measuring devices might also be required for applications providing for measurement of water to address specific injury or enlargement concerns. For large existing systems, such as those owned by municipal providers, irrigation districts, and canal companies, only those features proposed to be added or modified need to be described.

(7) Map of System. A map corresponding to the written description above must be included showing the location of points of diversion, reservoirs, dams, canals, ditches, pipelines, and other works proposed to be used in the diversion and conveyance of water. The map must clearly show the location of the place of use including lands to be irrigated, if any. If only a part of the water right(s) is proposed to be changed, the map must include the location of the part of the existing recorded right(s) proposed to be removed (or changed). Legal descriptions including townships, ranges, sections, quarter-quarters, and government lots must be evident or labeled unless other reference information is evident on the map to identify the specific location. In lieu of creating a map, a copy of a published map, such as a U. S. Geological Survey quadrangle map, or an aerial photograph, can be attached to the application with the required identification shown thereon. For large existing systems, such as those owned by municipal providers, irrigation districts, and canal companies, only those features proposed to be added or modified need to be shown.

(8) Response to Questions on the Form. The application for transfer must include responses to the questions on the application form concerning the validity of the right, the proposed use of the land from which the right is proposed to be removed (if applicable) and the existence of mortgages or liens. In addition, the application should address any agreements or commitments not to divert water under the right(s)

proposed for transfer such as a lease to the water supply bank (WSB), enrollment in the federal Conservation Reserve Enhancement Program (CREP) or dedication of the right(s) for mitigation purposes.

(9) Changes to Part of a Right. If only a part of a right is being changed, the application for transfer must define that part by describing each of the elements, as currently licensed or decreed or otherwise recorded, for the part of the right being changed.

(10) Signature. The application for transfer must include the signature of the applicant or the applicant's authorized representative. If a representative signs the application, evidence of authority to sign for the applicant must accompany the application. An application in more than one name must be signed by each applicant unless the right is held in the name of one joint owner "or" other joint owner(s), or the right is held in the name of one joint owner "and/or" other joint owner(s).

(11) Filing Fee. The filing fee provided in Section 42-221, *Idaho Code*, must be submitted with the application for transfer. If the applicant is a governmental agency, a purchase order for the required amount is acceptable. (See the memorandum titled "Guidance on SB 1337 Amending Section 42-221, I.C.," dated June 26, 2000, and Transfer Processing Memorandum No. 23 for further guidance on application fees.)

(12) Changes to Point of Diversion from Eastern Snake Plain Aquifer. Except as provided below, if the application for transfer proposes to move the point of diversion for a water right to divert and use ground water from one location to another within the Eastern Snake Plain Aquifer (ESPA) including any modeled tributary aquifers, the applicant must submit an attachment with the application that sets forth the time series of calculated depletions (transient to steady-state) to reaches of the Snake River that are hydraulically-connected to the ESPA using or based on the department's current ground water model for the ESPA, or other equivalent analysis acceptable to the department. When using results from or based on the department's ground water model, the time series of calculated depletions must be for the cells containing the points of diversion both before and after the proposed transfer (initiating at the date of priority of the water right and ending at future steady state condition). If the cells are the same, the attachment is not required except as described below. A copy of the department's ESPA ground water model, or associated transfer spreadsheet[3] can be obtained by contacting the department or visiting the department's web site.

[3] The Department's ESPA transfer spreadsheet has a fixed 150-year analysis period which may not reach a true steady-state condition in all instances; however, the analysis period provided by the spreadsheet is acceptable to the Department for purposes of the required attachment. For purposes of this

The purpose of the time series of depletion attachment is to provide a basis for evaluating whether the proposed transfer will increase depletions to hydraulically-connected reaches of the Snake River.[4] Increases in such depletions are presumed to cause injury to existing water rights because all of the hydraulically-connected reaches of the Snake River (including tributary springs) have water rights that are not fully satisfied at certain times. Increased depletions greater than 10 percent for any reach are presumed to cause injury and must be fully mitigated such that there are no increases in depletion to those reaches except as described below.[5]

Increased depletions greater than 10% in any reach are considered insignificant under either of the following conditions and will not require mitigation for the proposed transfer to be approvable:

a. Increased depletions (transient to steady-state) to the reach are two acre-feet or less per trimester; or

b. The reach, at steady-state conditions, will not be depleted by an amount greater than 10% of the total depletion to all reaches caused by the diversion under the proposed transfer.[6]

Where mitigation is necessary for increased transient-state depletions, variance from the requirement for full mitigation during the transient state is allowed to provide for periods of static mitigation within the period of change. Mitigation for increased transient-state depletion to a reach is acceptable if the resultant depletion to a reach is no more than 5% over the simulated pre-transfer depletion to the reach and any deficient mitigation is approximately the same as excess mitigation during the transient state.

If the application for transfer proposes to move or add a point of diversion within or adjacent to the model cell for the existing point(s) of diversion, the attachment described above is not required when the application is submitted. However, if the department determines that the proposed change may significantly increase depletions to a

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memorandum, the transient state is the initial period of significant change to calculated depletions prior to approaching steady-state conditions.

[4] Increased depletions are based on the depletion volume that will be transferred through the change in point of diversion (i.e. not to include any volume for unchanged portions of rights or other associated rights not part of the change in point of diversion).

[5] This 10% threshold for mitigation reflects overall model uncertainty, of which one factor is the inherent error associated with measuring flows of water used as input to the model.

[6] This exclusion from the mitigation requirement is consistent with the Department standard in various delivery calls against ground water users diverting water from the ESPA that establishes a minimum percentage of 10% below which ground water users are not required to mitigate or replace simulated depletions to the reach.

hydraulically-connected reach of the Snake River (including tributary springs), the attachment will be required to complete processing of the application for transfer. See the Department's August 13, 2007 memo entitled, "ESPA Transfer Spreadsheet Version 3.1 – Implementation and Use" for further guidelines on use of the ESPA transfer spreadsheet.[7]

If the applicant offers reduced ground water withdrawals as mitigation, any proposed schedule for adjusting reduced withdrawals must also be set forth in the application for transfer.

Increased reach gains from other proposed ESPA transfers (offsetting transfers) can be used to provide part or all of the mitigation necessary for reaches requiring mitigation due to increased depletions (as determined by a stand-alone analysis of each individual transfer as described above). If the applicant offers offsetting transfers as mitigation, the transfer applications shall be submitted together as part of a plan to mitigate the individual transfer effects.

(13) Historic Beneficial Use. If the application for transfer proposes to change the nature or purpose of use or the season of use, the applicant must include an attachment documenting the historic extent of beneficial use under the right. For a transfer seeking to change a water right from irrigation, the attachment must provide sufficient data and information to determine historic consumptive water use. This can be satisfied by submitting records of cropping pattern or rotation, or records of water diverted and system efficiency, for at least the most recent, five consecutive years as described in Sections 5d.(5) and (6). If the application for transfer proposes to change the place of use for a supplemental water right, the applicant must include information to demonstrate that the supplemental right will not be enlarged (see Sections 5d.(3), (4) and (5) for definition and further discussion of supplemental rights).

(14) Electronic Shape Files or Photographs Documenting Place of Use Changes. If the application for transfer proposes to change the purpose of use for a water right from irrigation to another use, or change the place of use for a water right for irrigation to another location, either of which requires the drying up of acres at the original place of use, the applicant must submit an attachment to the application for transfer. The attachment must provide a clear delineation of the location and extent of the irrigated acres prior to the proposed transfer, and must also

[7] This memorandum supersedes portions of the Department's August 13, 2007 memo entitled, "ESPA Transfer Spreadsheet Version 3.1 – Implementation and Use" related to mitigation within 5 percent for transient and steady-state increases. The changes are being implemented to be consistent with use of the current ground water model for administration of water delivery calls in the ESPA. The remaining portions of the memo are still applicable.

provide a clear delineation of the location and extent of the irrigated acres, if any, after the transfer, if it is approved. This attachment may either consist of two electronic shape files in a format that is compatible with the department's GIS system or aerial photographs of sufficient detail acceptable to the department with the boundaries of the irrigated areas clearly shown and referenced to the Public Land Survey System. If a place of use involved with the application for transfer currently consists of a permissible place of use or a generally described place of use (see section 3(6)g above), then the applicable attachment is not required provided the application contains a clear statement that the boundaries for that place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly set forth.

(15) Applications Involving Water Rights for Domestic Purposes. An application for transfer involving multiple water rights for domestic purposes as defined in Section 42-111, *Idaho Code*, even when evidenced by a decree, that proposes to establish a use, which itself would not be included within the scope of the definition for domestic purposes in Section 42-111, *Idaho Code*, is not approvable except as provided below. *Idaho Code* specifically prohibits the diversion and use of water under a combination of domestic uses to provide a supply of water for a use that does not meet the exemption of Section 42-227, *Idaho Code*, and is required to comply with the mandatory application and permit process for appropriating a right to the use of water pursuant to Chapter 2, Title 42, *Idaho Code*. An application for transfer filed for such a change is to be returned together and any associated application fee refunded.

An application for transfer involving multiple water rights for domestic purposes that is not proposing to change the nature of use or place of use may be approvable if the individual domestic uses will remain in place and the transfer is only intended to connect individual wells into a common system. Such transfer application may also include addition of a non-domestic right to add a use so long as the existing domestic uses will remain in place and will not be enlarged as a result of the transfer.

4. Changes to Applications for Transfer.

Amendment of Application. An applicant may revise or amend an acceptable application for transfer to clarify or correct information on the application. Significant changes to the place, period, or nature of the proposed use, amount of water, method or location of diversion, or other substantial changes from those shown on a pending application for transfer, will require filing a new application for transfer to replace the original application. If the revisions are not substantial, the application may be revised or amended with an initialed, dated endorsement by the applicant, or by the applicant's representative, on the original application, or by a letter describing the amendments in

sufficient detail. Changes initialed or signed by the applicant's representative must be accompanied by evidence providing authority to sign for the applicant if not previously provided. Changes to the application or supporting information are not to be made by staff under any circumstances. A replacement application must be identified as "changed," "amended" or "revised" on its face so that it can be distinguished from the original application, and the original application must be marked as "superseded." An additional filing fee may be required if the revised or replacement application involves more water than proposed in the original application for transfer. A re-advertisement fee, as provided in Section 42-221F, *Idaho Code*, will be required if notice of the original application has been published and changes to the original application are significant and warrant re-notice. (See Transfer Processing Memorandum No. 20 for additional information regarding changes to applications.)

Assignment of Application. An applicant may assign, in writing (must be notarized), an application for transfer to another entity while the application is pending before the department. An assignment does not require additional notice of the application to be published, and there is no fee for an assignment of an application. The assignment will change the name of the transfer applicant, but ownership of the water right(s) involved in the transfer cannot be changed without proper notice and documentation. Section 42-248, *Idaho Code*, provides that a transfer application can substitute for a notice of change in water right ownership if adequate documentation is provided with the application.

5. Processing an Application for Transfer Prior to Hearing.

Processing of an application for transfer consists of the steps outlined below. Flexibility is provided for some steps with the intent to streamline or expedite processing of routine or non-complex applications. Regional Managers have been delegated authority to sign routine water right approvals and denials and should continue to implement their signature authority as outlined in the Department's June 7, 2007 memo entitled, "Delegation of Authority for Water Right Approval/Denial" and other delegation that may be provided.

(1) Initiating Processing – Data Entry. Once an application has been accepted and the application fee receipted pursuant to Section 3, Requirements for an Acceptable Application for Transfer, the Regional Office shall complete data entry of the basic information contained in the application and initiate working in parallel with the State Office to process non-routine or complex applications.

(2) Additional Information. For those applications to be processed in parallel, the Regional Office and the State Office will determine what, if any, additional information is necessary to complete or supplement the application. For all applications, the Regional Office will correspond with the applicant to obtain the additional information, obtain watermaster recommendation as described below, and perform any field review that is also necessary in coordination with staff from the

Adjudication Bureau if the water right is claimed in a pending adjudication.

(3) Administrative, Hydrologic, and Legal Review. For those applications to be processed in parallel, the Regional and State Offices will complete a review of all information submitted, in coordination with the Adjudication Bureau as needed, and forward appropriate information to the Hydrology Section and Administration for additional hydrologic, policy, and legal review as necessary.

(4) Preparation of Staff Memorandum. Once the review is complete, the Regional Office will prepare a memorandum, with the concurrence of the State Office if necessary for parallel review, that documents the review and evaluation of the sufficiency of the information submitted and whether processing of the application can continue because there is no clear inconsistency with the criteria set forth in Section 42-222, *Idaho Code*. If it is determined that processing of the application can continue, the Regional Office will complete necessary GIS descriptions, finalize data entry, and draft conditions for entry into Work Flow.

(5) Rejection or Denial of Application. If it is determined that the application for transfer should be rejected or can not be approved pursuant to Section 42-222, *Idaho Code*, the Regional Office or State Office (for parallel review) will prepare and issue a preliminary order rejecting or denying the application. An application for transfer may be rejected if the applicant fails to provide additional or adequate information pursuant to the requirements in this Section 5. An application for transfer that clearly does not satisfy the criteria set forth in Section 42-222, *Idaho Code*, must be denied. A rejected application may be re-filed when adequate information can be provided; a denied application can not generally be re-filed for substantially the same proposed transfer, unless a showing is made that substantial changes have subsequently occurred such that the criteria set forth in Section 42-222, *Idaho Code*, can potentially be satisfied. In either case, application fees will be retained. Note that notice of a rejected or denied application shall be sent to the applicant by certified mail pursuant to Section 42-222, *Idaho Code*.

(6) Applicant Contest of Rejection or Denial. If the applicant contests the preliminary order rejecting or denying the application and requests a hearing pursuant to Section 42-1701A, *Idaho Code*, the Regional Office will publish notice of the application for transfer pursuant to Section 42-222, *Idaho Code*, including notice of the contested case, and provide opportunity to protest the application and intervene in the contested case unless published notice is not required for the application as described below.

(7) Public Notice. If it is determined that processing of the application can continue consistent with the criteria set forth in Section 42-222, *Idaho Code*, the Regional Office will publish notice of the application for transfer. In some cases, published notice of the application may not be required. Pursuant to Section 42-222, *Idaho Code*, the Department has discretion to provide notice as deemed appropriate for applications proposing to change only the point of diversion or place of use in a manner that will not change the effect on the original or hydraulically-connected source or affect other water rights.

The timing of the public notice in these steps should remain flexible in order to streamline or expedite processing of the application. For example, processing time may be reduced by preparation of draft documents during the notice period. However, notice should not be provided prior to determining that the application meets the minimum requirements described in Section 3 and that there is a clear understanding by staff regarding the purpose of the transfer. Premature notice could result in the requirement to republish notice due to changes to an application or could result in unnecessary publication costs where an application is likely to be rejected or denied.

(8) Preparation of Approval Document. If no protest to the application for transfer is filed under step (7) above, or all protests filed are withdrawn prior to hearing, the Regional Office will finalize an electronic approval document and issue an approved transfer, subject to appropriate conditions, as a preliminary order and complete data updates in Work Flow. For those applications processed in parallel, the Regional office will finalize an electronic approval document and forward the document to the State Office for final approval and data updates.

(9) Contested Case Proceedings. If protest to the application for transfer is filed under either step (6) or (7) above, a contested case process will be completed. The hearing officer will forward electronically any final order that results from the contested case to appropriate staff to complete data updates in Work Flow.

Gathering Information Needed for Processing. In completing the steps outlined above, additional information may be needed for clarification of the purpose and intent of the proposed change, to further document the information on the application, or to provide a sufficient basis for determining whether the proposed change satisfies the statutory criteria for approval. **The applicant bears the burden of providing sufficient information.** However, staff should locate and assemble information available in the department's records that does not require compilation, interpretation, or analysis by an engineer, geologist, or other technical specialist.

Requests for Additional Information. Correspondence shall be prepared requesting any additional information needed and providing a reasonable period of time for response

(generally 30 days). When additional information is requested from the applicant, the applicant shall be informed of the need for a timely response to avoid delays in processing. The applicant shall also be informed that the application may be rejected if the additional information requested from the applicant is not timely received or is inadequate. The department can grant additional time to submit the required information if the applicant submits a written request for additional time and sufficient justification is provided.

Watermaster Recommendation. Section 42-222, *Idaho Code*, requires that the department shall advise the watermaster of any water district in which the water is used of any proposed change. The department shall not take final action on an application for transfer until the watermaster's recommendation has been received and considered.

Delays or non-response from watermasters results in delays in processing applications. The watermaster shall be informed that a non-response will be considered by the department to be the watermaster's recommendation not objecting to approval of the proposed transfer. Department staff should ensure that all watermasters understand their responsibility to provide recommendations.

Staff to Exercise Judgment. **Department staff has discretion to adapt the requirements set forth herein according to the nature and complexity of a proposed transfer.** While it is important that the information and documentation requirements are consistently applied, **staff is to use sound judgment to avoid asking the applicant for unnecessary information or seeking unnecessary review and comment from other state or local governmental entities as these guidelines are applied.**

5a. Evaluation of Authority to File an Application for Transfer.

(1) Presumption Based Upon Department Ownership Records. For any application for transfer, the department must have sufficient information to determine that the applicant has the authority to seek the proposed change in use of the water right(s). The department can presume, absent information to the contrary, that the applicant is the owner of the right(s) if the department's ownership records maintained pursuant to Sections 42-248 or 42-1409(6), *Idaho Code*, list the applicant as the current owner. The department may need to seek documentation regarding ownership if there is reason to believe that the department's ownership records may be inaccurate. One situation where the department's records may not confirm current ownership is described below.

A transfer application filed to change a right (or part thereof) claimed in a pending adjudication, where the claimed place of use is based on an accomplished transfer pursuant to Section 42-1425, *Idaho Code*, must include adequate documentation demonstrating the applicant's ownership of the right or authority to make the change.

(2) Other Acceptable Documentation. If the applicant's name does not match the name in the department's records for the current owner of the right(s) sought to be transferred, the applicant must provide evidence of current ownership or authority to make the proposed change(s). Adequate documentation can be a warranty or other deed, title policy, contract of sale or option for purchase by applicant (if contract or option allows the transfer), or other similar document confirming ownership of the water right(s) or the authority to change the water right. See Records Memorandum No. 9 for additional guidance on water right ownership documentation.

(3) Applicant Does Not Own New Place of Use. If the application for transfer proposes to change the place of use authorized under the water right(s), and the applicant does not own the land at the proposed new place of use, then the applicant must provide documentation that authorizes the change on behalf of the current owner of the proposed new place of use, except when the applicant is a municipal provider, irrigation district, canal company, or other similar entity. Such entities may only need to provide evidence of their authority to provide water for the proposed place of use in instances where evidence of such authority is necessary.

(4) Conditions on Associated Rights. If an application for transfer proposes a change from or to a system where there is an associated water right that is not listed on the application as a right being transferred, a change to conditions for that right is required (other than changes to conditions resulting from an ownership split), and that right is not owned by the applicant, then the applicant must provide documentation authorizing the change on behalf of the current owner of the associated right.

(5) Authority to Sign on Behalf of an Applicant. If the application for transfer is signed by someone other than the applicant(s) as listed on the application, documentation is needed to establish that the signatory is a representative of the applicant and is authorized to sign on the applicant's behalf. The documentation can be a copy of a current "power of attorney" authorizing signature on behalf of the applicant, or other similar documentation. An application could also be signed by an officer of a corporation or company, an elected official of a municipality, or any individual authorized by an organization to sign the application for a corporation, company, or municipality (if accompanied by documentation confirming authorization). The signatory's title must be shown with the signature.

(6) Corporation, Partnership, Joint Venture, Association, or other Business Entity. If the application for transfer is in the name of a corporation,

partnership, joint venture, association, or other business entity, department staff must verify that the organization is a viable and legally recognizable entity. Department staff will conduct a Business Entity Search at the Idaho Secretary of State's website: http://www.sos.idaho.gov/. If the Business Entity Search does not confirm that the corporation, partnership, joint venture, association, or other business entity is properly registered in the State of Idaho, department staff will request further clarification from the applicant. The intent of this search is to ensure that the organization is properly identified, including identification of individuals with signature authority and responsibility to conduct the organization's activity. Department staff may utilize other available resources to obtain the necessary information.

(7) Approval of Irrigation Entity or Legislature. Section 42-108, *Idaho Code*, requires that if the right(s), diversion works, or irrigation system is represented by shares in a corporation, or owned by an irrigation district, no change can be made without the consent of such corporation or irrigation district. This includes the use of such right(s), diversion works, or irrigation system for mitigation purposes related to a proposed transfer. Any permanent or temporary change in period of use or nature of use, in or out-of-state, involving a quantity of water greater than fifty (50) cfs or a storage volume greater than five thousand (5,000) acre-feet must also be approved by the legislature if approved by the department, except that any temporary change within the State of Idaho for a period of less than three (3) years does not require legislative approval.

(8) Liens, Mortgages, or Contract Restrictions. The department is required to provide notice to the holder of a security interest in any water right(s) proposed to be changed if the security interest holder has filed a request for notice pursuant to Section 42-248(6), *Idaho Code*. If the transfer proposes a change that might impact the value of the land such as moving the place of use or diversion facility to other land or changing the nature of use and the land from which the water right is proposed to be transferred is subject to liens, mortgages, or other contract restrictions affecting the right to transfer the water, a notarized statement or a statement on official letterhead signed by an authorized representative of a mortgage company or similar entity is required from the holder of each such lien, mortgage, or contract (see Transfer Processing Memorandum No. 10).

(9) Municipal Provider. If an application for transfer proposes to change the nature of use of a water right to municipal purposes in the name of a municipal provider for reasonably anticipated future needs, the applicant must provide documentation to establish its qualifications as a municipal provider as defined in Section 42-202B, *Idaho Code*.

(10) Agreement not to Divert. The applicant must describe any agreement or commitment not to divert water under the right(s) proposed for transfer such as a lease to the water supply bank (WSB), enrollment in the federal Conservation Reserve Enhancement Program (CREP) or dedication of the right for mitigation purposes.

5b. Evaluation of Water Right Validity.

For any application for transfer, the department must determine the validity of the water right(s), or part thereof, proposed to be changed. The following factors must be considered when processing an application for transfer and may require additional information from the applicant.

(1) Department Records. For any application for transfer, the department must determine that a right, or part thereof, proposed to be transferred is valid and has not been lost by forfeiture or partial forfeiture. The department will presume, absent other information indicating forfeiture, that the right has not been forfeited if the department's water measurement records, aerial photography, remote sensing, or other information, shows use of water during the previous, consecutive, five-year period. The department will also presume that the right has not been forfeited when it is claimed in a pending adjudication or initially decreed in an adjudication within the previous five-year period. If staff makes a field inspection (all transfers seeking a change to a right evidenced only by a claim are to be field inspected or otherwise reviewed, see Transfer Processing Memorandum No. 1 as revised in Section 5b.(4) below), information must be gathered concerning the current status of diversion and delivery facilities and the apparent recent use of water.

(2) Other Acceptable Documentation. If the records available to the department do not establish that a right has been used within the previous, consecutive, five-year period (except as provided in (1) above or for a right held by a municipal provider for reasonably anticipated future needs pursuant to Section 42-223(2), *Idaho Code*), the applicant must be asked to provide written documentation demonstrating that the right has been used within that time period. Examples of appropriate documentation include power records for pumps used to divert water under the right, Farm Service Agency (FSA) crop production records, receipts or other evidence of expenditures or revenue from the use of water under the right, and adequate affidavits of objective persons having actual knowledge of the uses of water under the right. Alternatively, if the right has not been used within the previous, consecutive, five-year period, then the applicant must be asked to provide information showing that exceptions or defenses to forfeiture are applicable. Exceptions or defenses to forfeiture include those set

forth in Section 42-223, *Idaho Code*; extensions provided for in Section 42-222, *Idaho Code*; and case law relating to factors such as resumption of use, unavailability of water when needed, or non-use when other water is available. Note that filing an application for transfer does not toll the statutory period for forfeiture of a water right due to non-use.

(3) Validity of Unchanged Parts of a Water Right. For applications for transfer proposing to change part of a water right or rights, the remaining part(s) of the right(s) that are not involved in the proposed transfer are generally not subject to a finding of forfeiture as part of the transfer action by the department.[8] In addition, the remaining part(s) of the right(s) are generally not subject to any additional conditions beyond the requirements of the original right(s). However, in some circumstances, department staff may be required to perform a comprehensive forfeiture analysis for the remaining part(s) of the right(s) to determine if a transfer can be approved. For example, a transfer application proposing to change part of the irrigated acres within a permissible place of use may require a comprehensive review of all the acres within the permissible place of use to determine if there are sufficient acres available to be transferred. When there has not been a comprehensive forfeiture analysis performed for the remaining, unchanged part(s) of the right(s), a remark will be included for any remaining part(s) of the right(s) to indicate that an approved transfer does not confirm the validity of the remaining, unchanged part(s) of the right(s).

(4) Statutory or Beneficial Use Claims. Applications for transfer proposing to change a water right based on a statutory or beneficial use claim must be reviewed to determine the validity, priority date, and extent of beneficial use established under the claimed right. Review must include field verification or other means to verify the right. This memo effectively revises the means of verification as required in Transfer Processing Memorandum No. 1. In addition, the applicant must be asked to provide information confirming the priority date of the claim. Adjudication staff must also be consulted for questions regarding review of the priority date if the claim is filed in a pending adjudication. A transfer approval for the water right (or part thereof) based on a claim shall incorporate the department's findings regarding the validity of the right. If a statutory or beneficial use claim is the basis for a pending claim in an adjudication, adjudication staff shall be notified of the results of the validity review, and the claimant shall be informed of the findings.

[8] Section 42-350, Idaho Code provides a process for revocation of a license at any time after issuance of the license upon a finding by the Director that the water has not been put to beneficial use for a period of five years.

5c. Injury to Other Water Rights

For any application for transfer, the department must determine whether the proposed change will injure any other rights, whether junior or senior in priority to the right being changed. The following factors must be considered when processing a transfer and may require additional information from the applicant.

(1) Reduction in Quantity of Water Available to Other Water Rights. Whether the amount of water available under an existing water right, senior or junior in priority, will be reduced below the amount recorded by permit, license, decree, or valid claim, or the historical amount beneficially used by the right holder, whichever is less. Consideration of this factor may require an analysis of the timing and location of return flows both before and after a proposed change to determine if the change will reduce the supply available to other water rights.

(2) Rotation. Whether a proposed change in the point of diversion of a water right that has been delivered in rotation with delivery of other water rights will result in significant additional losses borne by the water rights remaining in rotation.

(3) Unreasonable Effort or Expense. Whether the holder of an existing water right will be forced to an unreasonable effort or expense to divert water under the existing water right.

Existing ground water rights are subject to reasonable pumping level provisions of Section 42-226, *Idaho Code*, as well as applicable court decisions (e.g., Parker v. Wallentine, 103 Idaho 506, 650 P.2d 648 (1982), regarding in part the obligation to pay increased costs to divert an existing right).

An application for transfer that is approved to provide alternate points of diversion from ground water under one or more municipal water rights to develop or expand a common delivery system shall include conditions of approval to identify the point(s) of diversion authorized under each right prior to the transfer. The purpose of the condition is to provide for future administration of water rights in situations where increased municipal pumping over time is determined to cause injury through interference with other nearby wells.

(4) Unusable Water Quality. Whether the quality of water available to the holder of an existing water right would be made unusable for the purposes of the existing right.

(5) Mitigation. Whether mitigation would be needed to prevent injury to an existing water right that would be injured otherwise.

Unless agreed to in writing by the holder of an existing right, the only mitigation that can be considered acceptable by the department is the provision of replacement water in the full amount of the injury, at the same time injury would otherwise occur, and of acceptable water quality at the point of diversion for the existing right.

For applications that propose to move the point of diversion for a water right to divert and use ground water from one location to another within the ESPA, including any modeled tributary aquifers, mitigation is required for transfer approval when all of the following conditions occur: (a) the transfer would result in increased depletions (transient or steady state) greater than 10%, to any hydraulically-connected reach of the Snake River; (b) the increased depletion (transient or steady state) to the reach is greater than 2 acre-feet per trimester; and (c) the depletion, at steady-state conditions, to the reach is greater than 10% of the total depletion to all reaches resulting from the diversion under the proposed transfer. When greater increases in such depletions would occur, acceptable mitigation includes reduction in the quantity of ground water diverted and depleted such that there is no increase in depletions (for transient-state increases, no more than 5 percent over pre-transfer depletions so long as deficient mitigation is approximately equal to excess mitigation) for each hydraulically-connected reach of the Snake River requiring mitigation. When this form of mitigation is proposed, the quantity of ground water diverted may be increased periodically (no more frequently than annually) if supported by an analysis of the timing of calculated depletions (transient to steady-state) to reaches of the Snake River that are hydraulically-connected to the ESPA for the points of diversion both before and after the proposed transfer. However, the proposed schedule for increased diversions must be set forth in the application for transfer.[9] See Section 3(12) for additional guidance.

Increased reach gains from other proposed ESPA transfers (offsetting transfers) can be used to provide part or all of the mitigation necessary for reaches requiring mitigation due to increased depletions (as determined by a stand-alone analysis of each individual transfer as described above). If approved, the transfers will not require mutual dependence for ongoing mitigation. However, any approval issued on the basis of offsetting transfers shall include conditions of approval to address future changes back to the original point(s) of diversion or future changes to a new location. In addition, conditions of approval

[9] If the transfer is approved with mitigation by reducing the amount of ground water withdrawn, and as a result the reach gains to one or more other hydraulically-connected reaches of the Snake River increase, then the applicant shall retain the right to receive credit for the increased reach gains. Such credits can not currently be used because there is no administrative system in place to recognize such credits. In the event that an administrative system is created in the future whereby such credits available at that time can be recognized, the applicant shall retain the right to the possible future use of such credits, which shall be reflected in a condition of approval for the transfer.

shall be included to address changes that would result in increased impacts to reaches of the Snake River due to differences in priority date between the rights involved in the offsetting transfers. Such changes could result in injury to surface water rights in connected reaches of the Snake River in the event of a curtailment order affecting ground water rights in the ESPA. See the Department's August 13, 2007 memo entitled, "ESPA Transfer Spreadsheet Version 3.1 – Implementation and Use" for further guidance.

(6) Ground Water Management Area or Critical Ground Water Area. Whether the point of diversion for a ground water right would move from outside the boundaries of a critical ground water area (CGWA) or ground water management area (GWMA) to within the boundaries of a CGWA or GWMA, or whether the point of diversion would move from within the boundaries of a GWMA to within the boundaries of a CGWA.

An application for transfer proposing such a change in the location of the point of diversion for a ground water right is not approvable unless the applicant proposes acceptable mitigation to prevent injury to other water rights. For cold water (85° F or less) GWMAs over the ESPA, mitigation beyond that satisfying condition (4) above will not be required at this time as a condition of approval, unless injury would occur to a water right to divert ground water or injury would occur to a water right to divert surface water that has not been offset by stipulated agreement or through a mitigation plan approved by the department,

(7) Change of Source. Whether the source would be changed from ground water to surface water, or from surface water to ground water.

Section 42-222, *Idaho Code* does not provide for a change from a ground water to surface water source, or from a surface water to ground water source. An application for transfer proposing such a change in source is not approvable unless the ground water and surface water sources are so interconnected that they constitute the same source for purposes of a proposed change in point of diversion. The ground water and surface water sources must have a direct and immediate hydraulic connection (at least 50 percent depletion in original source from depletion at proposed point of diversion in one day). The existing point of diversion and proposed point of diversion must be proximate such that diversion and use of water from the proposed point of diversion would have substantially the same effect on the hydraulically-connected source as diversion and use of water from the original point of diversion. If such application for transfer is approved, the changed water right shall be administered no differently than any other water right from the surface water source. If approved, the source for a change from a surface water source to a ground water source should be listed as ground water tributary to the surface water source.

(8) Changing Aquifer Source. Whether a proposed change in point of diversion for a ground water right is from one aquifer to another aquifer.

An application for transfer proposing to change the point of diversion from one distinct aquifer to a totally separate aquifer is not approvable, just as an application for transfer proposing to change the point of diversion for a surface water right from one distinct surface water source to a totally separate surface water source is not approvable.

(9) Conveyance Losses. Whether the proposed change would move part or all of a right from a canal impacting conveyance losses associated with the delivery of multiple water rights in the canal.

If such application for transfer is otherwise approvable, the approval must require that the applicant retain an appropriate amount of water in the canal to prevent any additional reduction in the amount of water available from the canal to fill other water rights because of the portion of the conveyance losses that, prior to the transfer, were attributable to the right being transferred.

Additional Considerations. In addition to the considerations above, the following information may be needed to evaluate injury involving an application for transfer for a ground water right, depending on the specific circumstances of the proposed transfer. If the information is not available in the department's records, the applicant must provide the following information that department staff determines is necessary:

(1) Location of Nearby Wells. The location of the nearest production well, including domestic wells, to the proposed point of diversion, and if different, the nearest production well down gradient from the proposed point of diversion (the location of other nearby production wells may also be required);

(2) Location of Nearby Springs. The location of nearby springs from which water is diverted under existing rights, including domestic uses, that could be affected by ground water diversions from the proposed point of diversion;

(3) Ground Water Levels. The depth to water, the stability of ground water levels, or the stability of confined aquifer pressures, in the area of the proposed point of diversion; and

(4) Water-Bearing Zones. The depth and thickness of water-bearing zones, including identification of the zone or zones sought for the proposed use.

5d. Enlargement of Use

For any application for transfer, the department must determine whether the proposed change will enlarge the use of water under the water right(s). Enlargement will occur if the total diversion rate, annual diversion volume, or extent of beneficial use (except for nonconsumptive water rights), exceeds the amounts or beneficial use authorized under the water right(s) prior to the proposed transfer. The following factors must be considered when processing an application for transfer, which may require that additional information be provided by the applicant:

(1) Diversion Rate, Annual Diversion Volume, and Number of Acres Licensed or Decreed. The authorized diversion rate, annual diversion volume (ground water rights only and certain surface water rights), and number of acres authorized for irrigation (if applicable), as licensed or decreed for the water right, shall not be increased. If the annual diversion volume is not specifically stated on the license or decree for a ground water right, then the amount will be based on the most current standards adopted by the department unless the applicant can show a larger amount has been reasonably diverted and beneficially used.

(2) Beneficial Use. An application for transfer proposing to change the place of use or nature of use for all or part of a water right or water rights, which change would not result in an equivalent reduction in beneficial use under the original right(s), will be presumed to enlarge the water right(s). For example, hydropower use cannot be added to a right used for irrigation, even though no additional water would be diverted for the hydropower use. The irrigation use, or part thereof, could be changed to hydropower use by reducing the irrigation use by an equivalent amount, or the new use could be provided without reducing the irrigation use by obtaining a new permit to appropriate water for hydropower use.

(3) Stacked Water Rights. Water rights are "stacked" when two or more water rights, generally of different priorities and often from different sources, are used for the same use and overlie the same place of use. Water rights for irrigating a permissible place of use are not necessarily stacked when the water rights in total provide for irrigating up to the maximum acreage authorized within a permissible place of use. An application for transfer proposing to "unstack" one or more water rights used for irrigation or other use, without changing all the rights for the same use, is presumed to enlarge the water right. However, the place of use for a supplemental irrigation right may be changed for continued use as a supplemental irrigation right at a different place of use without, by definition, enlarging the original right or the supplemental right proposed for transfer, so long as the primary rights at the original and proposed places of use provide comparable water supplies. In other words, use of the supplemental right at the proposed place of use can

not materially exceed use of the supplemental right at the current place of use.

(4) Changing Supplemental Right to Primary Water Right. A supplemental irrigation right is a stacked water right authorizing the diversion of water for irrigation from a secondary source to provide a full supply for crops when used in combination with a primary right. A supplemental right can provide additional water in conjunction with a primary source, or at times when the primary source is unavailable. The use of a supplemental right is dependent on the supply available under the associated primary right and can be highly variable from year to year. An application for transfer proposing to change a supplemental irrigation right to a use as a primary water right for irrigation or other use will be presumed to enlarge the supplemental right. An exception is when the applicant can clearly demonstrate, using historic diversion records for the supplemental right as described in (5) below, or other convincing water use information, that there would be no enlargement of the water right being changed or other related water rights. Evidence of the quantity of water beneficially used under the primary right must be accompanied by some evidence of the quantity of water used under the supplemental right to qualify as "convincing water use information." The supplemental right must have been used on a regular basis (used more than 50 percent of the time). Insufficient data will be grounds to reject the application because the department will not be able to ascertain if the right will be enlarged.

If an application proposes to change only a portion of a supplemental irrigation right to a use as a primary water right, the application is not approvable unless the extent of beneficial use under all associated rights prior to the transfer will be proportionately reduced or transferred to another place of use to avoid enlargement of the remaining portion of the supplemental right. The associated right(s) will not need to be reduced if the entire supplemental right will be changed through the transfer.

A general exception to the presumption of enlargement when changing a supplemental right to a primary right applies when the supplemental right is a storage right. Section 42-222(1), *Idaho Code*, provides that a transfer of a water right for the use of stored water for irrigation purposes does not constitute an enlargement in the use of the original water right, even when more acres are irrigated, provided that no other water rights are injured.

(5) Historic Beneficial Use. For an application for transfer seeking to change the nature or purpose of use, or season of use, including for a supplemental water right, the historic extent of beneficial use under the right must not be enlarged. The extent of historic beneficial use may

also have to be considered for other proposed changes in the place of use under some circumstances when there are other sources of water, such as natural subirrigation, even when the purpose of use or period of use are not proposed to be changed. For a transfer seeking to change a water right for irrigation, the consumptive water use based on the cropping pattern or rotation, or estimated from records of water diverted and system efficiency, for the most recent, five consecutive years is presumed to provide a reasonable basis to establish historic use under the water right proposed for transfer, unless information provided by the applicant supports using a longer historic period. Exceptions or defenses to forfeiture may also justify extending the time period considered in establishing the historic use prior to the proposed transfer. The highest-year historic consumptive use (i.e. highest-use crop rotation using a climatic average for crop water use estimates), except for supplemental rights, will be the basis for the annual volume of consumptive use available for transfer. When it is necessary to determine the historic consumptive use under a supplemental right, the average annual historic consumptive use, over an appropriately representative time period not less than five years but that may require greater than five years, will be the basis for the volume available for transfer. For supplemental irrigation rights, a representative time period will include years with both good and bad surface water supplies for the area. In some rare instances, the diversion rate, the annual diversion volume, and season of use could also be limited based on the extent of historic use.

Highest v. Average

For an application for transfer seeking to change the place of use under a supplemental water right for use in conjunction with a different primary right, the historic extent of beneficial use under the right must not be enlarged. For such changes, information regarding the historic availability or reliability of supply of the rights being supplemented (primary rights), both before and after the proposed change, is presumed to provide a reasonable basis to establish historic use under the supplemental right proposed for transfer.

(6) Period of Use. An application for transfer, which proposes an increased period of use in connection with a changed nature of use for ground water, is presumed not to be an enlargement in use if the rate of diversion, total annual volume diverted, and annual volume of consumptive use are not increased. However, a change to an increased period of use for a surface water right is presumed to be an enlargement and would cause injury where there are junior priority rights that rely on surface water during the time period outside of the historic period of use for the right proposed to be changed.

(7) Confined Animal Feeding Operations. For the purpose of quantifying the amount of water needed or used in connection with a confined

animal feeding operation, such as a feedlot or dairy, the water use will be considered fully (100 percent) consumptive.

(8) Fish Propagation. An application for transfer, which proposes to increase the number or volume of raceways in a fish propagation facility, will not be presumed to be an enlargement of the water right, unless the diversion rate or annual volume of water diverted are proposed to be increased.

(9) Disposal of Waste Water. An application for transfer filed to provide for the disposal of wastewater, by land application on cultivated fields or other beneficial use disposing of the wastewater, resulting from use of water under non-irrigation uses such as a dairy or other confined animal feeding operation, or "municipal" or "industrial" water rights where the use of water is considered to be fully consumptive, is not considered an enlargement of the commercial, municipal, or industrial water right. While not an enlargement of the water right, such use of wastewater must not injure other water rights (see Application Processing Memorandum No. 61 as revised under Section 1 of this memorandum) and must comply with best management practices required by the Idaho Department of Environmental Quality, the U. S. Environmental Protection Agency, or other state or federal agency having regulatory jurisdiction.

(10) Enhanced Water Supply. An application for transfer, which proposes to change a point of diversion from a surface water source to a new location where the water available is greater or more reliable, such as moving from the tributary of a stream downstream to the mainstem of the stream, is presumed to enlarge the water right, unless the proposed change is subject to conditions limiting diversion of water at the proposed new point of diversion to times when water is available and in priority at the original point of diversion.

(11) Water Held for Reasonably Anticipated Future Needs. Section 42-222, *Idaho Code*, provides that when a water right, or part thereof, to be changed is held by a municipal provider for municipal purposes, that portion of the right held for reasonably anticipated future needs can not be changed to a new place of use outside the service area of the municipal provider or to a new nature of use. See Section 42-202B, *Idaho Code* for applicable definitions related to municipal water use.

(12) Changing the Purpose of Use for a Water Right to Municipal Purposes. An application for transfer, which proposes to convey an established water right to a municipal provider and change the nature of use to municipal purposes, as defined in Section 42-202B, *Idaho Code*, shall not be approved without limiting the volume of water divertible under the right to the historic consumptive use under the water right prior to the

proposed change. If the proposed transfer involves a surface water right, the transfer shall not be approved without also limiting the right to the historic period of use under the right prior to the proposed change.

(13) Historic Use Recognized for Municipal Purposes. An application for transfer, which proposes to change the nature of use to municipal purposes for a water right established and held by a municipality that lists the purpose(s) of use as some combination of domestic, commercial, industrial, or irrigation, where those uses have historically been essentially for municipal purposes, as defined in Section 42-202B, *Idaho Code*, will not be presumed to be an enlargement of the right and will not require limitation to the historic consumptive use under the right. However, the change will be subject to the annual diversion volume, if specifically stated on the water right license or decree.

(14) Stored Water. Section 42-222(1), *Idaho Code*, provides that a transfer of a water right for the use of stored water for irrigation purposes does not constitute an enlargement in the use of the original water right, even when more acres are irrigated, provided that no other water rights are injured.

(15) Conveyance Losses. An application for transfer, which proposes to change the purpose of use for a portion of a water right covering conveyance losses to a use that would provide for irrigating additional acres, or other additional use, is presumed to be an enlargement of the water right.

(16) Measuring Requirements for Ground Water Diversions in the ESPA and Modeled Tributaries. Any water right transfer authorizing one or more changes to the diversion and use of ground water approved subsequent to the date of this memorandum shall include a condition of approval that requires the installation and maintenance of one or more measuring devices or means of measurement approved by the department. Until and unless changed pursuant to Section 42-701, *Idaho Code*, the following flow meter installation is required for the transferred right prior to diverting and using ground water under the transferred right:

a. One or more magnetic flow meters shall be installed, as required by the department, having an accuracy of 0.5 percent of rate of flow for flow velocities between 0.1 and 33 ft/sec in pipe sizes up to 4 inches in diameter and for flow velocities between 0.1 and 20 ft/sec in pipe sizes greater than 4 inches in diameter;

b. Each magnetic flow meter must be installed and maintained in accordance with the manufacture's specifications and

equipped with an LCD backlit display unit that displays instantaneous flow rate and total volume of water diverted in accordance with the department's requirements;

c. Each magnetic flow meter must provide analog output for flow rate, scaled pulse frequency for total volume of water diverted, and an RS232 port for communications.

In any transfer approval, the department may require, prior to diversion under the approved transfer, that each magnetic flow meter must be equipped with a data logger specified by the department and capable of storing 120 days of data including dates and cumulative volume of ground water diverted updated daily, as a minimum. If installation of a data logger is not required at the time of transfer approval, the department will condition the transfer approval that installation of a data logger may be required in the future.

Detailed specifications for the above requirements will be provided by the Water Distribution Section of the department upon request. A municipal provider subject to other measurement provisions that satisfy the department's measuring and reporting requirements are exempt from the above condition. Wells used solely for domestic use as defined under Section 42-111, *Idaho Code* or stockwater use under Section 42-1401A, *Idaho Code* are also exempt from the above condition. Water use for domestic and/or stockwater purposes in addition to any other purpose (e.g. commercial use) in a common system is not exempt from the above condition. Holders of ground water rights seeking approval of a transfer for diversion through existing systems or for irrigation systems m ay request a variance from the above requirements (at any time before or after approval), which may or may not be granted.

5e. Local Public Interest

For any application for transfer, the department must consider whether the proposed change(s) are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Consistent with earlier guidance herein regarding use of discretion and sound judgment, department staff is to address pertinent items from the following list, as well as other issues that are pertinent to specific circumstances, in considering whether sufficient information has been provided regarding local public interest issues and effects on the public water resource. When there are one or more significant questions about whether a particular transfer would be in the local public interest, additional information from the applicant or comments from other state or local governmental entities that have germane expertise on local public interest issues must be sought. In most cases, the applicant should gather the information and submit it to the department rather than department staff sending a form letter to other agencies seeking comment, unless the

local agency requests direct contact with the department. Staff should inform the applicant of their responsibility to provide the information to the department.

(1) Recreation, Fish, and Wildlife Impacts. The effect the proposed transfer could have on the public water resource in relation to recreation, fish, and wildlife resources in the local area that would be affected by the proposed change (Transfer Processing Memoranda Nos. 19 and 21 provide guidance related to state protected river reaches and minimum stream flow reaches);

(2) Water, and Hazardous Substance Standards. Whether the proposed transfer would comply with applicable water and hazardous substance standards designed to protect the public water resource;

(3) Local and State Requirements. Whether the proposed transfer would comply with local government and state government, if any, planning and zoning ordinances, regulations, records of decisions, or policies affecting the public water resource (e.g. requirement of a local government to use surface water for irrigation for developments involving land use changes pursuant to Section 67-6537, *Idaho Code* is considered an expression of local public interest);

(4) Neighboring Jurisdictions. Whether the proposed transfer would comply with existing requirements for land use and other uses of natural resources affecting the public water resource, if any, adjacent to the place of use proposed by the transfer but beyond the jurisdiction of the local government having authority or control over the proposed place of use; and

(5) State Water Plan. Whether the proposed transfer would be compatible with the objectives and policies of the State Water Plan pertaining to the local public interest.

5f. Beneficial Use and Conservation of Water Resources

For any application for transfer, the department must consider whether the proposed use of water is a beneficial use consistent with the conservation of water resources within the State of Idaho. The following factors must be considered when processing a transfer and may require additional information from the applicant:

(1) Efficiency of Diversion and Use. Whether the water delivery and distribution/application systems for the use proposed by the transfer would be consistent with contemporary standards for reasonably efficient use of water.

(2) Diversion Rates for Irrigation Use. Whether the proposed transfer, if involving irrigation, proposes a diversion rate in excess of 0.02 cfs per

acre of land irrigated (see Section 42-220, *Idaho Code*), and if the application for transfer proposes a higher diversion rate, whether the higher rate would be justified based on soils, crop types, irrigation system, climate, and reasonable conveyance losses from the point of diversion to the place of use. A higher diversion rate may also be justified for irrigating lands that because of public access can only be irrigated during certain times of the day (see Application Processing Memorandum No. 60). For the irrigation of five acres or less, justification is not necessary for a diversion rate of up to 0.03 cfs per acre (see Application Processing Memorandum No. 17). If the right proposed for transfer is based on a decree or license authorizing a diversion rate greater than 0.02 cfs per acre, then additional justification is not necessary unless:

a. The proposed transfer would change the place of use to a new place of use, rather than simply rearranging acreage at the general location of the existing place of use;

b. The proposed transfer would change the point of diversion with the intent to abandon the existing conveyance system and replace it with a new conveyance system that would reduce conveyance losses; or

c. The proposed transfer would add additional rights to an existing place of use from the same source as the existing water right(s) at the place of use.

(3) State Water Plan. Whether the proposed transfer would be compatible with the objectives and policies of the State Water Plan pertaining to beneficial use and conservation of water resources.

5g. Effect on Economy of Local Area

In the case where the proposed place of use is outside of the watershed or local area where the source of water originates, the department must consider whether the overall effects of the change proposed by the transfer would adversely impact the economy of the watershed or local area. The economic effect of the proposed transfer should be measured by assessing the following factors resulting from the change in use of water:

(1) Changes in Employment. Estimated changes in current and projected short-term and long-term employment;

(2) Changes in Economic Activity. Estimated changes to short-term and long-term changes in economic activity; and

(3) Stability of Economic Activity.

5h. Effect on Agricultural Base of the Local Area

Section 42-222(1), *Idaho Code*, provides that a change in nature of use from agricultural use shall not be approved if it would significantly affect the agricultural base of the local area. Department staff should presume the phrase "change in nature of use from agricultural use" can only be significant if the application for transfer proposes a change in nature of use for irrigation rights. Other water rights may authorize use in a process that is related to agriculture, such as commercial use for a dairy or an industrial use for a potato processing plant, but these uses are usually small enough compared to irrigation uses that a proposed change in these uses is presumed to not be significant. It is possible that a change in nature of use of a fish propagation water right authorizing diversion of a large flow rate might invoke this provision if fish propagation is interpreted to be an agricultural use.

The boundaries of the "local area" may be determined by considering one or any combination of the following:

(1) the boundaries of local government or the combined boundaries of local governments that cooperatively share plans for transportation, recreation, environmental quality, and similar water uses;

(2) the boundaries of any taxing entities or districts created, including school districts, that rely directly upon tax receipts for businesses that might be affected by a reduction in agricultural production;

(3) areas of common socio-economic values and operations, including those created by a) water delivery entities, b) similar agricultural crops grown, or c) the areas where agricultural processing facilities derive the agricultural products processed, or;

(4) natural geographic features that separate various areas, particularly hydrologic basin separations.

Whether the change would significantly affect the local agricultural base may be determined by considering one or any of the following factors:

(1) Financial Impacts on Local Governments. The financial impact the change will have on local governments, combinations of local governments, taxing entities, or districts within the local area that derived income from the agricultural use;

(2) Financial Impacts on Others. The financial impact the change will have on water delivery entities, the ability of farmers to continue to grow and harvest the crops previously grown, and the ability of processors of agricultural products to obtain the products necessary for business viability;

(3) Agricultural Job Displacement. The degree to which those working in agriculture will be displaced or will lose income resulting from the proposed change;

(4) Agrarian Lands. The degree to which agrarian lands are taken out of production; or

(5) Financial Impact on Overall Economy. The financial impact on the overall agricultural economy of a local area.

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[Blank page inserted to facilitate double-sided printing and tabbing of exhibits.]

Exhibit D **63-10945 BENEFICIAL USE FIELD REPORT**

Form 219
6/92

RECEIVED
MAR 7 . 2000
Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION Permit No. 63-10945

1. Owner: United Water Phone No. (208) 362-3858

Current Address: 8248 West Victory RD, PO Box 7488, Boise, ID 83707-1488

2. Accompanied by: 1st exam – Paul White, 2nd exam Robert W. Lawrence

EXAM DATE : 1st exam 6/29/1994, 2nd exam 2/8/2000

Address: 1st exam unknown, Robert Lawrence same as owner Phone No. Lawerence same as owner

Relationship to Permit Holder: Assistant Production Superintendent – United Water

3. Source: GROUNDWATER tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-03457
2. Other water rights with the same point of diversion: 63-03457

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

Ident No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
P/D WELL #1	2		SW	NE	24	03N	02E	ADA	VISUAL INSPECTION AND USE OF 1987 NAPP AERIAL PHOTO AND USGS TOPO MAPS.
P/D WELL #2	2		SW	NE	24	03N	02E	ADA	SAME AS ABOVE
P/D WELL #3	2		SW	NE	24	03N	02E	ADA	SAME AS ABOVE

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2. Place(s) of Use: Indicate Method of Determination SAME AS POINT OF DIVERSION

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	24				10 AC LT 2 D													10 AC TOTAL
03N	03E	19		6 AC D			12 AC D		15 AC LT 2 D	18 AC D	6 AC D	4 AC LT 3 D							61 AC TOTAL
																			TOTAL ACRES 71 AC

PLEASE NOTE: This permit is for 53 acres within the permissible place of use of 71 acres listed above. **The "D" listed above denotes location of domestic use.**

2. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/pipe i.d. as applicable.

SEE ATTACHED SHEET.

YES Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

YES Aerial Photo Attached (required for irrigation of 10+ acres).

YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P/D WELL #1	HIGH THRUST	75 Hp	6326-05-061	NOT KNOWN	NOT KNOWN
P/D WELL # 2	NOT KNOWN	50 Hp	NOT KNOWN	NOT KNOWN	NOT KNOWN
P/D WELL # 3	NOT KNOWN	100 Hp	NOT KNOWN	NOT KNOWN	NOT KNOWN

*Code to correspond with No. on map and aerial photo

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63-10945

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: PLEASE SEE ATTACHED MEASUREMENT SHEET FOR MEASUREMENT INFORMATION.

NARRATIVE/REMARKS/COMMENTS

The field exam for this permit was done on 6/29/1994 by Rick Collingwood and reviewed by myself Daniel A. Nelson. I performed a field visit to the place of use, but could not perform any measurements because United water has since upgraded the system and the original pumps for both the wells and the re-lift stations, described in the 1994 field exam have been replaced. This permit was originally licensed to Warm Springs Mesa, Inc. Water Co., but an Assignment of Permit was filed on 6/19/1998 turning ownership over to United Water Idaho. This assignment currently has not been recorded in the database, but United Water Idaho is currently the entity operating the system.

The water for this permit is taken from 3 wells located in the SWNE T3N R2E S24 Lot 2. The water from the wells is sent into a mainline that travels to 2- storage tanks, known as the Toluka Pump house. The water from these wells can be delivered to homes in the subdivision along the way if needed. However, most of the water is transported to the Toluka Pump house. The two storage tanks are 16,000 gallons and 76,000-gallon tanks. From these tanks the water is again pumped into the subdivision mainline and sent to the main storage tank called the Boulder Heights storage tank which has a capacity of 629,000 gallons. The water from the main storage tank is then delivered to the subdivision. Under High uses it is possible that the wells could feed directly into the mainline and not reach the storage tanks. However, most of the water used in the subdivision comes through the storage tanks (please see delivery system diagram and pump house and well diagrams).

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The subdivision in 1994 consisted of 345 lots of which 339 homes had been filled. The average yard size for each of these lots was 9,000 square feet. Originally there were 3 permits filed for this subdivision. The first permit (63-03457) was licensed on 2/4/1972. This permit is the second of the original 3 permits. The third permit is 63-10946, for which proof has never been filed causing the permit to lapse. License 63-03457 was for domestic use of 55 homes and 30 acres of irrigation. At the time of licensing of 63-03457 domestic use for subdivision included ½ acre of irrigation with each home. This would allow 27.5 acres of irrigation associated with the 55 homes of this license. The 30 acres of irrigation acknowledged on the license was a hay field that was located east of the subdivision. In my field visit to the place of use I found the hay field described in the license. The hay field does not look as though it has been irrigated for a few years, but all of the sprinklers and mainline are still at the field. The United Water representative stated that since they took over the water system in 1998, the field has not been irrigated. From the inspection of the field, I would agree with this statement. The hay field as of the date of my inspection has not been incorporate into the subdivision and I would assume is still a valid irrigation right (see overlap map, 1987 Napp photo).

The irrigation was calculated from the field notes of the original field examiner. The original field examiner stated that the average irrigation per lot was 9,000 square feet per lot. This permit is limited to 256 homes. Therefore, the irrigation use for this permit is 9,000 square feet times 256 homes divided by 43560 square feet per acre equals 53 acres of irrigation. Water right 63-03457 did not show which lots this water right covered. In order to cover all of the lots associated with this water right it is necessary to describe all of the lots in the subdivision and limit this water right to 256 of those lots. The remainder of the lots will be covered under water right 63-03457. This will leave approximately 34 lots in the subdivision that are not covered under a water right. 28 of these lots have been developed. The current owners could either try to reinstate water right 63-10946 or file a transfer on 63-03457 to transfer the water from the hay field to domestic use and lawn irrigation.

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DAN 6-11-2000
63-10-945

There is a question concerning the system capacity. The original field examiner determined that capacity of the system was 1.72 cfs. After reviewing the notes of the examiner and reviewing the system, this system is actually producing approximately 3.01 cfs. The system diagram shows that the wells can divert water directly to the system without going through the Toluka Pump House where the measurement was made. Other flags that question the accuracy of the measurement is the ability to serve this many homes with this diversion rate and that the rate of flow increased as the tank filled. From this information it is obvious that the influence of the pumps had not fully reached the measurement point when the measurement was taken or the water was being used by the subdivision and the full rate of the pumps was not being measured. Therefore the system capacity should be recommended at 3.01 cfs (see diversion rate calculation sheet).

I performed a field visit to this subdivision to review and verify a few elements associated with the original field exam. During my field exam I discovered that United Water Idaho had upgraded the system to comply with the state and federal standards set forth for a municipality. Due to the upgrade, I could not do a measurement on the system or attain missing pump information from the original exam. Most of the pumps have been replaced or the information pertaining to these pumps is not in the possession of United Water Idaho. I have documented the current pump information on an attached memo for reverence. This information is valuable, but should not be used in the licensing of this permit, because it does not represent the way the system was set up at the time Proof of Beneficial Use was filed.

RECOMMENDATIONS:

I recommend that this permit be licensed for 0.66 cfs and 154 afa for Domestic use and 1.06 cfs and 239 afa for irrigation and 1.72 cfs for fire protection for a total diversion rate of 1.72 cfs. When this water right and 63-03457 are combined the system should be limited to a maximum capacity of 3.01 cfs and limited to in-house use and irrigation of 311 lots within the Warm Springs Subdivision. I also recommend that the irrigation use be limited to 53 acres within a permissible place of use of 71 acres limited to 256 lots in the Warm Springs Subdivision. The domestic use will be located in the same legal description as the irrigation and limited to 256 homes.

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Have conditions of permit approval been met? X yes ___ no

DAN 2-11-2000
63-10945

F. FLOW CALCULATIONS YES Additional Computation Sheets Attached

Measured Method:

DOMESTIC = 0.66 CFS
IRRIGATION = 1.06 CFS
FIRE PROTECTION = 1.72 CFS

FOR A TOTAL OF 1.72 CFS

** PLEASE SEE ATTACHED DIVERSION RATE CALCULATION SHEET FOR DIVERSION RATES.

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = (53 AC) (4.5) = 238.5 AFA

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = (1.06) (260) (1.9835) = 546.7

V = Smaller of $V_{I.R}$ and $V_{D.R}$ = 239 AFA

B

2. Volume Calculations for Other Uses:

DOMESTIC USE =

(256 HOMES) X (.6) = 154 AFA

This is for in-house use only; the irrigation use is covered separately.
PLEASE NOTE: There is no maximum requirement for fire protection or yearly average.

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
DOMESTIC	01/01	12/31	0.66 CFS	154 AFA
IRRIGATION	03/01	11/15	1.06 CFS	239 AFA
FIRE PROTECTION	01/01	12/31	1.72 CFS	
		Totals:	1.72 CFS	393 AFA

2. Recommended Amendments

_ Change P.D. as reflected above _ Add P.D. as reflected above _ None
X Change P.U. as reflected above _ Add P.U. as reflected above _ Other

I. AUTHENTICATION DANIEL A. NELSON – SENIOR AGENT

Field Examiner's Name Daniel A. Nelson Date 2-11-2000

Reviewer _____ Date _____

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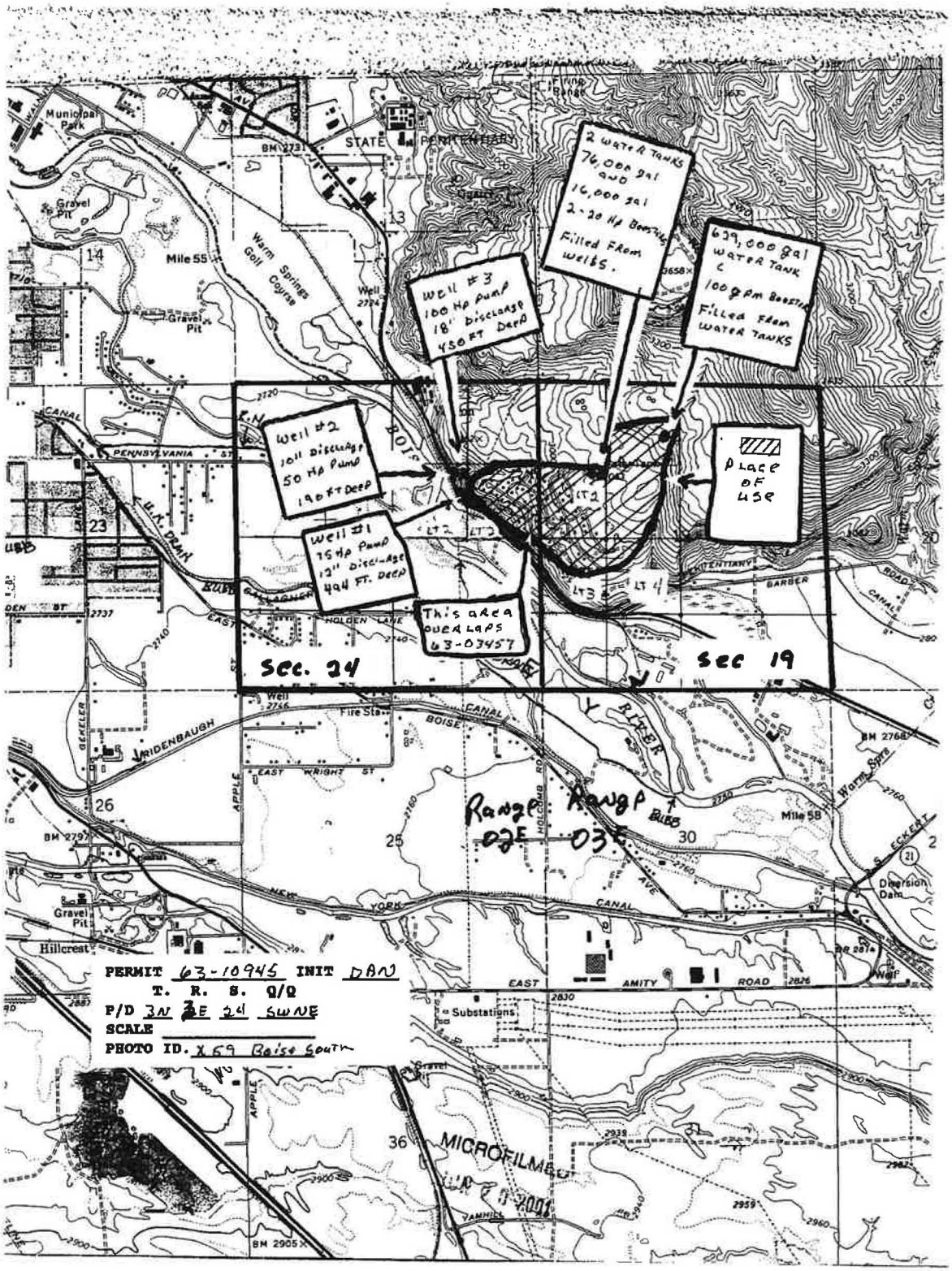
SEAL

03-10985
DAN 2-11-2000


2 water Tanks
76,000 gal
and
16,000 gal
2-20 Hp Boosters
Filled From
wells.
639,000 gal
WATER TANK
C
100 gpm Booster
Filled From
WATER TANKS
Well #3
100 Hp Pump
18" Discharge
450 FT Deep
Well #2
10" Discharge
50 Hp Pump
190 FT Deep
Well #1
75 Hp Pump
12" Discharge
494 FT. Deep
Place
OF
USE
This area
overlaps
63-03457
Sec. 24
Sec 19
Range
02E
Range
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PERMIT 63-10945 INIT DAN
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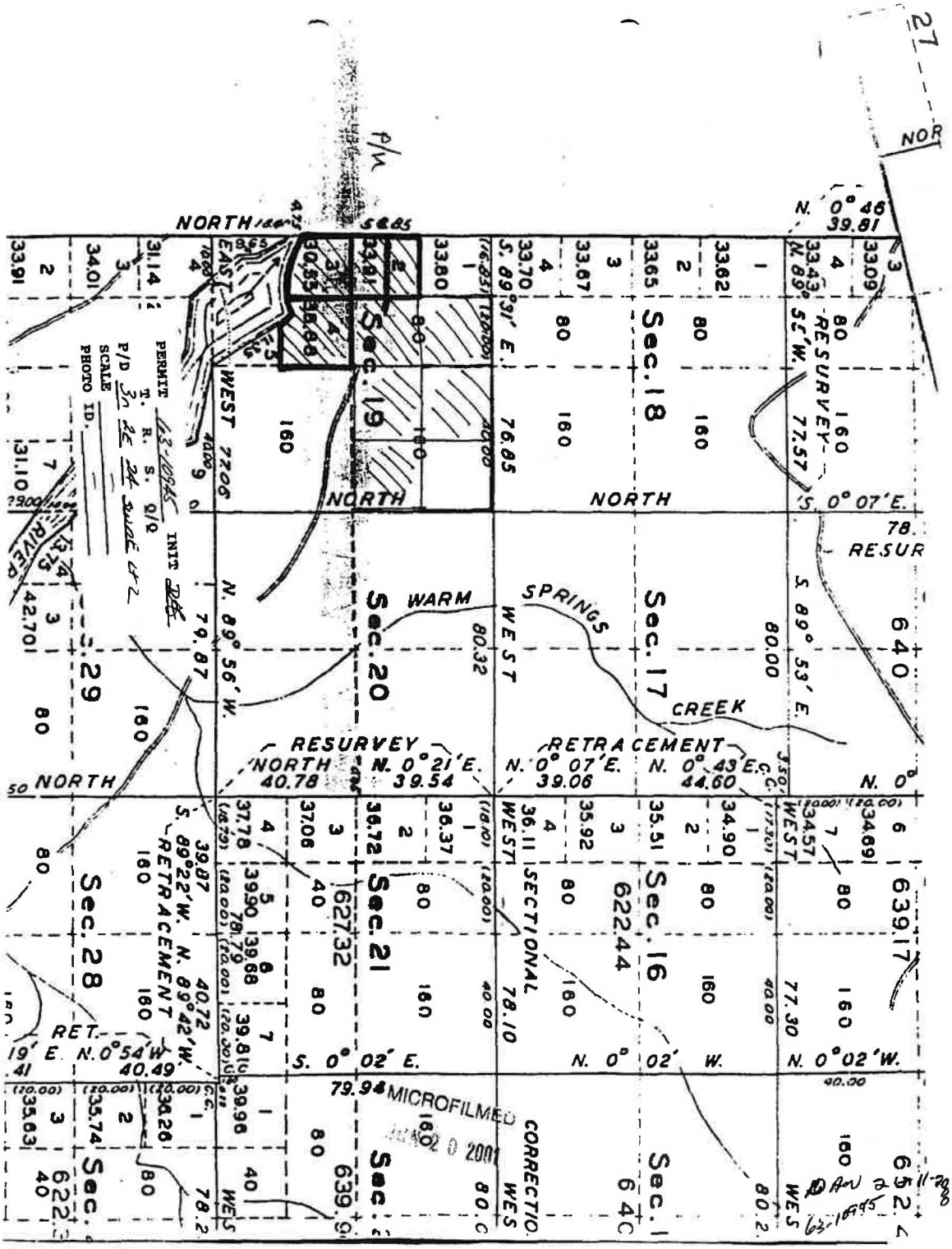
Sec. 19
Sec. 18
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Sec. 16
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WARM SPRINGS WEST
CREEK
RESURVEY
RETRACEMENT
SECTIONAL
CORRECTION
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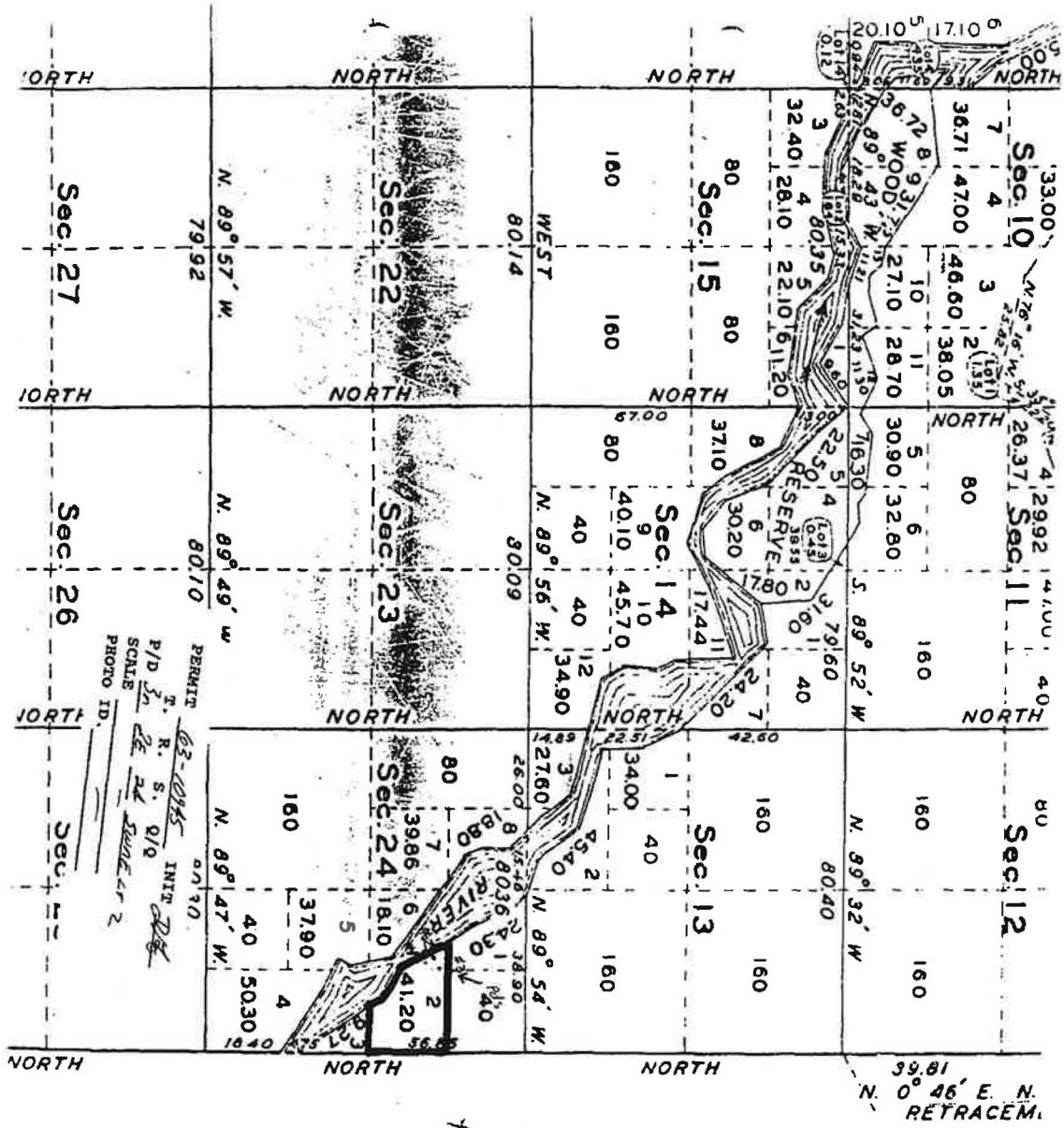

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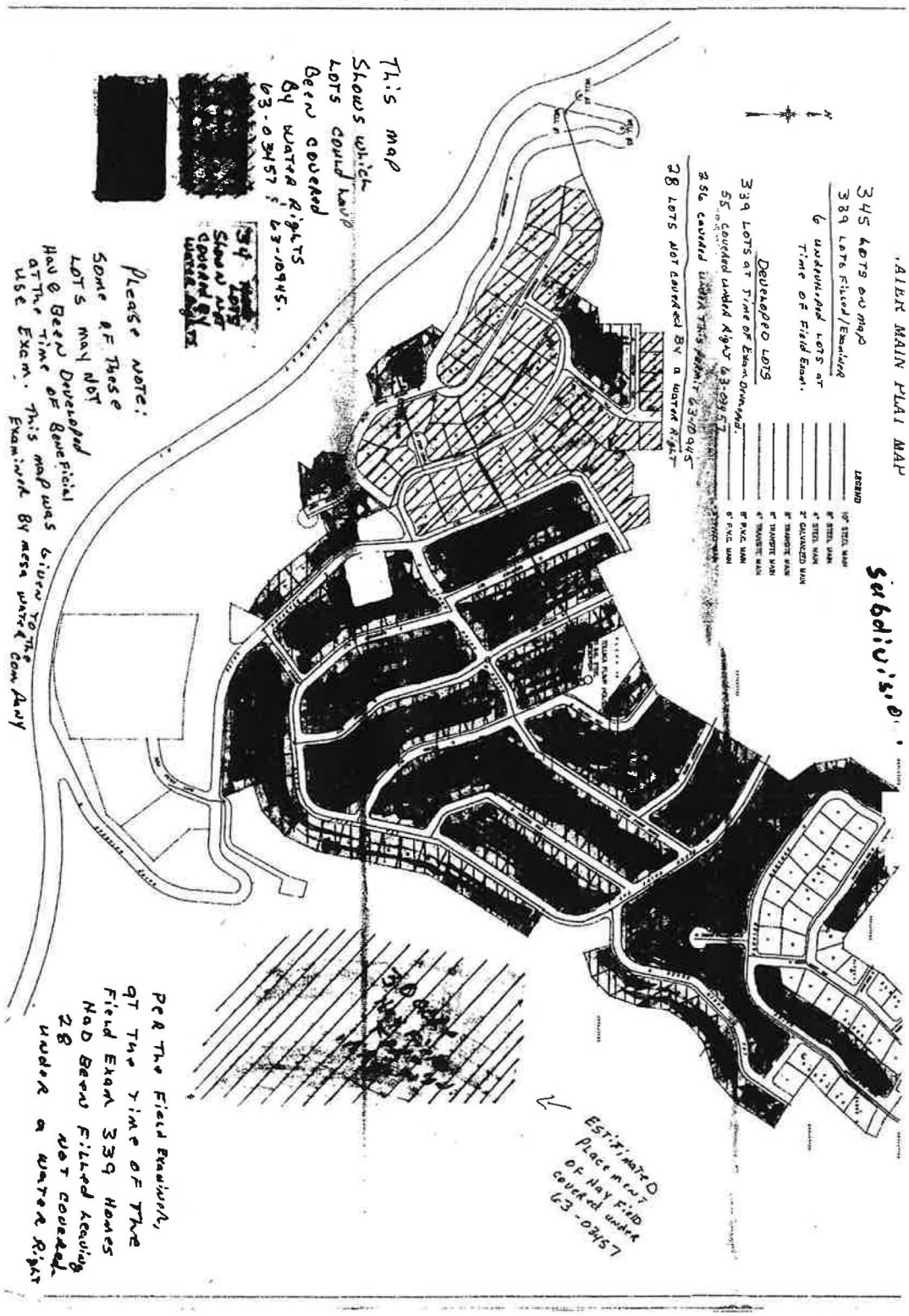
DAN 2-11-2000
63-10945

Section 24
Section 19
MESA WATER COMPANY
WATER MAIN PLAT MAP
LEGEND
12" STEEL MAIN
8" STEEL MAIN
4" STEEL MAIN
2" GALVANIZED MAIN
8" TRANSITE MAIN
6" TRANSITE MAIN
4" TRANSITE MAIN
8" P.V.C. MAIN
6" P.V.C. MAIN
69 HOMES @ 9,000 SQ FT = 12 ACRES NENW S19
29 HOMES @ 9,000 SQ FT = 6.0 ACRES NWNE S19
71 HOMES @ 9,000 SQ FT = 15 ACRES SWNW S19
GOV'T LOT 2
46 HOMES @ 9,000 SQ FT = 10 ACRES SENE S24
GOV'T LOT 2
GOV'T LOT 2
84 HOMES @ 9,000 SQ FT = 18 ACRES SENW S19
20 HOMES @ 9,000 SQ FT = 4 ACRES NWSW S19
GOV'T LOT 3
GOV'T LOT 4
26 HOMES @ 9,000 SQ FT = 6 ACRES NESW S19
Section 24
Section 19
ACRE CALCULATION MAP FOR WATER RIGHT 63-10945
To calculate the number of acres in each ¼ ¼ I counted the number of each home in each ½ ½ and multiplied it by the average lot size of 9,000 sq feet. I then divided this number by 43560 to attain the total number of acres in each ¼ ¼ section. This permit is for 256 homes with an average of 9,000 sq ft per home or 53 acres. There are other water rights on this place of use that do not designate specific homes. The total number of acres associated with the homes in the subdivision is 71 acres. Therefore, the irrigation use for this permit is limited to 53 acres within a permissible place of use of 71 acres.


ALEK MAIN PLAT MAP
345 lots on map
339 Lots Filled/Developed
6 undeveloped lots at time of Field Exam.
Developed Lots
339 lots at time of Exam Drawing
55 covered under Right 63-03457
256 covered under this Water Right 63-0945
28 lots not covered by a water right
Subdivision
This map shows which lots could have been covered by water rights 63-03457 & 63-0945.
Please note: Some of these lots may not have been Developed at the time of Beneficial use Exam. This map was given to the water Company
Est. Estimated Place of May Field covered under 63-03457
Per the Field Examiner, at the time of the Field Exam 339 Homes had been filled leaving 28 not covered under a water right

DIVERSION RATE CALCULATIONS FOR WATER RIGHT 63-10945

This measurement was done by Rick Collingwood 6/29/1994 using the timed volume fill test or the Bucket and Stopwatch method using a known volume and measuring the amount of time it takes to fill and a flow meter on Well #3. Mr. Collingwood did a time fill measurement on the small storage tank (16,000 gal tank) at the Toluka Pump House. The volume of the tank per inch of depth was calculated using the following formula:

πR^2 X 1 = volume in Cubic Feet
(cubic feet) X 7.4805 / 12 inches = gallons per inch of depth of tank

The tank has a diameter of 16 feet and a radius of 8 feet and $\pi = 3.14$.

VOLUME PER INCH CALCULATION:

(3.14) X (8^2) X (1) = 200.96 Cubic Feet per Foot

(200.96 Cubic Feet per Foot) X (7.4805) / (12 inches) = 125.3 gallons per inch

MEASUREMENTS:

Measurements will based on the following calculations:

(IN X G) / T = gpm

IN	= Inches water rose in the tank.
G	= Gallons of volume per inch of tank depth(125.3 gallons per inch).
T	= Time to fill in minutes.

Three measurements were taken to attain an average flow rate.

MEASUREMENT # 1 = 9 inches in 10 minutes

(9 X 125.3) / 10 = 112.8 gpm

MEASUREMENT # 2 = 11.5 inches in 10 minutes

(11.5 X 125.3) / 10 = 144.1 gpm

MEASUREMENT # 3 = 13 inches in 10 minutes

(13 X 125.3) / 10 = 162.9 gpm

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63-10945
DAN 2-11-00

AVERAGE DIVERSION RATE:

Measurement #1 was not averaged into the diversion rate because it showed a rate much less than measurement #2 and #3.

[(144.1 + 162.9) / 2] / 448.8 = .34 cfs

The above calculation was done with wells #1 and #2 both operating at the same time. The flow rate for Well # 3 was calculated by reading an installed flow meter. This flow meter was a McClumber flow meter that read 620 gpm. The total system capacity when the flow rate for all three is 1.72 cfs. See below for calculations:

(.34 cfs well 1 and 2) + (620 gpm / 448.8) = 1.72 cfs

FIELD EXAMINER'S NARRATIVE:

The following notes were copied from the field notes of Rick Collingwood who performed the measurements:

The time- fill, which is the only on-site measurement possible, gave us a rate of .34 cfs or 153.5 gpm. This is the rate of flow of wells 1 & 2 combined.

The flow meter on well #2 is in contradiction to these findings. It displays the well as delivering 156-gpm or .35 cfs by itself. I do doubt its accuracy as the meter was very old & the well had been recently re-drilled and worked on.

Well #3 had a new McLumber flow meter, which responded, seemingly, accurately during the exam. It showed the well to be delivering 620 gpm or 1.38 cfs.

Because a theoretical may not be used to discover well 1 & 2's output (because of system design i.e. influence of other wells on pressure and lift evaluation) and no other measurement is possible, I would use the time fill method (wells 1&2 activated together) as evidence of their output and dismiss the meter reading of Well # 2. The time-fill combines the output of the two and the share pressure and lift velocities.

Therefore, the system capacity is **1.72 cfs.**

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63-10945
DAN 211-00

ANNALYSIS OF MEASUREMENT:

I have visited the site since the original measurement and discovered that pumping system for the 3 wells have been redesigned. Therefore, in order to attain the original diversion rate I needed to use the data supplied by Mr. Collingwood. From Mr. Collingwood's notes he seems fairly confident in these measurements, but I had some concerns about the accuracy of the data. The first concern I have with the data is that the flow rate increased as the tanks were filled. The increased pressure against a pump filling such a large tank would actually decrease the flow rate as the tank filled. The second concern was the meter reading taken on well # 2. Usually a flow meter will generally show a lower flow rate as it ages instead of a higher flow rate and it generally will stop working after it has reached 20 to 50 % error. If the field examiner was correct this meter was 200 to 300 % in error. Therefore, I decided to work through the numbers using a theoretical calculation.

The field examiner stated that the owners had installed a new flow meter on well #3 and that he felt it was working properly. So I used the theoretical formula to determine the dynamic head of this well. The meter gave a flow rate of 620 gpm or 1.38 cfs and the horsepower of this pump was 100 Hp. The following are my calculations for the dynamic head of this pump:

[(8.8) X (100) X (.70)] / ? Dynamic head = 1.38

[(8.8) X (100) X (.70)] / 1.38 = 446.4 ft dynamic head

To determine if this dynamic head was correct I subtracted the pumping level in the well. The pumping level was measured during the examination and was 98 feet. I then subtract the lift from the well to the storage tanks using the USGS Topographic map. The lift to the tanks was approximately 263 feet. 446.4 dynamic head minus 98 feet pumping level minus 263 feet lift to tanks leave 85.4 ft or 37 psi for head loss and to fill the storage tanks. This dynamic head seems very reasonable, so I would agree with the examiner that the flow meter for well #3 was fairly accurate.

To determine the flow rate of well #2 I used the same dynamic head. These wells are located within 150 feet of each other and the difference in pumping level would be negated by lift required to pump the water to the storage tanks. The field examiner stated that this was a 50 Hp pump and that seems like a reasonable determination. The following is the calculation used to determine the flow rate for well #2:

[(8.8) X (50) X (.70)] / 446.4 = .69 cfs

The diversion rate of .69 cfs seems more reasonable to me as a diversion rate for this well. The flow meter gave a flow rate of .35 cfs, which are approximately 50% of the theoretical computation. 50% of the actual flow rate sound much more reasonable than 300% over the flow rate.

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63-10945
DAN 2-11-00

Diversion rate calculations
Right 63-10945

I used the same calculations as above to determine the flow rate of well #1. The field examiner stated that this well was a 75 Hp pump.

[(8.8) X (75) X (.70)] / 446.4 = 1.03 cfs

Combined flow rate of all three wells:

1.38 cfs + 0.69cfs + 1.03 cfs = 3.1 cfs

There are over 300 homes using these wells for in-house use and lawn irrigation. It would be extremely difficult to do this with less than the 3.1 cfs shown by the theoretical calculations. The 1.72-cfs recommended by the field examiner could not satisfy this many homes.

CONCLUSION:

After reviewing this information I would recommend that the system capacity be limnitted to 3.01 cfs. diversion rate for this permit be 3.10 cfs and that measurement taken by the field examiner be disregarded. The diversion rate for his permit should be limited by the following:

In house use should be limited to .66 cfs for 256 homes per chart in field examiners handbook (copy attached).

Irrigation will be limited to 9000 sq ft of irrigation per home per field examiner. The 9000 sq. ft will be used to determine the acres and then we can allow .02 cfs per acre per IDWR standards.

9000 sq feet per home X 256 homes / 43560 = 53 acres irrigated

53 acres X .02 cfs per acre = 1.06 cfs allowable for irrigation.

Fire protection will allow the full amount recommended under the other 2 uses of 1.72 cfs (.66 cfs + 1.06 cfs = 1.72 cfs). The remaining amount of the capacity has already been licensed for fire protection under water right 63-03457.

The total diversion rate will be 1.72 cfs with a maximum capacity of 3.01 cfs when 63-03457 and this permit are combined.

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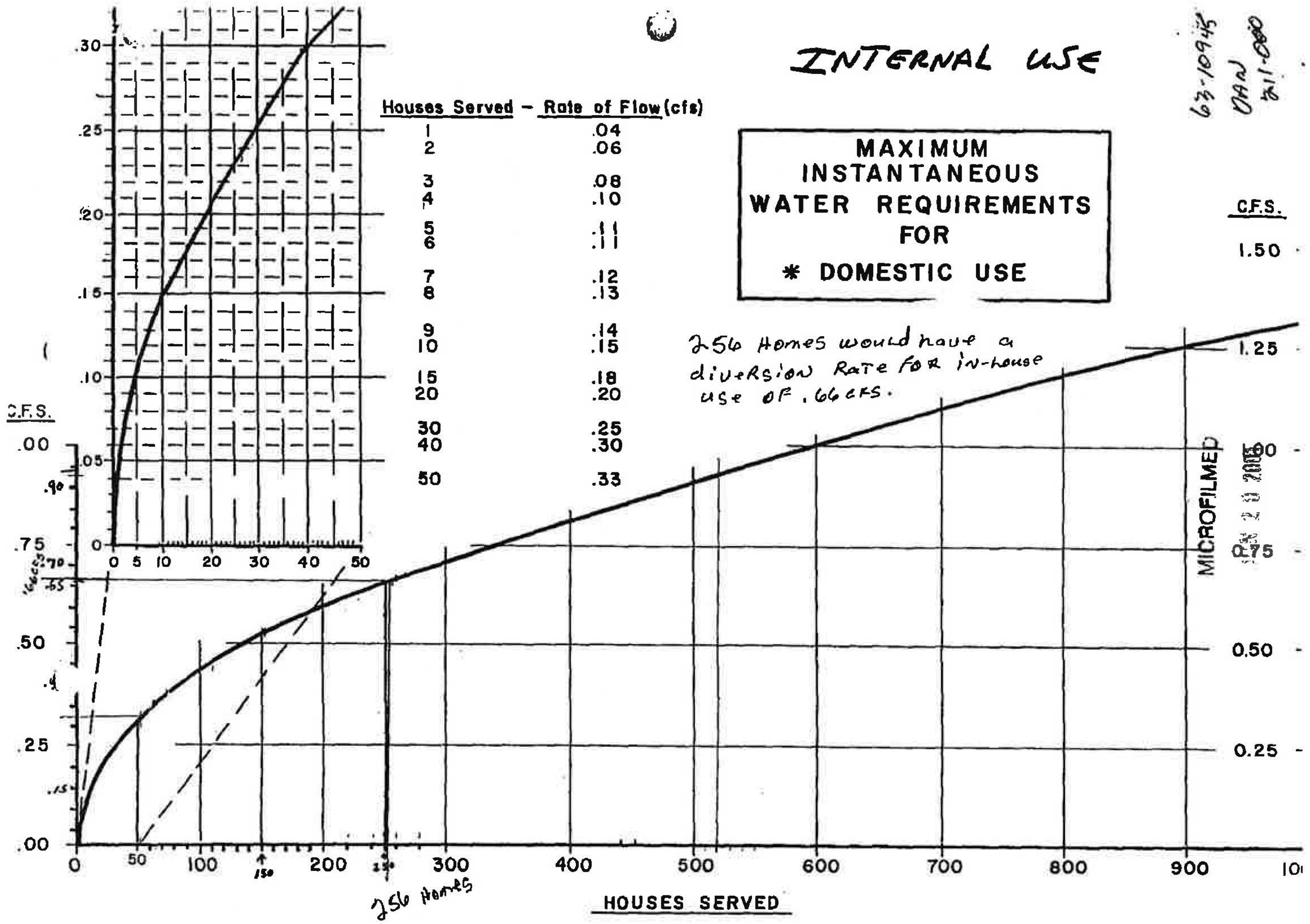
JUN 2 9 2001

DAN 2-11-00
63-10945

INTERNAL USE

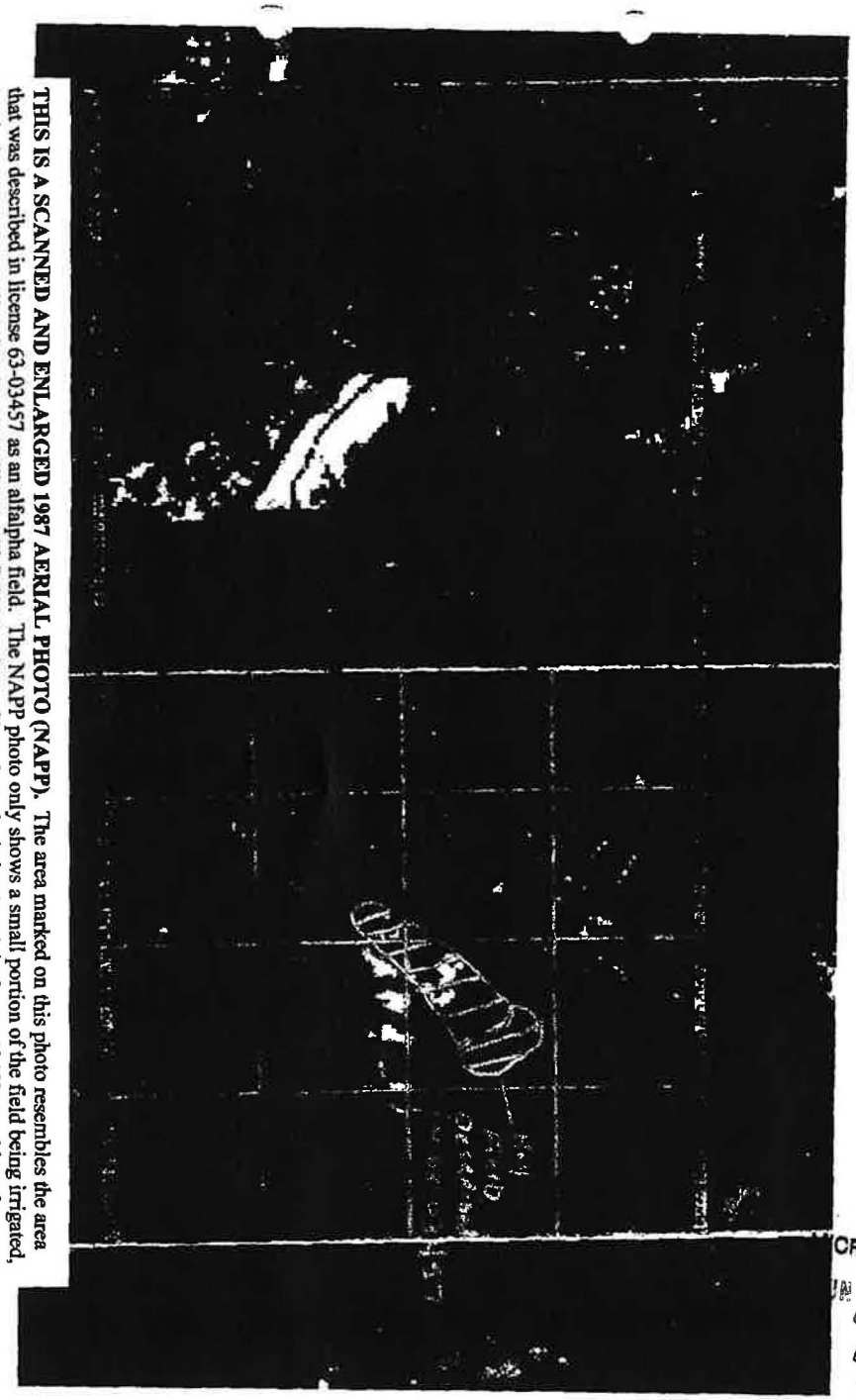
MAXIMUM INSTANTANEOUS WATER REQUIREMENTS FOR * DOMESTIC USE



Houses Served	Rate of Flow (cfs)
1	.04
2	.06
3	.08
4	.10
5	.11
6	.11
7	.12
8	.13
9	.14
10	.15
15	.18
20	.20
30	.25
40	.30
50	.33

FIG. 1.

* (n Community Water Systems Source Book, J. ... sen, 1977, Technical Proceedings, North Caro... .)



THIS IS A SCANNED AND ENLARGED 1987 AERIAL PHOTO (NAPP). The area marked on this photo resembles the area that was described in license 63-03457 as an alfalpha field. The NAPP photo only shows a small portion of the field being irrigated, but it does show an outline that does look like an old field boundary. Therefore, the irrigation right for 63-03457 should not be included with any irrigation described in 63-10945. It was also stated in the permit application that 63-10945 did not cover lands irrigated under 63-03457 and this photo is confirmation of that statement.

MICROFILMED
JUN 20 2001
63-10945
DAW
2-11-00

MEMORANDUM

TO: BENEFICIAL USE REPORT (63-10945)

FROM: DANIEL A. NELSON

DATE: 2/11/2000

SUBJECT: RESULTS OF FIELD VISIT FOR WATER RIGHT 63-10945

On 2/8/2000 I went to Warm Springs Mesa to attain some pump data on the re-diversion pumps and to get a feel for the system. Robert Lawerence, United Water Idaho, met me at the wells. While looking at the system Mr. Lawerence told me that the system was being upgraded to comply with State and Federal standards for municipalities. Mr. Lawerence told me that the water system was in pretty bad shape and a great deal of the system has been reworked and probably the entire system will be redone in the next few years. My review of the situation confirms that the wells have been replaced and the storage tanks and wells have been changed. The underground mainlines may have been replaced, but still follow the same paths as noted in the delivery system maps.

The system is basically the same as described in the 1994 field exam. There are 3 wells that divert water through a mainline to 2 storage tanks known as the Toluka pump house. The water in the storage tanks at the Toluka pump house is then pumped by 3 pumps (re-lift pumps A-C) to the main storage tank known as the Boulder Heights tank. From the Boulder Heights tank the water is then pumped by another 3 re-lift pumps (re-lift pumps D-F). The only difference in the description is that 2 of the well pumps have been replaced and most of the re-lift pumps have been replaced. Some of the piping in the Boulder Heights pump house has been rearranged to be more efficient. A new flow meter has been added to Well # 3 and a new flow meter was installed in the mainline before wells #1 and #2 connect to the mainline. Well # 2 still has the original pump, but it is only being used as a backup incase one of the other 2 pumps go down.

Below are the pump numbers I recorded from the wells and re-lift pumps. Please see the diagrams for the location of each pump.

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JUN 20 2001

DAN
2-11-00
63-10945

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
P/D WELL #1	NOT KNOWN	NOT KNOWN	NOT KNOW	NOT KNOWN	NOT KNOWN
P/D WELL # 2	US ELECTRIC	75 Hp	R63260506 1R3223369	NOT KNOWN	12" DISCHARGE
P/D WELL #3	US ELECTRIC	100Hp	J248A06A0 59R137M	NOT KNOWN	12" DISCHARGE
TOLUKA RELIFT PUMP A	CENTURY	20 Hp	63212198	JACUZZI	4 " DISCHARGE
TOLUKA RELIFT PUMP B	CENTURY	20 Hp	632121901	JACUZZI	4 " DISCHARGE
TOLUKA RELIFT PUMP C	BALDOR	20 Hp	JPM2514t	BERKLEY	4" DISCHARGE
BOULDER RELIFT PUMP D	US ELECTRIC	20 Hp	E686AU05U 074R273F	JACUZZI	4 " DISCHARGE
BOULDER RELIFT PUMP E	BALDOR	15 Hp	JMM3314TZ	BERKLEY	4" DISCHARGE
BOULDER RELIFT PUMP F	BALDOR	15 Hp	JMM3314TZ	BERKLEY	4" DISCHARGE

This information should be used only as reverence material and not for licensing of permit 63-10945. These components to the system were added after the Proof of Beneficial Use was filed and is not representative of the original system.

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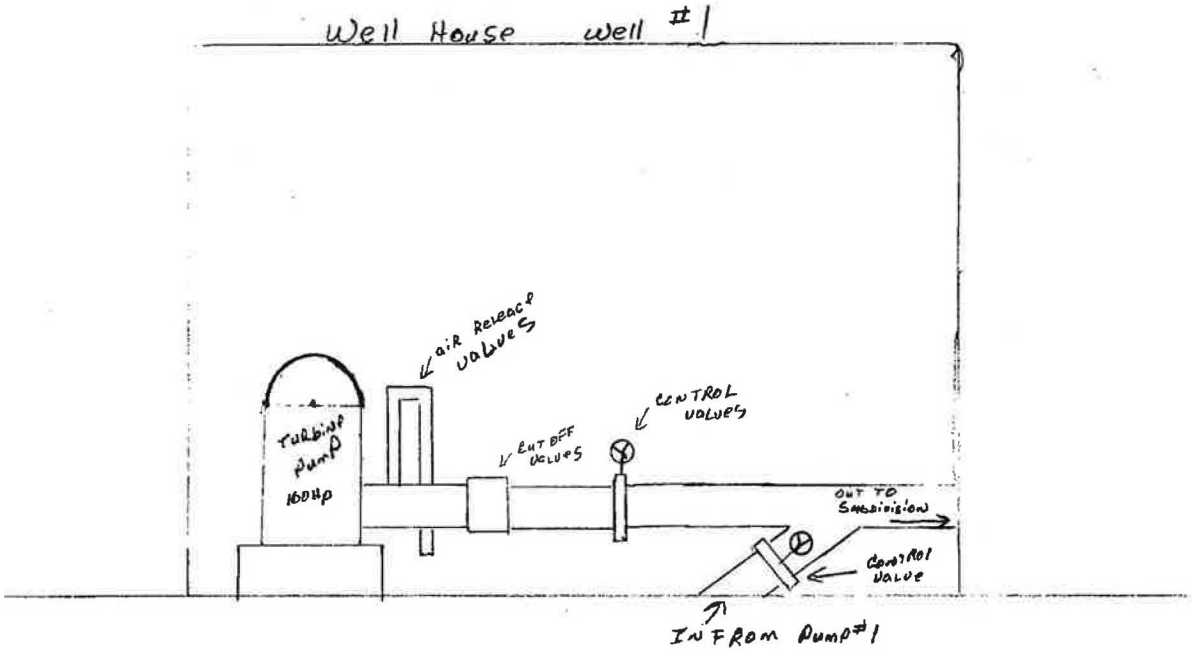
2-11-00
63-10945



Turbine pump is a 75Hp US Electric motor
Serial # R6326-05-061 R3223369 -
Pump unknown 12" Discharge.

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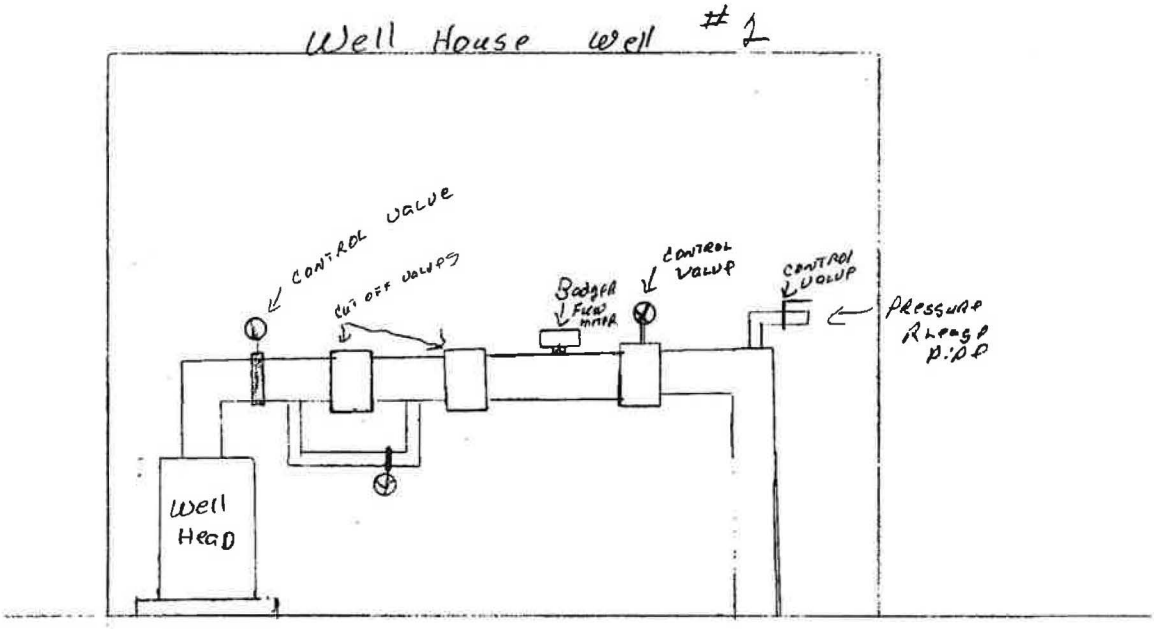
JUN 20 2001

DAN
2-11-00
103-10945



NO Pump INFO
Suppose TO Be 100gpm pump.

Pump make and model unknown on this Pump. a hand written notation on the Power Panel states Pump is a 100gpm Pump Well has a 10" Discharge D.I.P. Owners (United Water) state the well is Rarely used. DAN - 2-9-2000

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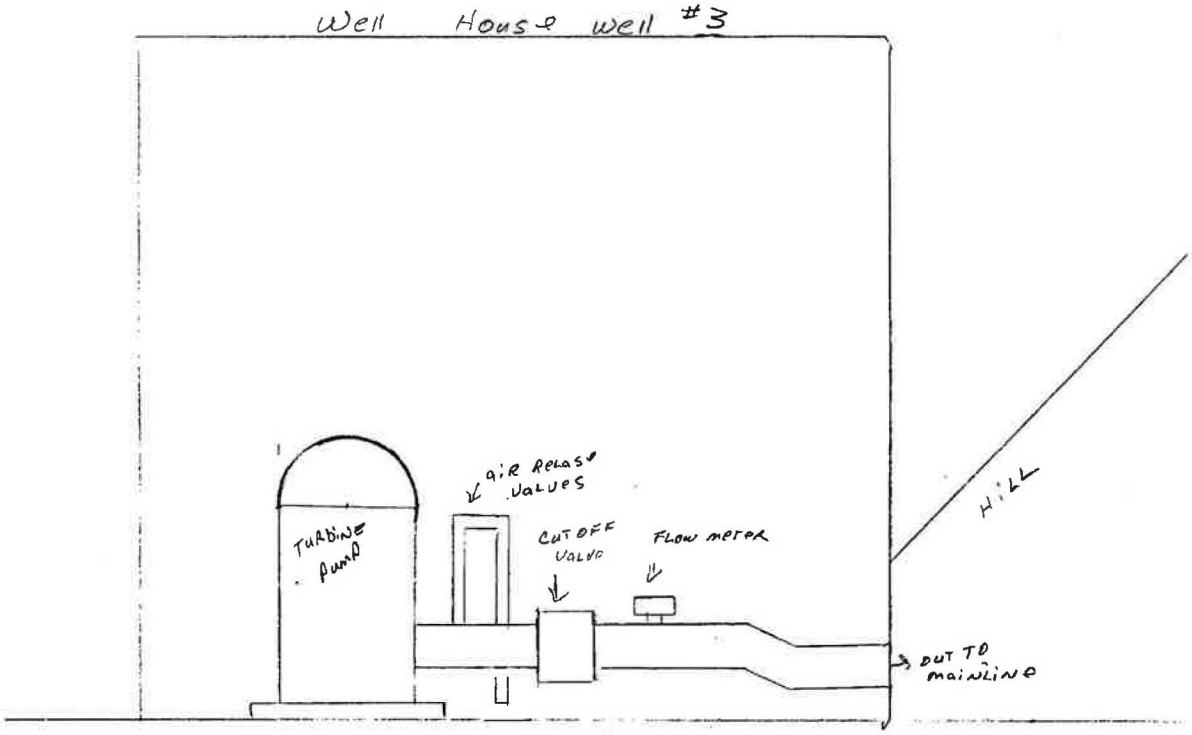
JUN 2 3 2001

DAN
03-10945



TURBINE PUMP is a US ELECTRIC 100 HP PUMP
SERIAL # J248 A06A059 R137
PUMP UNKNOWN 18" DISCHARGE

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JUN 20 2001

PLEASE NOTE: THIS PUMP WAS CHANGED AFTER 6-29-94 FIELD EXAM. THE WATER RIGHT WILL BE LIMITED TO THE CAPACITY OF THE OLD PUMP. 63-10995
PLEASE SEE PHOTO OF OLD WELL
DAN
8-11-00

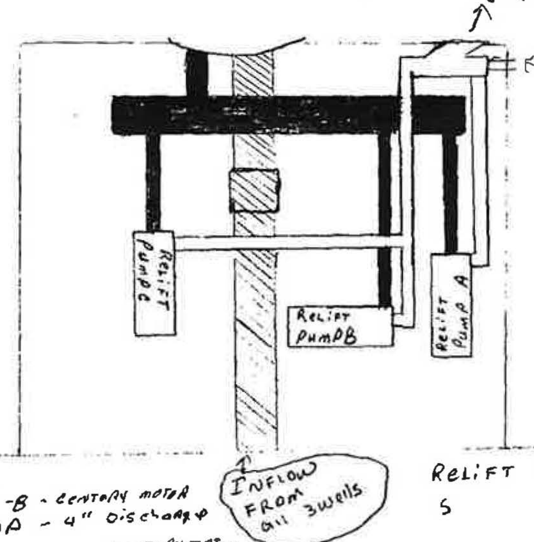
TOLUKA PUMP HOUSE

31.83 FT DIAMETER

76,000 gallon
STORAGE
TANK

16 FT DIAMETER

16,000
GALLON
STORAGE
TANK



WATER is DIVERTED FROM The 3 wells TO These 2 HOLDING TANKS. The WATER is Then PUMPED FROM these TANKS BY a COBINATION OF 3-20HP PUMPS TO The main HOLDING TANK WHERE IT is DISRIBUTED TO The SUB DIVISION.

RELIFT PUMP A = 20HP Serial # 632129-B - CENTURY MOTOR and Jacuzzi Pump - 4" Discharge

RELIFT PUMP B = 20HP - Serial # 632121901 - CENTURY MOTOR AND JACUZZI PUMP - 4" DISCHARGE

RELIFT PUMP 3 = 20HP
S
Serial # JPM2514T
BALDOR MOTOR
BERKLEY PUMP
4" DISCHARGE.

DAN
2-11-00
63-10945

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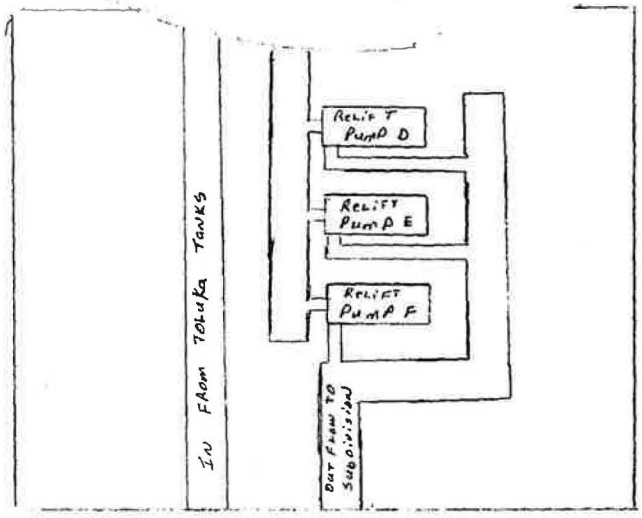
JUN 2 0 2001

81 FT Diameter.

629,000 gal
STORAGE TANK



Please NOTE:
The Pump TO the Hay Field was Removed when UNITED WATER TOOK OVER the SYSTEM IN 1998, all the Main LINE and SPRINKLERS ARE STILL THERE.

Boulder Ridge Pump House.
(Main STORAGE TANK.)

The WATER FROM the TOLUKA Pump house is DELIVERED TO THIS STORAGE TANK and Then pumped DOWN TO the subdivision BY 3 Pumps.

Pump D = US ELECTRIC 20HP Pump (E686A405402 14R 273F) 4" Discharge on Pump
Pump E = Baldor motor 15 HP (JM#3314T-2) BERKLEY Pump 4" Discharge
Pump F = Baldor MOTOR 15HP (5MM 3314T-2) BERKLEY Pump 4" Discharge.

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2001

DAN
2-11-00
63-10945

238(4)-1
5/93

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

WELL #1

1. DRILLING PERMIT NO: _____ OTHER APPLICABLE NO: 344-2603

2. OWNER: Warm Springs Mesa Subdivision Phone: _____
Address: 2843 Star Valley Boise Idaho 83712

3. WELL LOCATION: Twp 3N, Rge. 2E, Sec. 24, NESW 1/4 NE 1/4
County Ada (Provide sketch map and photo on reverse.)

4. DRILLER: Russel Cowe Lic. No. _____
When Drilled? Nov 28-1960

5. WELL CONSTRUCTION:
Casing Diameter 12 inches Water tight cap? [X] Yes [ ] No Access Port: [X] Yes [ ] No
Casing ≥ 12 inches above ground? [X] Yes [ ] No - Describe _____
Depth of Casing 232 ft. Method Drilled _____
Condition of Well Casing: [X] Good [ ] Fair [ ] Poor Describe _____
Control Valve? [ ] Yes [ ] No Pressure Gauge: [ ] Yes [ ] No
Condition of Piping and Valving Good
Auger to a depth of _____ ft. Evidence of Annular Seal [ ] Yes [ ] No
Are there obvious constuction problems that may be a source for contamination or waste of water?
[ ] Yes [X] No (Describe in Remarks and Attach Photo - On Reverse)

6. HYDROLOGIC INFORMATION:
Depth to Static Water 39' ft. Water Temperature 95 °F
Flowing Artesian [ ] Yes [X] No Pressure: _____ (psi)
Water Sample Taken? [ ] Yes [X] No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

7. WELL USE:

[X] Domestic	[X] Irrigation	[ ] Stock
[ ] Test	[ ] Municipal	[ ] Industrial
[ ] Abandoned	[ ] Waste Disposal/Injection	[ ] Not Used
[X] Other: Fire Protection		

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MAR 20 2001

DAN 2-11-00
63-10945

8. **POSSIBLE CONTAMINATION SOURCES:**

Is there evidence of Chemigation? [ ] Yes ~~[ ]~~ No

If yes, is there a check-valve present? [ ] Yes [ ] No

Is there a possible source of contamination nearby? [ ] Yes ~~[ ]~~ No

If yes, what Type? _____

How far away from the well is this source? _____

9. **REMARKS:** _____

Dave Tsay — Signature of Dept. Representative & Title

6-29-94 — Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

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JUN 2 0 2001

Well #1

RECEIVED
JUL 6 1964
Department of Reclamation

WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

Permit No. __________ Well No. __________ County __________

Owner __________

Address __________

Driller [illegible] Cave

Address [illegible] Boise

Well location. [illegible]

Size of drilled hole 12"

Total depth of well 495'

Give depth to standing water from the ground 27'4" Water temp. 55 °Fahr.

On "Pumping Test" delivery was 800 g.p.m. or ____ c.f.s. Drawdown was 80 feet.

Size of pump and motor used to make test 8"

Length of time of test 6 hours ____ minutes.

If flowing well, give flow ____ c.f.s. or ____ g.p.m. and of shut off pressure ____

If flowing well, described control works ____ (TYPE AND SIZE OF VALVE, ETC.)

Water will be used for subdivision Weight of casing per lineal foot 43 lbs.

Thickness of casing 5/16 Casing material steel (STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing ____ (CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER; CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
12"	above	280	263	pipe sealed tight in shale
8"	[illegible]	495	232	gravel packed with 6 Yards gravel

Number and size of perforations [illegible] feet from ground

[illegible] every other [illegible] 474 [illegible]

Date of commencement of well [illegible] 20, 1960 Date of completion of well [illegible] 1961

Well log for other well not found. Paul Wise thinks is ≈200', late 1950's well.

63-10945 and 63-10946

MICROFILMED
JUN 2 0 2001

63-10940

WELL LOG

From Feet	To Feet	Type of Material	[illegible]	[illegible]
0	3	Red gravel with clay mixed		
3	1[illegible]	Brown sandy clay		
1[illegible]	4[illegible]	Brown sand		
[illegible]	[illegible]	Blue shale		
[illegible]	[illegible]	Water sand and gravel		
67	[illegible]	Red and brown sand		
[illegible]	[illegible]	Blue sand [illegible]		
9[illegible]	1[illegible]	Blue shale		
100	1[illegible]	Blue coarse sand & gravel		
12[illegible]	1[illegible]	Blue mucky sand		
130	1[illegible]	Blue mucky sand		
1[illegible]	175	Blue shale		
175	19[illegible]	Blue shale		
190	197	Blue sand and gravel water		
197	2[illegible]	Mucky sand		
230	[illegible]	Mucky sand		
[illegible]	[illegible]	Mucky sand and clay		
[illegible]	[illegible]	Coarse white sand		
		If more space is required use Sheet No. 2		

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed [illegible]

By

License No. [illegible]

Dated [illegible] 19[illegible]

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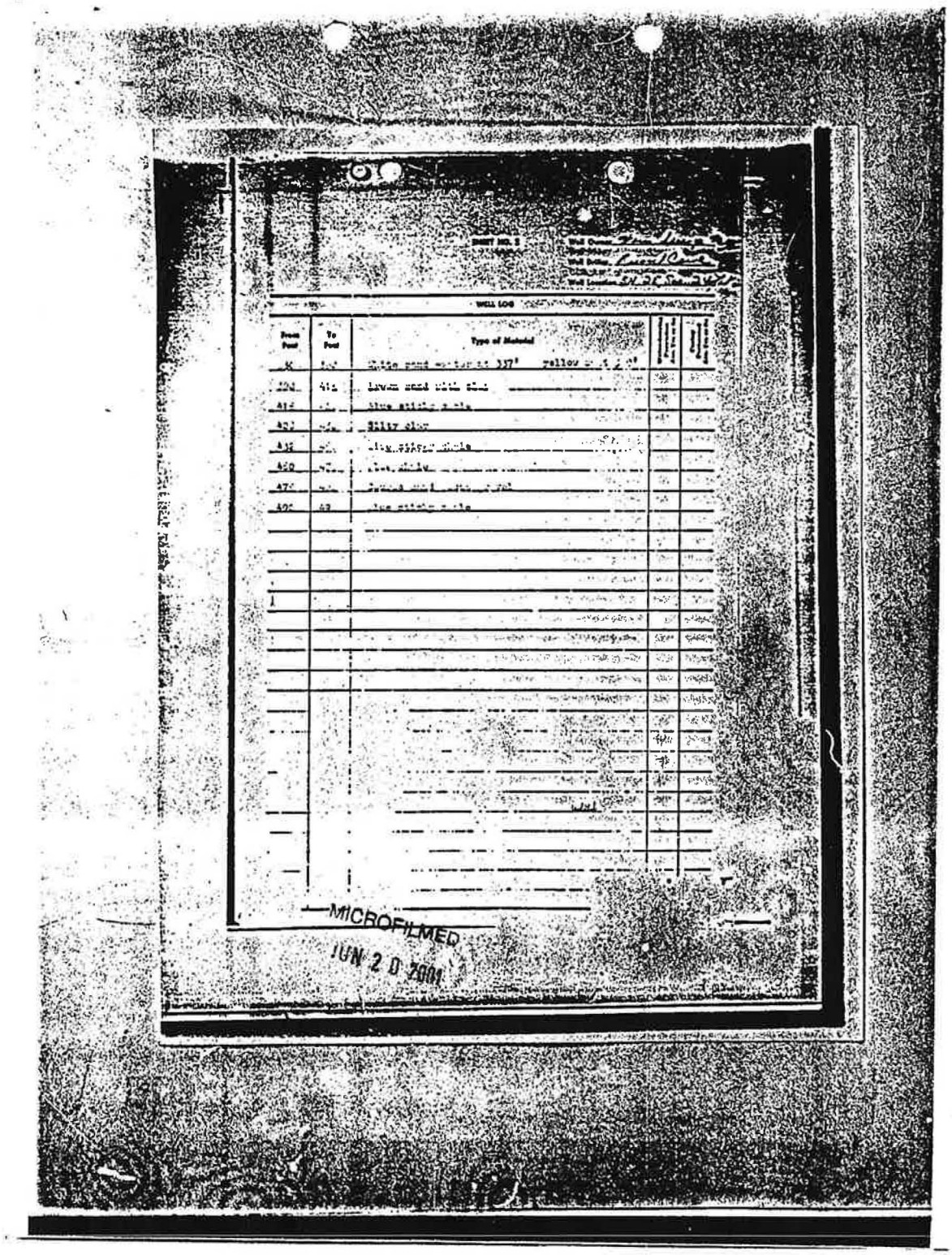
WELL LOG
MICROFILMED
JUN 2 0 2001

238(4)-1
3/93

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

Well #2

1. **DRILLING PERMIT NO:** 63-90-W-319 **OTHER APPLICABLE NO:** _____

2. **OWNER:** Paul Wise **Phone:** 344-2603
Address: 2843 Star Circle Boise Ida 83712

3. **WELL LOCATION:** Twp 3N, Rge. 2E, Sec. 22, NESW 1/4 NE 1/4
County Ada (Provide sketch map and photo on reverse.)

4. **DRILLER:** Bill Doty Drilling **Lic. No.** 42
When Drilled? 1-2-91

5. **WELL CONSTRUCTION**
Casing Diameter 10 inches Water tight cap? [X] Yes [ ] No Access Port: [X] Yes [ ] No
Casing ≥ 12 inches above ground? [X] Yes [ ] No - Describe _____
Depth of Casing 190 ft. Method Drilled Rotary - Air - Cable
Condition of Well Casing: [X] Good [ ] Fair [ ] Poor Describe _____
Control Valve? [ ] Yes [ ] No Pressure Gauge: [ ] Yes [ ] No
Condition of Piping and Valving Good
Auger to a depth of _____ ft. Evidence of Annular Seal [ ] Yes [ ] No
Are there obvious constuction problems that may be a source for contamination or waste of water?
[ ] Yes [X] No (Describe in Remarks and Attach Photo - On Reverse)

6. **HYDROLOGIC INFORMATION**
Depth to Static Water 45 ft. Water Temperature _____ °F
Flowing Artesian [ ] Yes [X] No Pressure: _____ (psi)
Water Sample Taken? [ ] Yes [X] No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

7. **WELL USE:**

[X] Domestic	[X] Irrigation	[ ] Stock
[ ] Test	[ ] Municipal	[ ] Industrial
[ ] Abandoned	[ ] Waste Disposal/Injection	[ ] Not Used
[X] Other: Fire Protection		

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JUN 20 2001

63-10945
DAND
2-11-00

9. REMARKS: _____

Dave Ray 6-29-94

Signature of Dept. Representative & Title | Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

MICROFILMED
JUN 2 0 2001

Form 238-7
6/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Well #2

1. WELL OWNER

Name PAUL WISE

Address 2843 STAR CR. BOISE, ID.

Owner's Permit No. 63-90-W-319

2. NATURE OF WORK

~~New well~~ X Deepened Replacement Well diameter increase

Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

[ ] Domestic [ ] Irrigation [ ] Test [ ] Municipal
[ ] Industrial [ ] Stock [ ] Waste Disposal or Injection
[X] Other multi-family domestic (specify type)

4. METHOD DRILLED

[X] Rotary [X] Air [ ] Hydraulic [ ] Reverse rotary
[X] Cable [ ] Dug [ ] Other

5. WELL CONSTRUCTION

Casing schedule: [X] Steel [ ] Concrete [ ] Other

Thickness		Diameter		From		To	
sch.40	inches	10	inches	+ 1	feet	156	feet
.250	inches	6	inches	140	feet	157	feet
.250	inches	6	inches	188	feet	190	feet
	inches		inches		feet		feet

Was casing drive shoe used? [X] Yes [ ] No
Was a packer or seal used? [ ] Yes [X] No
Perforated? [ ] Yes [X] No
How perforated? Factory Knife Torch Gun
Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? [X] Yes [ ] No
Manufacturer's name Johnson
Type SS 304 Model No. 6PS
Diameter 6" Slot size .020 Set from 157 feet to 167 feet
Diameter Slot size .010 Set from 167 feet to 177 feet
Gravel packed? [X] Yes [ ] No [ ] Size of gravel .010 sand
Placed from 140 feet to 190 feet
Surface seal depth slots used to seal: [ ] Cement grout
[ ] Bentonite [ ] Puddling clay [ ]
Sealing procedure used: [ ] Slurry pit [ ] Temp. surface casing [ ] Overbore to seal depth
Method of joining casing [ ] Threaded [X] Welded [ ] Solvent Weld [ ] Cemented between strata
Describe access port

6. LOCATION OF WELL

Sketch map location must agree with written location.

N / W / E / S

Subdivision Name MICROFILMED JUN 20 2001
Lot No. Block No.
County ADA
SW ¼ NE ¼ Sec 24 T. 3N N S R. 2E E W

7. WATER LEVEL

Static water level 45 feet below land surface.
Flowing? [ ] Yes [X] No G.P.M. flow
Artesian closed-in pressure p.s.i.
Controlled by: [ ] Valve [ ] Cap [ ] Plug
Temperature °F. Quality
Describe artesian or temperature zones below

8. WELL TEST DATA

[X] Pump [ ] Bailer [X] Air [ ] Other

Discharge G.P.M.	Pumping Level	Hours Pumped
500	160	1

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
10	111	129	SAND	X	
10	129	141	MUSCOVITE & SANDY CLAY		X
10	141	155	SANDY CLAY		X
10	155	160	MUSCOVITE & SANDY CLAY		X
10	160	171	SAND & SMALL GRAVEL	X	
10	171	173	CLAY		X
10	173	175	SAND		X
10	175	190	SAND		

10.

Work started 1-2-91 finished 4-15-91

11. DRILLERS CERTIFICATION RP

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Driller Name BILL DOTY DRILLING CO., INC. Firm No. 42
Address 106 CALLOWAY CALDWELL, ID. 83605 Date 5-3-91
Signed by (Firm Official)
and
(Operator)

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

63-10945
2-11-00 DAW

Form 238-7
6/89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

USE TYPEWRITER OR BALLPOINT PEN

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

MAR 25 1991

1. WELL OWNER

Name PAUL WISE

Address 2843 STAR CIRCLE/BOISE,ID.

Owner's Permit No. 63-90-W-319

2. NATURE OF WORK

New well X Deepened Replacement
Well diameter increase
Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

Domestic X Irrigation Test Municipal
Industrial Stock Waste Disposal or Injection
X Other single family domestic (specify type)

4. METHOD DRILLED

X Rotary X Air Hydraulic Reverse rotary
Cable Dug Other

5. WELL CONSTRUCTION

Casing schedule: X Steel Concrete Other

Thickness	Diameter	From	To
.250 inches	Inches	feet	feet
inches	inches	feet	feet
inches	Inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? X Yes No
Was a packer or seal used? Yes X No
Perforated? Yes X No
How perforated? Factory Knife Torch Gun
Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? Yes X No
Manufacturer's name
Type Model No.
Diameter Slot size Set from feet to feet
Diameter Slot size Set from feet to feet
Gravel packed? Yes X No Size of gravel
Placed from feet to feet
Surface seal depth Material used to seal: Cement grout
X Bentonite X Puddling clay
Sealing procedure used: X Slurry pit Temp. surface casing
Overbore to seal depth
Method of joining casing: Threaded X Welded Solvent Weld
Cemented between strata
Describe access port

6. LOCATION OF WELL

Sketch map location must agree with written location.

N W E S

Subdivision Name

Lot No. Block No.

MICROFILMED
JAN 20 2001

County ADA

SW¼ NE¼ Sec. 24, T. 3N N S, R. 2E E W

7. WATER LEVEL

Static water level 95' feet below land surface
Flowing? Yes X No G.P.M. flow
Artesian closed-in pressure p.s.i.
Controlled by: Valve Cap Plug
Temperature °F. Quality
Describe artesian or temperature zones below

8. WELL TEST DATA

X Pump Bailer X Air Other

Discharge G.P.M.	Pumping Level	Hours Pumped
500	160	1

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
10	111	129	SAND	X	
10	129	141	MUSCOVITE & SAND		X
10	141	155	SANDY CLAY		X
10	155	160	MUSCOVITE & SANDY CLAY		X
10	160	171	SAND & SMALL GRAVEL	X	
10	171	173	CLAY		X
10	173	175	SAND		
			CABLE WORK Start: 1-7-91 Finish: 3-17-91		
10	171	190	SAND		X

RECEIVED
MAR 25 1991
Department of Water Resources

Resubmitted
See Enclosed
Copy

10. Work started 1-2-91 TO 1-5-91 finished 3-17-91

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name BILL DUTY DRILLING CO., INC. Firm No. 42
Address 106 CALLOWAY CALDWELL, ID. 83605 Date 3/22/91
Signed by (Firm Official)
and
(Operator)

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

63-10945
2-11-00
DAN

38(4)-1
/93

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

WELL #3

DRILLING PERMIT NO: 63-92-W-093 OTHER APPLICABLE NO: _____

OWNER: PAUL WISE Phone: 344-2603
Address: 2843 E STAR DRIVE BOISE 83702

WELL LOCATION: Twp 3W, Rge. 2E, Sec. 22, NESW 1/4 NE 1/4
County ADA (Provide sketch map and photo on reverse.)

DRILLER: STEVENS & SONS Lic. No. 153
When Drilled? 3/24/92

WELL CONSTRUCTION
Casing Diameter 18 inches Water tight cap? [X] Yes [ ] No Access Port: [X] Yes [ ] No
Casing ≥ 12 inches above ground? [X] Yes [ ] No - Describe _____
Depth of Casing 220 ft. Method Drilled CABLE
Condition of Well Casing: [X] Good [ ] Fair [ ] Poor Describe _____
Control Valve? [ ] Yes [ ] No Pressure Gauge: [ ] Yes [ ] No
Condition of Piping and Valving GOOD
Auger to a depth of _____ ft. Evidence of Annular Seal [ ] Yes [ ] No
Are there obvious constuction problems that may be a source for contamination or waste of water?
[ ] Yes [X] No (Describe in Remarks and Attach Photo - On Reverse)

HYDROLOGIC INFORMATION
Depth to Static Water 58 ft. Water Temperature _____ oF
Flowing Artesian [ ] Yes [X] No Pressure: _____ (psi)
Water Sample Taken? [ ] Yes [X] No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

MICROFILMED
JUN 2 8 2001

7. WELL USE:

[X] Domestic	[X] Irrigation	[ ] Stock
[ ] Test	[ ] Municipal	[ ] Industrial
[ ] Abandoned	[ ] Waste Disposal/Injection	[ ] Not Used
[X] Other: FIRE PROTECTION		

DAN 63-10915 2-11

9. REMARKS:

Dave Lacy
Signature of Dept. Representative & Title

6-29-94
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

MICROFILMED
JUN 20 2001

Form 238-7
6/80

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

USE TYPEWRITER OR BALLPOINT PEN

#3
WELL

1. WELL OWNER

Name PAUL WISE

Address 2843 E STAR CIRCLE BOISE 83702

Owner's Permit No. 63-92-W-093/63-10945

2. NATURE OF WORK

☒ New well ☐ Deepened ☒ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☒ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other ______ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
.375 inches	18 inches	+ 2 feet	220 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☒ Yes ☐ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation ____ inches by ____ inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☒ No
Manufacturer's name
Type ______ Model No.
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Diameter ____ Slot size ____ Set from ____ feet to ____ feet
Gravel packed? ☐ Yes ☒ No ☐ Size of gravel
Placed from ____ feet to ____ feet
Surface seal depth 20 Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐
Sealing procedure used: ☒ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port plug on well cap

MICROFILMED JUN 2 0 2001

6. LOCATION OF WELL

Sketch map location must agree with written location.

Subdivision Name Warm Springs Mesa

Lot No. 2 Block No.

County ADA

NW ¼ NE ¼ Sec. 24, T. 3 N, R. 2 E

RECEIVED JUN 18 1992 Department of Water Resources Western Regional Office

7. WATER LEVEL

Static water level 58 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow
Artesian closed-in pressure ______ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature ____ °F. Quality
Describe artesian or temperature zones below.

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped
40	98'	3

9. LITHOLOGIC LOG

Bore Diam.	Depth From	Depth To	Material	Water Yes	Water No
20	0	8	topsoil & sandstone		X
	8	15	red & brown clay		X
	15	22	cemented gravel		X
18	22	35	sand & gravel		X
	35	47	brown clay & gravel		X
	47	75	sand, gravel & cemented sand & gravel	X	
	75	98	blue clay		X
	98	136	blue cemented sand & sandy clay		X
	136	155	sandy clay with sand & gravel streaks	X	
	155	175	fine cemented sand	X	
	175	180	sandy clay		X
	180	197	fine cemented sand	X	
	197	205	sandy blue clay		X
	205	223	sticky blue clay		X
	223	245	sandy blue clay with sand streaks	X	
	245	332	blue clay & sandy blue clay		X
	332	360	brown sand	X	
	360	367	blue & brown sticky clay		X
	367	415	blue clay with sand streaks		X
	415	425	coarse reddish cemented sand	X	
	425	440	blue clay		X
	440	443	coarse reddish cemented sand	X	
	443	450	blue clay		X

RECEIVED JUN 1 6 1992

10. Work started 3/2/92 finished 4/28/92

11. DRILLERS CERTIFICATION Department of Water Resources

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Stevens & Sons Firm No. 153

Address 3709 Hawthorne Dr. Date 6/15/92

Signed by (Firm Official) Wayne S[illegible]

and

(Operator) [signature]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

OK
63-10945

Permit 63-10945 Photos taken 6-29-94 Pg 1 of 3

PHOTO ONE-

View of Well #1 Located at the entrance of Warm Springs MOA Subdivision (Right side) 10" steel main lines connect Wells 2 & 3 to this 8" main pump. After the wells connect to the water tanks.

PHOTO TWO-

MICROFILMED
JUN 2 0 2001

63-10945
DAN 2-11-00

Permit 63-10945 Photos taken 6-29-94 Pg 2 of 2
63-10946

View of Well #2 This is the redrilled 10" well that connects to Wells 1 & 3 with a 10" steel main line. Located at the subdivisions entrance (Left side)

PHOTO THREE-

Well #3 This is an 18", 100 HP It connects to the other wells with a 10" Main Line.

MICROFILMED
JUN 2 0 2001

63-10945
DAN 2-11-00

Permit 63-10945
63-10946

Photos taken 6.29.94

Pg 3 of 3

PHOTO FIVE-

View of the 18,000 GAL STORAGE TANK AND THE 76,000 GAL STORAGE TANK. 10" LINES From the WELLS LEAD TO A 8" LINE THAT COMES TO THIS TANK. TANKS FILL !. EXCESS WATER IS PUMPED BY 2, 20HP BOOSTER PUMPS TO THE 629,000 gal Holding Reservoir OR DOMESTICS. 2, 7.5HP BOOSTERS ALSO COMPLEMENT THE SYSTEM BY SERVING AS BACKUPS TO THE 2, 20 HPs.

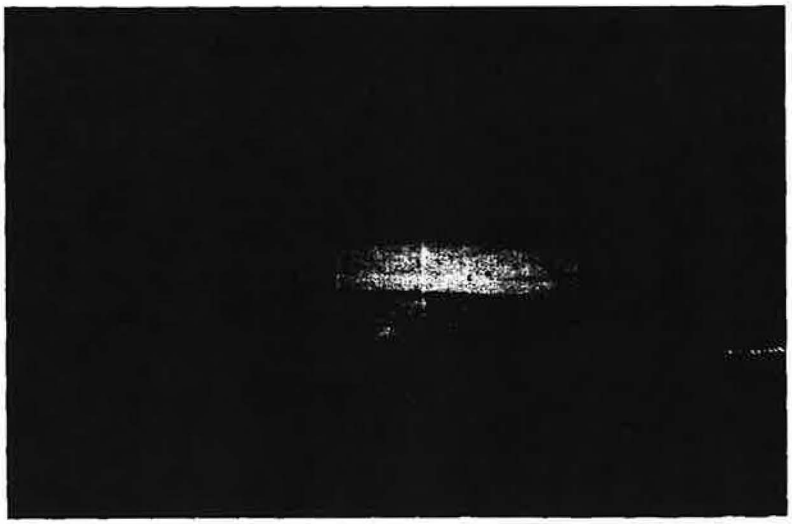


PHOTO SIX-

View of the 629,000 GALLON HOLDING TANK. FROM THE 2, 20HP's 8" booster LINES. THE TANK FILLS. LINES From THE TANK HELP PRESSURIZE THE LINES FROM THE MAIN WATER TANKS BY THE USE OF A 300 GPM PUMP. A LINE ALSO LEADS TO THE FIRE HYDRANT !. THE FIELD PUMP.

MICROFILMED
JUN 20 2001

63-10945
DAN
2-11-00

PHOTOGRAPHER AND DATE OF PHOTOS Daniel A. Nelson 2-8-2000

FILE NO. AND LEGAL DESCR. 63-10945

This is a photo of the Entrance to the Subdivision. It shows the location of all 3 wells.

MICROFILMED
JUN 20 2001

DAN 2-11-2000
63-10945

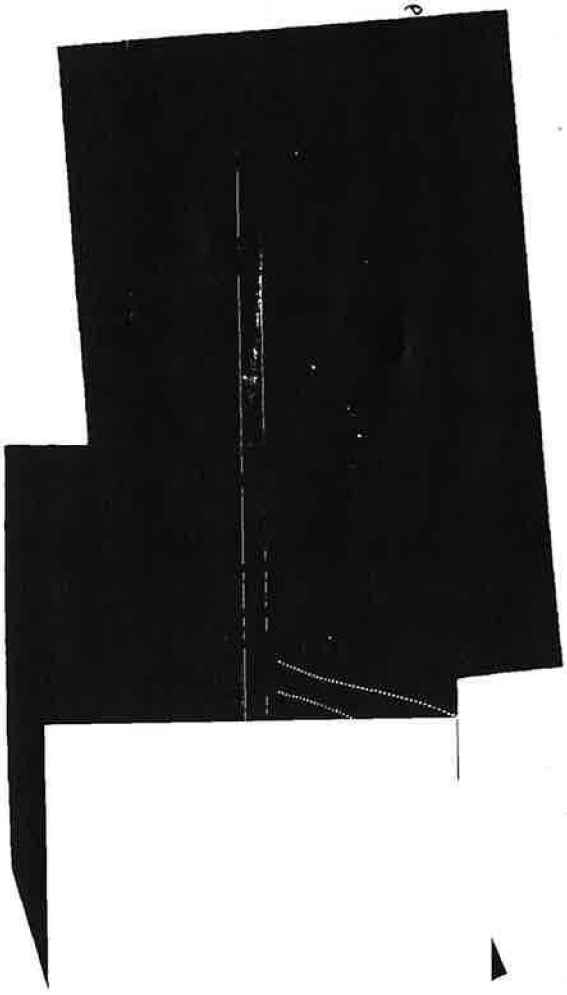
PHOTOGRAPHER AND DATE OF PHOTOS 2-8-2000 Daniella Nelson

FILE NO. AND DESCRIPTION 63-10945

Rom well
#2 & #3

MICROFILMED
JUN 20 2001

DAN. 2-1-2000
63-10-945



PHOTOGRAPHER AND DATE OF PHOTOS Daniel A. Nelson 2-8-2000

FILE NO. AND LEGAL DESCR. 63-10945

This is a photo of well #3

MICROFILMED
JUN 20 2001

DAN - 2-11-2000
63-10945

[Blank page inserted to facilitate double-sided printing and tabbing of exhibits.]

Exhibit E **ETIDAHO - BOISE WSFO AIRPORT (NWS -- USC00101022) STATION, PRECIPITATION DEFICIT - GRASS - TURF (LAWNS) – IRRIGATED**

University of Idaho
Kimberly Research
and Extension Center

Water Resources Program

ET_{Idaho} 2017

Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at uidaho dot edu

2020-10-08 10:31

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Boise WSFO Airport (NWS -- USC00101022)

Statistics based on thirty year normal spans 1986 to 2016 years

For a different land cover or crop click on the above link.
You can highlight this table and copy via the clipboard to a Mircosoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass - Turf (lawns) - Irrigated
Precipitation Deficit (Click here for a graph)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season[a]	Non Growing Season[b]	Annual
Mean[j]	mm/day												mm		
Monthly[c]	-0.03	0.08	0.62	3.07	4.40	5.91	6.49	5.50	3.87	2.21	-0.09	-0.23	987	-13	974
15-Day Moving Average[d]	-0.06	0.03	0.62	3.08	4.43	5.89	6.53	5.50	3.81	2.26	-0.13	-0.23			
7-Day Moving Average[e]	-0.04	0.05	0.61	3.05	4.39	5.90	6.51	5.49	3.82	2.23	-0.13	-0.25			
3-Day Moving Average[f]	-0.03	0.07	0.62	3.07	4.38	5.90	6.49	5.49	3.84	2.21	-0.09	-0.23			
Standard	mm/day												mm		

Deviation[k]															
Monthly[c]	0.27	0.11	0.96	0.79	1.71	0.87	0.75	0.69	0.73	0.96	0.50	0.44	78	15	78
15-Day Moving Average[d]	0.37	0.18	0.83	1.00	1.62	1.06	0.64	0.64	0.86	0.95	0.63	0.45			
7-Day Moving Average[e]	0.46	0.32	1.07	1.44	2.03	1.45	0.80	0.92	1.24	1.36	1.06	0.64			
3-Day Moving Average[f]	0.65	0.53	1.49	2.02	2.62	1.97	1.19	1.35	1.69	1.86	1.62	0.86			
20% Exceedance[l]	mm/day												mm		
Monthly[c]	0.04	0.15	1.02	3.86	5.22	6.69	6.91	5.92	4.45	2.67	0.22	0.01	1047	-2	1035
15-Day Moving Average[d]	0.14	0.31	1.91	4.41	6.63	7.37	7.43	6.30	4.91	3.57	0.90	0.19			
7-Day Moving Average[e]	0.24	0.58	2.69	5.72	7.26	7.86	7.78	6.62	5.43	4.15	1.61	0.28			
3-Day Moving Average[f]	0.36	0.75	3.24	7.53	8.68	9.09	8.81	7.63	6.37	4.94	2.09	0.41			
80% Exceedance[m]	mm/day												mm		
Monthly[c]	-0.04	-0.02	0.11	2.53	3.23	5.02	5.95	5.08	3.37	1.52	-0.46	-0.55	908	-24	901
15-Day Moving Average[d]	-0.12	-0.24	-0.72	1.44	1.98	4.14	5.56	4.59	2.18	0.30	-1.34	-1.14			
7-Day Moving Average[e]	-0.32	-0.61	-1.93	-0.10	-0.68	2.30	4.81	4.02	1.46	-1.20	-2.84	-1.75			
3-Day Moving Average[f]	-0.78	-1.47	-3.62	-2.84	-4.09	0.01	3.12	2.78	-1.36	-4.25	-5.28	-3.60			
Ave Highest P_{def}	mm/day												--		
15-Day Moving Average[g]	0.10	0.23	1.34	3.93	5.61	6.80	6.99	6.02	4.49	3.12	0.54	0.09			
7-Day Moving Average[h]	0.19	0.46	1.97	4.97	6.55	7.54	7.34	6.38	5.03	3.69	1.07	0.19			
3-Day Moving Average[i]	0.30	0.71	2.74	6.24	7.86	8.55	8.39	7.28	5.97	4.44	1.80	0.34			
Ave Lowest P_{def}	mm/day												--		
15-Day Moving Average[g]	-0.16	-0.12	-0.04	2.26	3.19	4.96	6.09	4.96	3.15	1.31	-0.72	-0.52			
7-Day Moving	-0.38	-0.39	-0.79	1.17	1.55	3.82	5.48	4.37	2.27	0.29	-1.69	-0.99			

Average[h]															
3-Day Moving Average[i]	-0.90	-0.99	-2.15	-0.69	-0.97	2.14	4.15	3.17	0.61	-1.81	-3.50	-1.99			
Special normal distribution parameters for monthly, seasonal, and annual intervals															
Skew[m]	-1.71	0.87	0.32	0.52	-0.25	-0.62	-0.35	-0.57	-1.38	0.01	0.16	-0.36	0.35	-0.93	0.46
Kurtosis[o]	6.38	4.70	1.06	3.30	1.00	2.54	0.90	1.61	5.34	0.74	3.35	0.74	2.42	5.71	2.72

[a] Growing Season: This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

[b] Nongrowing Season: This is usually the time from a killing frost or harvest in the fall to the of green up in the spring. It is not applicable for entries without a growing season.

[c] Mean of the average daily value for month

[d] Mean of the fourteen 15-day period averages contained in the month

[e] Mean of the twenty three 7-day period averages contained in the month

[f] Mean of the twenty seven 3-day period averages contained in the month

[g] Mean of the highest/lowest 15-day period average in month

[h] Mean of the highest/lowest 7-day period average in month

[i] Mean of the highest/lowest 3-day period average in month

[j] This value represents the *mean value* for the parameter for the month over the 'normal' period of record. Generally, the 'normal' period is the last thirty years with data.

[k] This value represents the *standard deviation* for the parameter for the month over the 'normal' period.

[l] This value represents the *value* for the parameter that has a 20% chance of being exceeded that month durning any particular year. Conversely, there is an 80% chance that the parameter value will be less than the *value* shown.

[m] This value represents the *value* for the parameter that has a 80% chance of being exceeded that month durning any particular year. Conversely, there is an 20% chance that the parameter value will be less than the *value* shown.

[n] This value represents the *skewness (asymmetry) of the distribution of the parameter values* for the month (year) over the 'normal' period. A value near zero indicates that the distribution approximates a normal (Gaussian) and symmetrical distribution. A negative skew indicates that the parameter distribution has relatively few low values compared to high values. A positive skew indicates that the distribution has relatively

few high values compared to the number of low values. A skew value near 1 indicates that the underlying distribution approximates a lognormal distribution.

°This value represents the *kurtosis* of the parameter value distribution for the month (year) over the 'normal' period. Kurtosis is a measurement of the height to width ratio of the probability distribution, or the *peakedness (slenderness)*. A normal (Gaussian) distribution has a kurtosis of 3. A high kurtosis distribution has a sharper peak and longer tails, while a low kurtosis distribution has a more rounded peak and shorter tails.

This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: Allen, Richard G. and Clarence W. Robison, 2017. ***Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2016****, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

Questions regarding the data should be addressed to Richard G. Allen, or Clarence W. Robison University of Idaho, Kimberly Research and Extension Center. 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

ETIdaho web site powered by Debian, Apache, Firebird DBMS, Python

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Exhibit F **63-11990 FINAL ORDER**

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 63-11990 IN THE NAME OF SOUTH COUNTY WATER CO.	**FINAL ORDER**

This matter having come before the Idaho Department of Water Resources (department) in the form of a protested application for permit, the department having held a conference and a hearing in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On January 27, 1993, South County Water Co. (applicant) submitted Application for Permit No. 63-11990 to the department requesting the diversion of 3.5 cubic feet per second (cfs) of ground water to be diverted from a proposed well to be located in the SE1/4NE1/4 Section 16, T3N, R1E,BM in Ada County. The uses of water proposed by the applicant are domestic, fire protection and the irrigation of 260 acres associated with a total of 520 homes.

2. The department published notice of the application which was protested by Carmen J. Mayes. The department subsequently granted intervention to protestant Nampa & Meridian Irrigation District.

3. The protestant objected to the applicant's proposal to irrigate the subdivision with ground water rather than with surface water provided by Nampa & Meridian Irrigation District which has already been used for the irrigation of the land. The protestant also was concerned that diversion of water from the applicant's proposed well could adversely affect the use of water from her well.

4. On July 28, 1993, the department conducted a hearing in the contested matter. The applicant was present and was represented by Keith Stokes, the president of the company. Protestant Carmen J. Mayes was present and represented herself. Intervenor Nampa & Meridian Irrigation District did not appear at the hearing.

5. The applicant's purpose for filing the application is primarily to provide fire protection for some existing and some newly proposed subdivision development.

6. South County Water Company is a privately owned company

FINAL ORDER - Pg 1

SEP 28 1993

which currently owns and operates thirteen (13) wells in its system and provides water to about 3,000 customers. The proposed new well would be hooked into the existing water supply system.

7. The total depth of the applicant's proposed well is about 550 feet of which the upper 300 feet would be cased with non-perforated casing. The applicant plans to seal the casing to 100 feet below land surface.

8. Of the 260 acres of land to be irrigated, about 200 acres have been irrigated in the past with surface water provided by Nampa & Meridian Irrigation District. Walden Pond Subdivision comprises about 120 acres of the 260 acres. This subdivision has been constructed in the past and did not provide for the use of surface water within the subdivision for irrigation purposes. Edgewater Estates Subdivision which has not been constructed comprises about 140 acres of the 260 acres and will provide for the use of surface water in the subdivision for irrigation purposes.

9. In 1986, the applicant installed a metering system to measure water delivered to its customers.

10. Protestant Carmen Mayes has lived in her residence for about 30 years. She does not have much information about the well she uses, however, since the well was constructed before she purchased the property and is underground. Hence, the protestant is not sure of the location of her well or of the characteristics of it. She has been told that the well is about 117 feet deep.

11. The protestant's well is about a mile away from the applicant's proposed well. There are several large wells closer to the protestant than the well proposed by the applicant.

12. The protestant's well has not been noticeably affected by the six (6) year drought or by other users, except that her pump had to be reprimed once due to air in it.

13. Ground water interference problems which became apparent in the Boise River drainage during the duration of six (6) consecutive years of drought conditions prior to 1993 demonstrate that it generally is not in the local public interest to allow a wateruser to change the source of water used for irrigation from surface water to ground water. Among the reasons are that the surface water previously used provides some recharge to the ground water system through seepage and that the surface water no longer used for irrigation of the original land could be used on new land resulting in an overall enlarged use of the water resource.

14. The applicant is willing to conduct a pump test on a well in the vicinity of the protestant's well to determine whether there is an identifiable effect upon the protestant's well. The applicant also is willing to accept responsibility for injury to the protestant's well if it can be shown that the applicant's well

SEP 28 1993

is responsible for the injury.

CONCLUSIONS OF LAW

1. Section 42-203A(5), Idaho Code, states in part as follows:

> The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people directly affected by the proposed use, or (f) that it is contrary to the conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. On May 15, 1992, the Director of the department issued a moratorium order against the issuance of permits which propose new consumptive uses in the Boise River drainage. The moratorium order does not apply to applications for "domestic purposes" as the term is defined in Section 42-111, Idaho Code. The order also provides that the department will consider approval of applications seeking water for multiple ownership subdivisions or mobile home parks provided each unit satifies the definition for the exception of requirement to file an application for permit as described in Section 42-111, Idaho Code.

3. Section 42-111, Idaho Code, defines "domestic purposes" or "domestic uses" as follows:

> A. The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or
>
> B. Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500)

SEP 28 1993

gallons per day.

4. The protestant's water right will not be injured by approval of the application under conditions to protect her right and other prior water rights.

5. The water supply is sufficient to provide water for domestic and fire protection purposes.

6. The application was made in good faith and not for delay or speculative purposes.

7. The applicant has sufficient financial resources with which to construct the project proposed in the application.

8. The application will not conflict with the local public interest, since it will enhance the public interest by providing additional capacity for fire protection.

9. The application is not contrary to conservation of water resources within the state of Idaho. The applicant's installation of water metering equipment in 1986 to measure water delivered to its customers demonstrates an intent to conserve water.

10. The department should approve the application with certain conditions and limitations.

11. The department should set aside the protest of intervenor Nampa & Meridian Irrigation District for failure to appear at the hearing.

ANALYSIS

In the instant case, the applicant, generally provides water in a manner similar to a municipality and does not have control over the source of water used for irrigation in a subdivision within its service area.

The proposed use listed as "irrigation" on the application can not be approved due to the moratorium. The right holder can, however, use water for irrigation purposes as limited by and included in the "domestic use" allowance, provided the applicant otherwise complies with the terms of this approval.

ORDER

IT IS THEREFORE hereby ORDERED that the protest of intervenor Nampa & Meridian Irrigation District is **SET ASIDE** for failure to appear at the hearing and will not be further considered by the department.

IT IS FURTHER, THEREFORE hereby ORDERED that Application for Permit No. 63-11990 be **APPROVED** subject to the following conditions

SEP 28 1993

and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1995.

2. Use of water under this right is subject to all prior water rights.

3. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

4. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

5. The issuance of this right in no way grants any right-of-way or easement across the land of another.

6 . The right holder shall either install a measuring device or provide a certified measurement by a professional engineer or shall install an access port or other device as specified by the department.

7. Uses authorized in this approval are as follows:

0.94 cfs	Domestic use	1-1 to 12-31
3.5 cfs	Fire Protection	1-1 to 12-31
3.50 cfs	TOTAL	

8. Domestic use is for 520 homes.

9. The domestic use authorized under this right shall not exceed 13,000 gallons per day per dwelling.

10. Surface water available from Nampa & Meridian Irrigation District shall be used for irrigation to the extent it is available.

11. Prior to commencing construction of the well, the permit holder shall submit information to the department for review and approval to demonstrate that the Edgewater Estates Subdivision will complete the installation of a separate irrigation system to allow use of the available surface water provided by Nampa & Meridian Irrigation District.

Signed this 3RD day of SEPTEMBER, 1993.

R. KEITH HIGGINSON
Director

FILED
SEP 8 1993

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 7th day of September, 1993, I mailed a true and correct copy, postage prepaid, of the foregoing Final Order to the following:

South County Water Co
PO Box 7361
Boise, ID 83707

Carmen J Mayes
3710 E Franklin Rd
Meridian, ID 83642

Nampa Meridian Irrigation Dist
1503 1st St South
Nampa, ID 83651-4395

Karen L Gustafson
Karen L. Gustafson
Secretary/Records Manager

SEP 28 1993

Exhibit G **63-11990 BENEFICIAL USE FIELD REPORT**

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JAN 11 1996
Department of Water Resources

A. GENERAL INFORMATION Permit No. 63-11990

1. Owner: South County Water Co Phone No. 375-1130
Current Address: PO Box 7361 Boise Id 837077361
2. Accompanied by: Keith Stokes EXAM DATE: 8/4/95
Address: same Phone No. same
Relationship to Permit Holder: Mgr
3. Source: Ground water tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-02338, -02106, -02330, -04945
2. Other water rights with the same point of diversion: ———

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

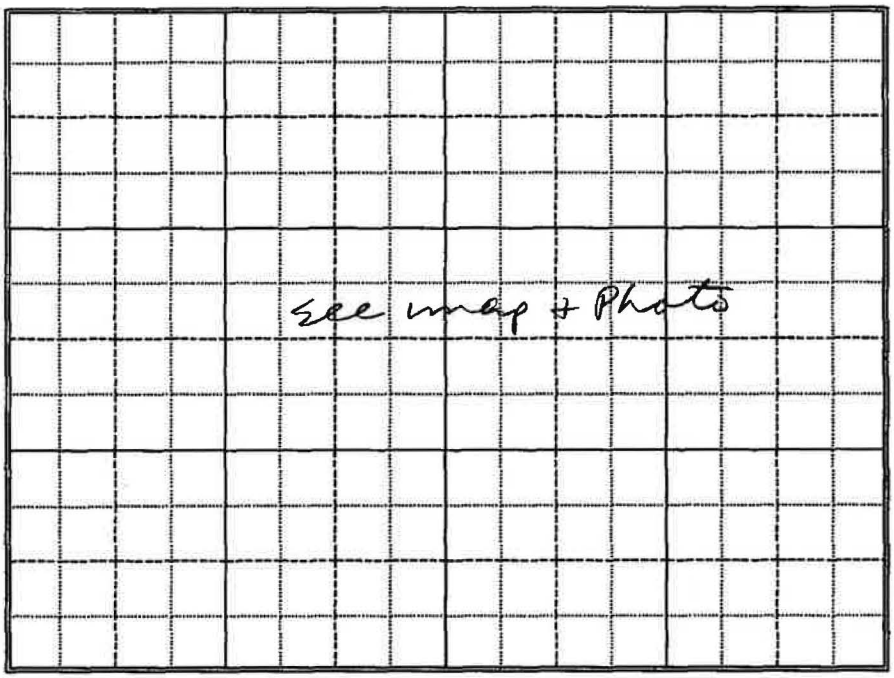
Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SE	NE	16	3N	1E	Ada	USGS Quad

2. **Place(s) of Use:** Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1E	15					D	D	D	D									
		16	D	D	D	D													

JAN 25 1996

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.



Scale: 1" = _____.

✓ Copy of USGS Quadrange Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N/A Aerial Photo Attached (required for irrigation of 10+ acres)

✓ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		75	Enbmers	Gould	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** Pump curve provided by Keith Stoker

JAN 2 5 1996

E. NARRATIVE/REMARKS/COMMENTS

A 16" well with a 75HP submersible pump supplies water to 520 homes. South City Water Company's delivery system consists of 14 wells and 10" mainline on variable frequency control. Water from this well is directed towards homes in the NW qtr of sec 15 and the NE qtr of sec 16. At the time of the exam, a Sparling Flowmeter located on the discharge pipe read 660 GPM and the pressure gage read 80 PSI.

Nampa Meridian Irrigation water is also used for external domestic use per conditions of the permit.

Have conditions of permit approval been met? ✓ yes ___ no

JAN 25 1996

F. FLOW CALCULATIONS ____ Additional Computation Sheets Attached

Measured Method:

per pump curve : 810 GPM capacity = 1.8 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

520 homes x 1.2 af = 624

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Domestic	1/1	12/31	.94	624
Fire Protection	1/1	12/31	1.8	
		Totals:	1.8 cfs	624 afa

2. Recommended Amendments

__ Change P.D. as reflected above __ Add P.D. as reflected above ✓ None

__ Change P.U. as reflected above __ Add P.U. as reflected above __ Other

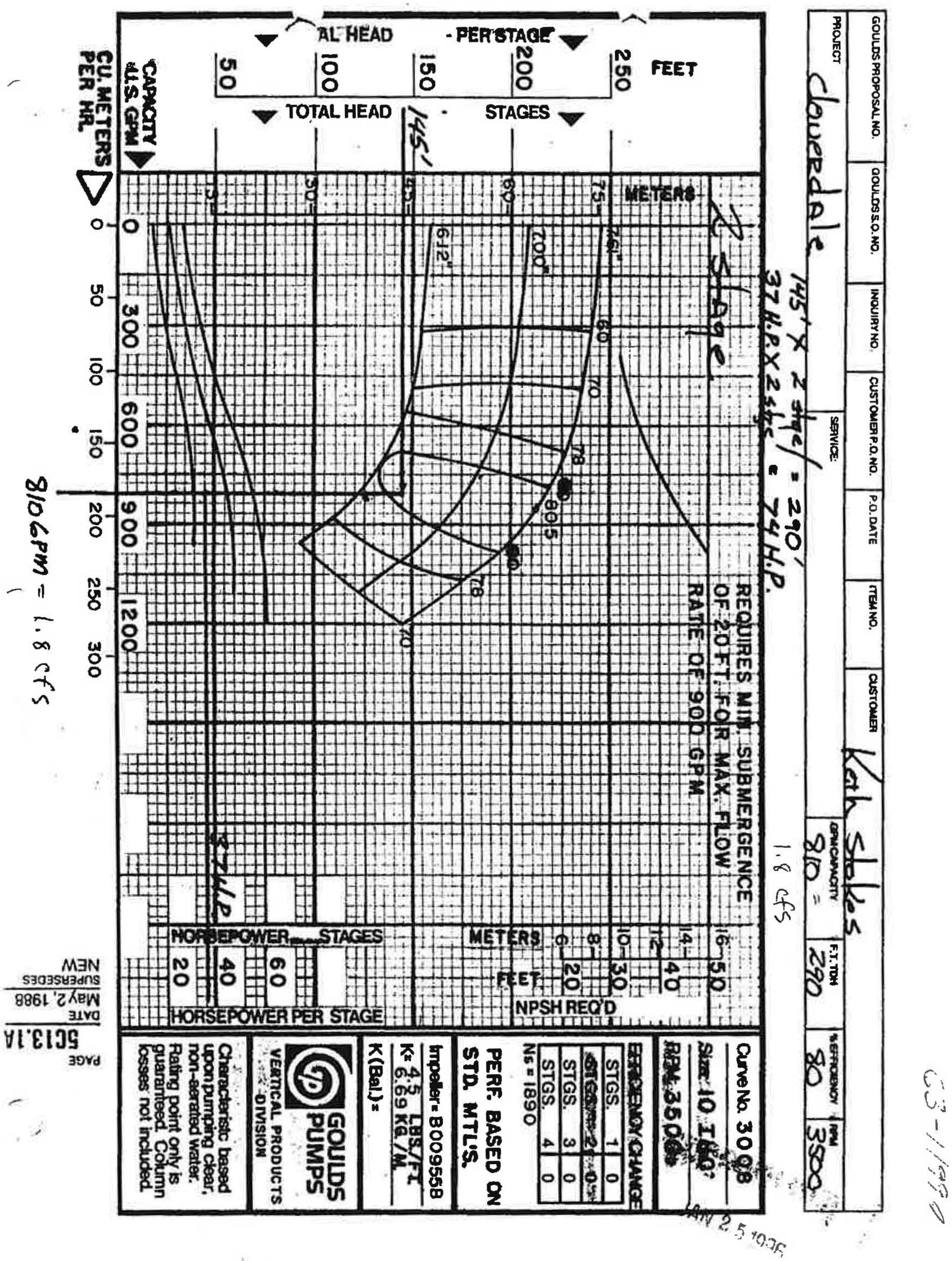
I. AUTHENTICATION

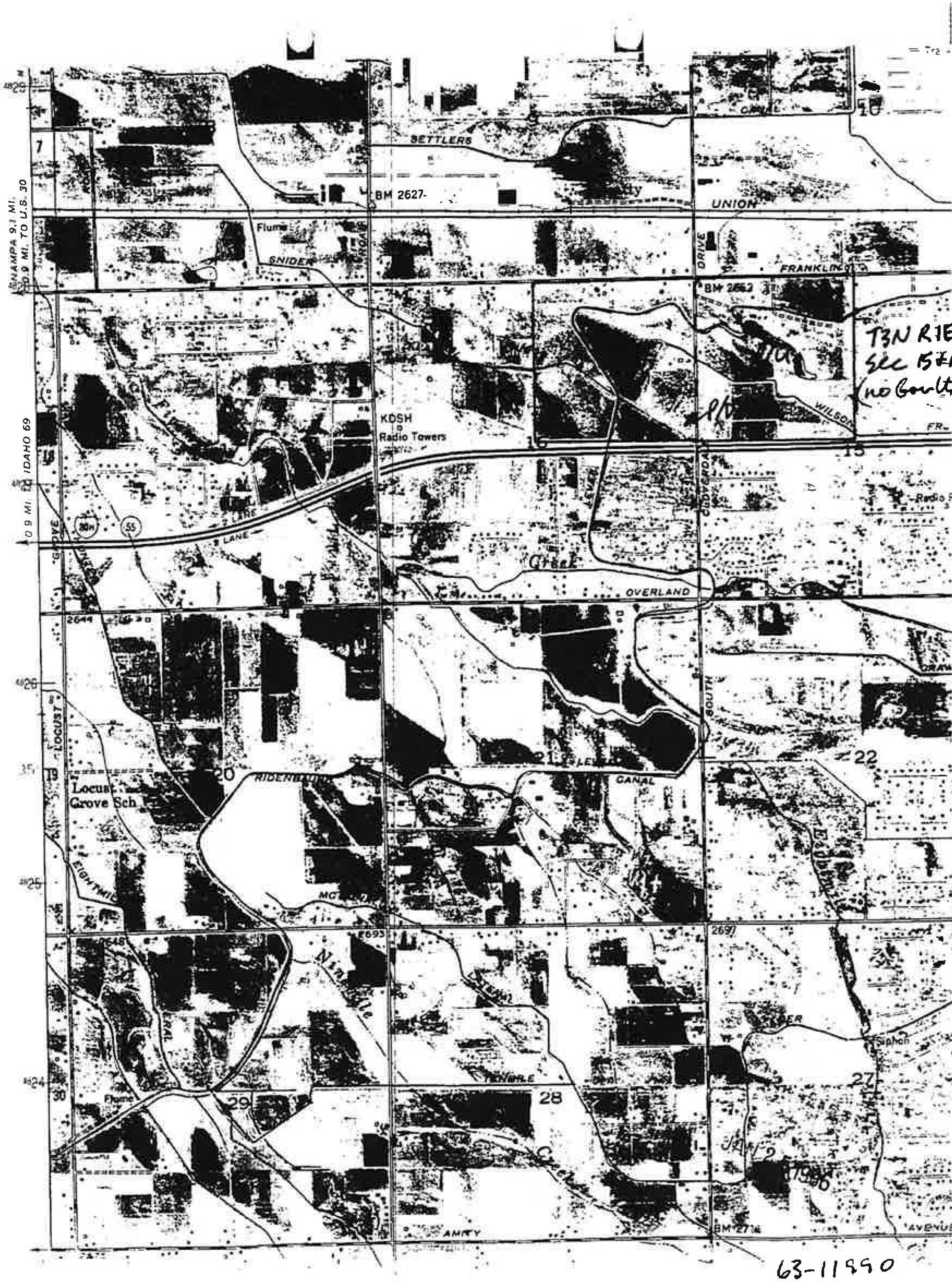
Field Examiner's Name Lori Graves Date 12/27/95

Reviewer _____ Date _____

SEAL

JAN 25 1996


GOULDS PUMPS
VERTICAL PRODUCTS DIVISION
REQUIRES MIN. SUBMERGENCE OF 2.0 FT. FOR MAX. FLOW RATE OF 900 GPM
TOTAL HEAD
STAGES
FEET
METERS
CAPACITY U.S. GPM
CU. METERS PER HR.
HORSEPOWER PER STAGE
NPSH REQ'D
PERF. BASED ON STD. MTL'S.
Characteristic based upon pumping clear, non-aerated water. Rating point only is guaranteed. Column losses not included.
810 GPM = 1.8 cfs


SETTLERS
BM 2627
UNION
Flume
SNIDER
FRANKLIN
BM 2652
DRIVE
T3N R1E
Sec 15 & 16
(no Boults)
WILSON
KDSH
Radio Towers
LANE
OVERLAND
Creek
2644
LOCUST
Locust
Grove Sch.
RIDENBAUGH
CANAL
SOUTH
22
2648
2693
2697
27
Flume
29
28
30
AMITY
AVENUE
BM 2714
63-11890

238(4)-1
5/93

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. **DRILLING PERMIT NO:** 63-93-W-683-0 **OTHER APPLICABLE NO:** 63-11990

2. **OWNER:** S Ctr Water Co Phone: 375-1130
Address: Boise

3. **WELL LOCATION:** Twp 3N, Rge. 1E, Sec. 16, SE 1/4 NE 1/4
County Ada (Provide sketch map and photo on reverse.)

4. **DRILLER:** Cope Lic. No. 213
When Drilled? 1993

5. **WELL CONSTRUCTION:**
Casing Diameter 16 inches Water tight cap? [X] Yes [ ] No Access Port: [X] Yes [ ] No
Casing ≥ 12 inches above ground? [X] Yes [ ] No - Describe
Depth of Casing 450 ft. Method Drilled
Condition of Well Casing: [X] Good [ ] Fair [ ] Poor Describe
Control Valve? [X] Yes [ ] No Pressure Gauge: [X] Yes [ ] No
Condition of Piping and Valving good
Auger to a depth of ft. Evidence of Annular Seal [ ] Yes [ ] No
Are there obvious constuction problems that may be a source for contamination or waste of water?
[ ] Yes [X] No (Describe in Remarks and Attach Photo - On Reverse)

6. **HYDROLOGIC INFORMATION:**
Depth to Static Water 20 ft. Water Temperature cold °F
Flowing Artesian [ ] Yes [X] No Pressure: 90 (psi)
Water Sample Taken? [ ] Yes [X] No If yes, describe purpose
Water Quality Measurements/Observations (Describe)

7. **WELL USE:**

[X] Domestic	[ ] Irrigation	[ ] Stock
[ ] Test	[X] Municipal	[ ] Industrial
[ ] Abandoned	[ ] Waste Disposal/Injection	[ ] Not Used

[ ] Other:

JAN 25 1996

63-11990

8. **POSSIBLE CONTAMINATION SOURCES:**

Is there evidence of Chemigation? [ ] Yes [X] No

If yes, is there a check-valve present? [ ] Yes [ ] No

Is there a possible source of contamination nearby? [ ] Yes [X] No

If yes, what Type? _____

How far away from the well is this source? _____

9. **REMARKS:** _____

_____

_____

_____

_____

_____

_____

_____

Signature of Dept. Representative & Title

8/4/95
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

JAN 2 5 1996

Form 238-7 6/93

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SEP 29 1993
Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

RECEIVED
SEP 27 1993
Department of Water Resources
Western Regional Office

1. DRILLING PERMIT NO. 63 93 W - 683 - 0
Other IDWR No. 63-11990

2. OWNER:
Name SOUTH COUNTY WATER
Address P.O. BOX 7361
City BOISE State ID Zip 83709

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. 3N North ☐ or South ☐
R. 1E East ☐ or West ☐
Sec 16, 10 acres 1/4 SE 1/4 NE 40 acres 1/4
Gov't Lot ____ County ADA

Address of Well Site CLOVERDALE & FREEWAY
(Give at least Direction + Distance to Road or Landmark)

Lot No. ____ Block No. ____ Subd. Name ____

4. PROPOSED USE:
☐ Domestic ☒ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☒ Other FIRE

5. TYPE OF WORK
☐ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☒ Air Rotary ☐ Cable ☐ Other ____

7. SEALING PROCEDURES

SEAL/FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
BENTONITE	480	453	50000	POURED
BENTONITE	100	0	250000	POURED

Was drive shoe seal tested? YES NO How? ____

8. CASING/LINER:

Diameter	From	To	Guage	Casting	Liner	Steel	Plastic	Welded	Threaded
16"	+2	417	.250			☒	☐	☐	☐
8"	477	495	.250			☒	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes ____
Top Packer or Headpipe ____ Bottom Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method ____
☒ Screens Type WIRE Material CARBON STEEL

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casting	Liner
417	477	.30		18"		☒	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air

Yield gal./min.	Drawdown	Pumping Depth	Time

Temperature of water ____ Was a water analysis done? Yes ☐ No ☐
By whom? ____
Water Quality (odor, etc.) ____
Bottom Hole Temperature ____

11. STATIC WATER LEVEL:
20 ft. below surface Depth artesian flow found ____
Artesian pressure ____ lb. Describe access port 2" PIPE
Describe Controlling Devices: ____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SWL
0		1	TOPSOIL		
1		3	HARDPAN		
3		34	SAND GRAVEL & BOLDERS		
34		35	SANDY BRN CLAY		
35		73	FINE TO CRSE SAND & GRAVEL		
73		78	LITE BRN CLAY		
78		115	FINE TO COARSE SAND & GRAVEL		
115		117	BRN CLAY		
117		181	FINE TO CRSE SAND & 4" GRAVEL		
181		199	FINE SAND w/ CLAY STRINGERS		
199		228	FINE TO CRSE BLUE SAND		
228		258	BROWN SANDY CLAY		
258		268	GREY CLAY		
268		269	FINE TO COARSE SAND		
269		305	SANDY GREY CLAY		
305		313	FINE TO MED SAND		
313		322	GREY CLAY		
322		326	FINE TO MED SAND		
326		331	GREY CLAY		
331		340	FINE TO MED SAND		
340		343	GREY CLAY		
343		351	FINE TO MED SAND		
351		380	GREY CLAY		
380		385	FINE TO COARSE SAND		
385		412	GREY CLAY		
412		425	FINE SAND		
			CONTINUED		

Date: Started 9/9/93 Completed 9/16/93

13. DRILLER'S CERTIFICATION JAN 2 8 1996
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name PETE COPE DRILLING Firm No. 213
Firm Official [signature] Date 9/23/93
and
Supervisor or Operator [signature] Date ____
(Sign once if Firm Official & Operator)

JOHN V. WHITE, DEPUTY WATER RESOURCES

63-11990

Geo-7

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ball Point Pen

1. DRILLING PERMIT NO. 63 93 W - 683 - 0
Other IDWR No. 63-11990

2. OWNER:
Name SOUTH COUNTY WATER
Address
City State Zip

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

N / W / E / S

T. ____ North ☐ or South ☐
R. ____ East ☐ or West ☐
Sec. ____, ____ 1/4 ____ 1/4 ____ 1/4
(10 acres / 40 acres / 160 acres)
Gov't Lot ____ County

Address of Well Site
(Give at least Direction + Distance to Road or Landmark)

Lot No. ____ Block No. ____ Subd. Name

4. PROPOSED USE:
☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK
☐ New Well ☐ Modify or Repair ☐ Replacement ☐ Abandonment

6. DRILL METHOD
☐ Mud Rotary ☐ Air Rotary ☐ Cable ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	

Was drive shoe seal tested? YES NO How?

8. CASING/LINER:

Diameter	From	To	Guage	Casing	Liner	Steel	Plastic	Welded	Threaded
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐
						☐	☐	☐	☐

Final location of shoes
Top Packer or Headpipe Bottom Tailpipe

9. PERFORATIONS/SCREENS
☐ Perforations Method
☐ Screens Type Material

From	To	Slot Size	Number	Diameter	Tele/Pipe Size	Casing	Liner
						☐	☐
						☐	☐
						☐	☐
						☐	☐

10. WELL TESTS:
☐ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Depth	Time

Temperature of water ____ Was a water analysis done? Yes ☐ No ☐
By whom?
Water Quality (odor, etc.)
Bottom Hole Temperature

11. STATIC WATER LEVEL:
____ ft. below surface Depth artesian flow found
Artesian pressure ____ lb. Describe access port
Describe Controlling Devices:

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	GPM	SV
	425	435	FINE TO MED SAND		
	435	477	FINE TO COARSE SAND W/ 1 12" GRAVEL		
	477	495	GREY CLAY		

RECEIVED
SEP 29 1993
Department of Water Resources
Western Region Office

RECEIVED
SEP 27 1993
Department of Water Resources
Western Region Office

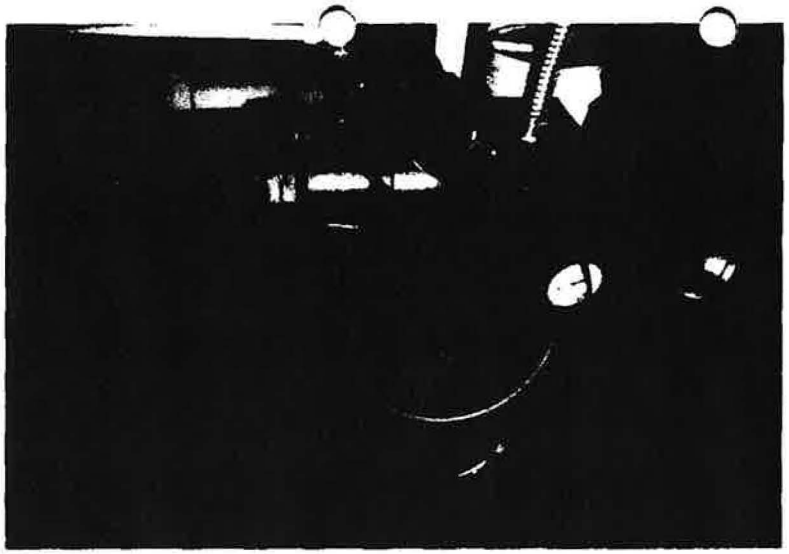
Date: Started Completed JAN 25 1994

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Firm No.
Firm Official Date
and
Supervisor or Operator Date
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

63-11990



- P/D
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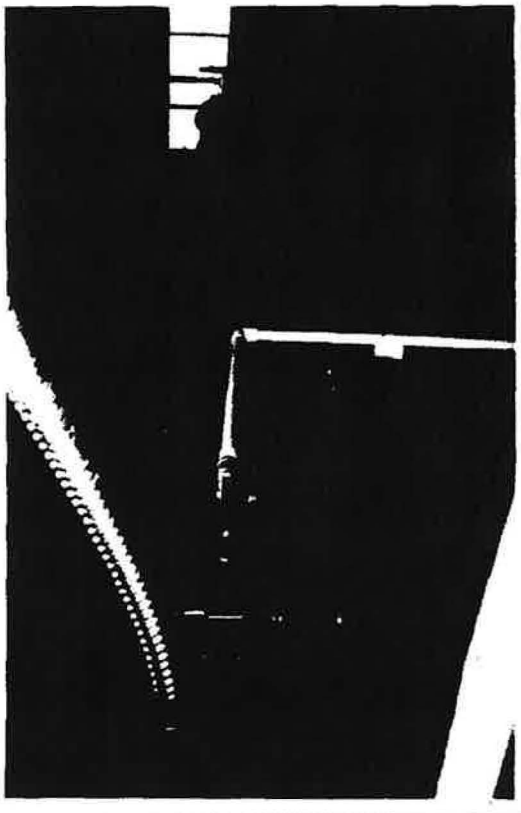

JAN 25 1996

63-11990