

Keen, Shelley

From: Keen, Shelley
Sent: Monday, April 11, 2016 9:47 AM
To: Case, Morgan
Cc: Beardslee, Allen; Neely, Ken; Peppersack, Jeff; Neace, Thomas
Subject: RE: Call from Tom Moore with Tammany View Estates in Lewiston
Attachments: Tammany View Meeting Notes 04-07-2016.doc; Notes 85-15690 Tammany View.doc; RE: Meeting Notes 04-07-2016

Morgan,

On Thursday last week Chad Hersley, Ashley Newbry, and I met with attorney Mike Creamer and Engineer/Geologist Terry Scanlan regarding the Tammany View Estates lapsed permit (85-15690). I've attached follow-up documentation from Chad, Ashley, and myself.

To quickly summarize, the first question is whether the permit can be reinstated based on the stub-in allowance. If the permit cannot be reinstated, then I think wells for a new permit would have to comply with the LPGWMA plan. If the permit can be reinstated, we may have to determine whether the wells were constructed to the standards that were in place at the time. Chad has some concerns. If the wells were not properly constructed but the permit can otherwise be reinstated, we will have to decide whether the well must be brought into compliance with the LPGWMA plan as well with the well construction standards.

I suspect the multiple inquiries indicate possible disputes between the developer and creditors. Our notes are probably sufficient documentation for now. If we receive anything further, let's be sure to communicate with each other.

Shelley

From: Case, Morgan
Sent: Friday, April 08, 2016 5:34 PM
To: Beardslee, Allen; Neely, Ken; Peppersack, Jeff; Keen, Shelley; Neace, Thomas
Subject: Call from Tom Moore with Tammany View Estates in Lewiston

Gentlemen:

I wanted to let you know that I had a call today from Tom Moore, representing Tammany View Estates LLC. He referenced a letter from Keith (attached in draft form). He wanted clarification on whether the Department would require new wells into the regional aquifer to establish new water rights or whether there was a way to allow use of the existing wells. His attorney read the Lewiston Plateau GWMP as requiring the former, while Mr. Moore thought it could be the latter. I shared the example of Red Pheasant #3 and their work to get the well into compliance with the GWMP requirements. I told him that I thought the Department would use the same approach when dealing with an existing well without a valid water right. Tammany View would need to either get the well(s) in compliance with the GWMA requirements or drill new compliant wells. I did say that existing wells with valid water rights are grandfathered in.

He seemed to take at face value that his permit had lapsed, and although I know there have been some discussions about this topic within the Department, I didn't know enough about the matter to introduce it. He didn't seem upset at all about the situation, just interested in getting more information.

If I gave him any misinformation, please let me know and I will correct it.

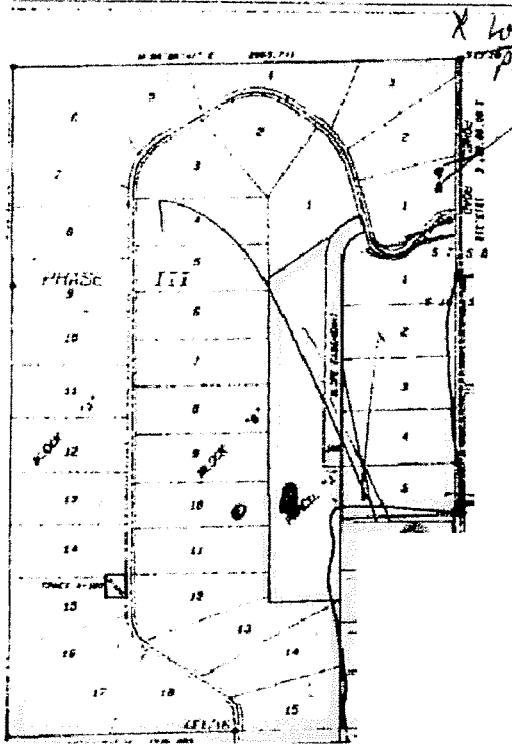
Thanks,

Morgan

Morgan Case
Northern Regional Manager
Idaho Department of Water Resources
7600 N Mineral Dr. Suite 100
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208.762.2800

NOTES

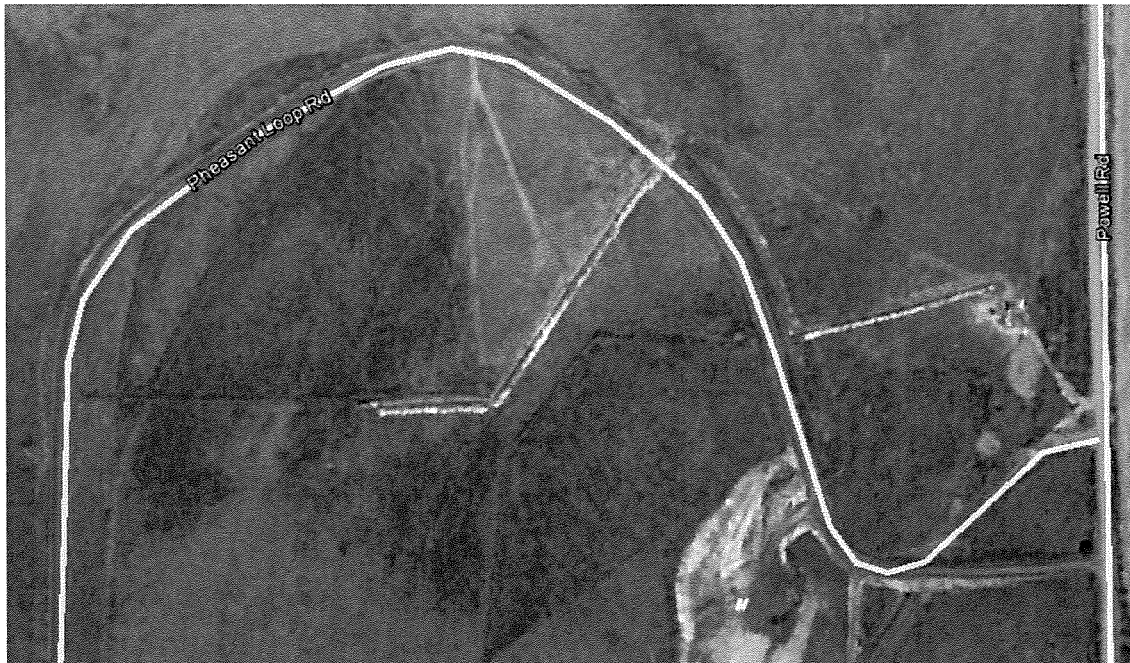
DATE: April 11, 2016
TO: File 85-15690
FROM: Ashley Newbry
RE: Tammany View Phase III water system



On April 7, 2016 Chad Hersley, Shelley Keen, and I met with Attorney Mike Creamer and Terry Scanlan of SPF Water Engineering to discuss the possible reinstatement of Permit 85-15690, which was issued to Tammany View LLC for municipal purposes.

Prior to the meeting, Shelley and Chad had a short opportunity to preview a DEQ file regarding the installed drinking water system. The file contained a 2013 letter from Don Blewett, the other member of Tammany View LLC, stating that the wells, reservoir, and distribution lines to each lot were installed.

The well house and reservoir are viewable using IDWR's aerial imagery, but the distribution line locations are not obvious. I was able to find an image of the main distribution line (connects wells to reservoir) under construction, using Google Earth. The image is from 3/30/2007. Unfortunately, this imagery does not give clear evidence whether the developer installed water services to each lot during construction of the main line.



Notes

By: Shelley W. Keen

Date: April 7, 2016

Subject: Meeting to discuss the possible reinstatement of Permit 85-15690

This morning Chad Hersley, Ashley Newbry, and I met with Attorney Mike Creamer and Engineer/Geologist Terry Scanlan to discuss the possible reinstatement of Permit 85-15690, which was issued to Tammany View LLC for municipal purposes. Mike represents Bob Blewett, one of the members of Tammany View LLC. Proof was due for the permit on June 1, 2011, but it was never submitted.

Prior to the meeting, Mike provided a DEQ file with a couple pieces of key information. The first is a 2013 letter from Don Blewett, the other member of Tammany View LLC, stating that the wells, reservoir, and distribution lines to each lot were complete. The letter also contains the enigmatic statement, "The completion of the system is anticipated for the spring of 2013." Well driller reports on file at IDWR indicate two wells were constructed. The DEQ file shows the wells were test pumped. Aerial imagery shows a tank or reservoir is also in place. However, none of our aerial imagery shows lots being cleared, trenching for pipelines, or construction activity along the road right-of-way. Therefore, assertions in the letter about construction of the water lines to each lot, including the timing of construction, should be corroborated by some other means.

The second piece of key information from the DEQ file is on the well flow test for Well #2. The flow test suggests that the pumping level, which probably also represents the static water level, was 792 feet. The well driller's report shows the static water level at 800 feet, with water first encountered at 860 feet. If those items are correct, the well is artesian, and it should have been sealed to the confining layer above the water bearing zone, not just to 96 feet. Based on this review, Chad suggested the well may not be in compliance with the well construction standards that were in place when the well was drilled. Because other wells in the area show water bearing zones well above 860 feet, Chad also wonders whether technical issues resulted in the well driller's report inaccurately indicating that no water was encountered prior to 860 feet. Because the well driller's reports are nearly identical for both wells, which are very close to each other, these questions pertain to both wells.

The two wells constructed for the permit are within Area B of the Lewiston Plateau Ground Water Management Area (LPGWMA). In 2015 IDWR adopted a management plan for the LPGWMA. Assuming the water diversion and delivery system, including lines to each lot, were constructed as described in the 2013 letter, the reinstatement could hinge on whether the wells must be brought into compliance with the well construction standards and/or the LPGWMA management plan. Among the permit conditions was, "Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department."

Mike Creamer told us that his client's decision to seek reinstatement of the permit might depend on whether the wells have to be reconstructed or replaced, especially if they would have to extend significantly deeper to find the regional aquifer (which may or may not exist in that area). I told Mike that IDWR would respond to a written request for a general interpretation of the requirements of the LPGWMA plan. I also told Mike that getting IDWR to evaluate whether the two wells comply with the well construction requirements *as is* or with specific modifications would take a filing, likely either an application for permit or a request to reinstate the lapsed permit.