

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, April 26, 2016 7:58 AM
To: 'todd@liveinboise.com'
Subject: FW: Permit 63-34031
Attachments: Pictures 63-34031.pdf; 63-34031.pdf

Dear Sirs;

Our records show that permit 63-34031 is now owned by Lawrence Square HOA INC. The email below and the attachments for this permit was sent to the previous owner's representative Mr. Marmillion. I spoke with Mr. Marmillion on the telephone about these issues, and he stated he was going to withdraw the proof of beneficial use for this permit until the project had been completed and all of the lots were actively using the irrigation system. However, our office has not received a written request to withdraw the proof of beneficial use. If the proof of beneficial use isn't formally withdrawn, only the homes and common areas that were actively using the irrigation system as of March 22, 2016 will be able to legally use the irrigation system.

If you would like to call and discuss this issue, I would be happy to speak with about this situation. I can also move forward with licensing the permit for the actual use that has been developed. Please let me know what you wish to do with this permit.

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Nelson, Dan
Sent: Friday, April 08, 2016 12:01 PM
To: 'DavidM@liveinboise.com'
Subject: Permit 63-34031

Dear Mr. Marmillion;

I have been asked to determine the schedule for the field examination and licensing of your permit. It is my job to determine if an in-field examination from our regional staff is required, or if we can license this permit with a desk top review. Fortunately, I was in the area of your property on April 7, 2016, and decided to drive by the subdivision due the email you received from Ms. Darla Block from our office on March 28, 2016. I didn't do any in depth investigation into this water right, so I wanted to check with you to make sure I understood what your intentions were for this water right. I tried to call you Friday April 8, 2016, to discuss this matter, but was unable to reach you by phone.

When I drove by the property, I discovered that only 10 of the 23 lots had completed construction, and no water was being used to irrigated the undeveloped lots. I did find that the common areas were irrigated and 10 of the lots had yards associated with the homes. This raises the following questions:

- 1.) Is the irrigation use described in permit 63-34031 only for the common areas?
- 2.) Do you plan to only supply irrigation water to the 10 lots that have been developed?

- 3.) How are the other 13 lots going to be irrigated, since they are not eligible to receive the water developed under this permit?

By submitting proof of beneficial use, you have stated that the project was complete as of March 22, 2016, and all of the planned water use was developed and irrigation was occurring on the property you plan to irrigate. The permit was filed to supply water to all of the lots, but it is clear that not all of the lots are currently irrigating from this system. **We cannot allow the irrigation use from this system on those lots that are not actively using the water for irrigation, so we want to make sure you are aware that the homes not using water as of March 22, 2016 for yard irrigation will not be able to use that water in the future.**

If you are planning to supply the water from this system to all of the properties, you can still withdraw your proof of beneficial use statement as discussed in Ms. Block's March 28, 2016 email. I have included the pictures and a map I created showing the parcels that will be able to use the water and those that cannot if you do not withdraw your proof of beneficial use.

ON A SEPARATE SUBJECT.

Our office received a Notice of Change of Ownership from you to change this ownership of this permit to the Lawrence Square HOA, Inc. (HOA). This is still a permit and still the personal property of Wood River Builders Inc. Therefore, this form and the fee will be returned with information requesting that the HOA attain an assignment of permit from you instead of the change of ownership form. The fee is the same. I wanted to let you know to expect this change.

If you would like to call me and speak to me about this issue, I would be more than happy to help you through this process to the best of my ability.

Respectfully,

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)