

Nelson, Dan

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

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)

PHOTOGRAPHER AND DATE OF PHOTOS Daniel Nelson and Wilma Roberts 4/7/2016

FILE NUMBER 63-34031



These are photos taken during a drive by visit to the property associated with permit 63-34031. The permit holder filed proof of beneficial use stating that the property was fully developed and all of the lots had been irrigated since 2015. The above photos show that the majority of the properties have yet to be developed, and no irrigation has occurred on the undeveloped lots. I found 13 of the 23 residential lots had not been irrigated. 10 of the residential lots had been irrigated and the surrounding common areas had been irrigated. I could find no evidence of a well or well house, but I didn't go onto any of the property lots. A field exam will be needed to verify the use for this permit, but we wanted to ensure that the irrigation use had been developed since the permit holder filed proof of beneficial use only 9 months after the permit was approved.



On April 7, 2016, I drove by this site to confirm extent of beneficial use.
Daniel A, Nelson

The Parcels marked in red are not developed or the home is being constructed with no irrigated yards.

The Parcels marked in green are developed lots with a yard and irrigation. Some of the green parcels are common areas.