



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

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C.L. "BUTCH" OTTER - Governor
Gary Spackman - IDWR Interim Director

November 21, 2012

Robert Spoelhof
Fox Creek Country Club Estates POA, Inc.
PO Box 1088
Victor, ID 83455

John Eagan
Fox Creek Village HOA
PO Box 128
Victor, ID 83455

RE: Application for Amendment of Permit 22-13306

Dear permit holders:

I just completed an evaluation of the permit amendment filed by the two associations last month. After reviewing the changes proposed and the department's rules, I have decided that a permit amendment is not required to make the changes described in your application. Please see the enclosed memo for a more detailed explanation of why an amendment is not needed.

I have made the changes proposed in your application. The SWSE of Section 23 has been removed from Permit 22-13306. The condition describing the lots covered by the domestic ground water right was also updated to correct the subdivision listing. The enclosed water right report shows the permits with the updates.

Because a permit amendment was not required to make the changes, there is no filing fee required. Your application included a \$100 filing fee (\$50 from FC Country Club Estates POA, receipt E038142, and \$50 from FC Village HOA, receipt E038143). I have requested a refund of your filing fees. A check from the state of Idaho should arrive in the next couple of weeks. Please feel free to contact me if you have any questions about the changes.

Sincerely,

James Cefalo
Water Resources Program Manager

Enclosures: 11/21/2012 Memo, Permit Report, Copies of 2 receipts

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 22-13306

WATER RIGHT NUMBER: 22-13306

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOX CREEK COUNTRY CLUB ESTATES POA INC PO BOX 1088 VICTOR, ID 83455
Current Owner	FOX CREEK VILLAGE HOA PO BOX 836 DRIGGS, ID 83422

Priority Date: 09/10/2004

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	1.420 CFS	
<u>Total Diversion:</u>		1.420 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 23, Twp 04N, Rge 45E, B.M.	TETON County
GROUND WATER	NE1/4SE1/4	Sec. 23, Twp 04N, Rge 45E, B.M.	TETON County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	45E	23														X	X		X

Conditions of Approval:

1. X59 Points of diversion are located within Lot 63 and Lot 46, Fox Creek Country Club Estates Subdivision.
2. X60 Place of use is located within Lots 4 - 27 and 29 - 72, Fox Creek Country Club Estates Subdivision and Lots A1 - A25, Fox Creek Village Subdivision.
3. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. 070 The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
5. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. 071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. X01 Domestic use is for 97 homes.
9. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
22-13306

November 21, 2012



0 0.075 0.15 0.3 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



Receipt Details for ID E038142

Status	Adjustment Type	Version
		1

General Information:				
Date Received	Date Deposited	Region	Total Amount	Payment Type
10/31/2012 9:55:27 AM	10/31/2012 3:50:47 PM	EASTERN	\$50.00	Check
Payee:	FCCEPOA			

Account Information	
Check Number	2012

Comment Amended Permit App 22-13306

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	AMENDMENTS	63105	0229	21		1155

Receipt Details for ID E038143

Status	Adjustment Type	Version
		1

General Information:				
Date Received	Date Deposited	Region	Total Amount	Payment Type
10/31/2012 9:56:21 AM	10/31/2012 3:50:47 PM	EASTERN	\$50.00	Check
Payee:	Fox Creek Village HOA			

Account Information	
Check Number	1017

Comment Amended Permit 22-13306

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	AMENDMENTS	63105	0229	21		1155