

From: Rob Harris [rharris@holdenlegal.com]
Sent: Monday, April 18, 2011 4:09 PM
To: Padilla, Cherie
Subject: RE: Water Right Licensure of Centennial Mtn rights
Attachments: Centennial Shores Water Service Map.pdf

Cherie:

I have simply let the above matter fall through the cracks, and apologize for my delay in getting back to you. I left you a voicemail earlier, but wanted to provide more information, and also, based upon my review of IDWR, pose some questions.

Just as a quick review, Centennial Shores (CS) has two permits: Water Right No. 21-7593 and 21-13053. 21-7593 was issued as a permit for 1.25 cfs for 84 homes. It had its proof due December 1, 2010. The other permit, 21-13053, was issued as a permit for .81 cfs for 53 homes. It's proof due date is June 1, 2012.

Because these permits cover a single subdivision, we thought it made the most sense to submit proof of beneficial use for both at the same time. The proof documents show that the full 2.06 cfs under both permits has been developed. Additionally, however, we now understand that IDWR can issue permits for a "municipal" use rather than for a domestic use with a lot limitation. The municipal right would have a rate and volume limitation within the subdivision.

The attached map shows the water lines and water connections to the lots. All of the lots listed under 21-7593 actually have a connection to the lot. However, based upon my reading of the App. Processing No. 18 (Licensing No. 1) Administrator's Memorandum, it states that for a non-RAFN water right, the "stub-in" policy states that "a service line is available for reach lot to hook up to a municipal delivery system." P. 6. We think this means that a water line has to be accessible by the lot, but this does not necessarily require an actual water line to the property boundary, but is satisfied if it is in the road running next to the lot. If this understanding is incorrect, then we may need to withdraw the proof documents for 21-13053 to allow us to put in the lines to the property. This would impact the single-hatched lots on the map. The remaining lots (with no shading) are larger lots, and the initial plan was for them to have individual wells, but some may want to hook into the municipal system. If they did, the system is such that lines could be extended, and they could be tied in.

Also, you sent some questions regarding actual water use from the system, and I have forwarded that question to Paul Scoresby today. I misread the question previously, and thought I already had an answer. However, I am not sure how what the system historically has diverted will be useful in a licensing of this municipal right, given that the water right has not been used to service all of the lots because these lots that have not used water. I thought there was a standard volume per lot that IDWR uses in these instances. We understood that to be 1.2 acre-feet per lot. Mr. Scoresby's field exam is based upon that number, and I believe that number was obtained by Keith Wilson of Rocky Mountain Environmental in working with IDWR on another field exam report.

My questions regarding the Department's processing standards are:

1. Does the "stub-in" policy for determining rate and volume for non-RAFN water rights require an actual line from the trunk line to be "stubbed-in"? In other words, what does it mean that "a service line is available for each lot to hook up to the municipal delivery system"?
2. How is the historical volume diverted by the wells used in licensing a municipal water right?
3. Is there a standard volume per lot that IDWR uses when licensing municipal water rights for non-incorporated municipalities?
4. Is the 1.2 acre-feet per lot the correct volume/lot amount?

I hope these questions make some sense, and in turn, result in my voice mail making more sense.

I think it will be best if you review this email, and then we can visit by phone.

Thanks,

Thanks,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

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From: Padilla, Cherie [mailto:Cherie.Padilla@idwr.idaho.gov]
Sent: Thursday, January 27, 2011 4:34 PM
To: Rob Harris
Subject: Water Right Licensure of Centennial Mtn rights

Hi Rob,

I am emailing to follow-up on our conversation on 1/6. I believe that either you or Paul Scoresby would be in touch with me regarding those questions I had on the place of use for 21-8593 and 21-13053 (municipal rights for Centennial Mtn). If I remember right it seemed like I was confused by the maps that were submitted in the field exam. I think the bottom line is I need to know how many lots are stubbed-in as of 9/8/2010. The second question I had has to do with the usage of water during the development period. Are there any water usage records? The well might be able to produce a certain diversion rate, but what amount of water was actually put to beneficial use or how much water is required to serve the stubbed-in lots?

I look forward to moving forward on these permits. If you have any questions or if I should be contacting Paul please let me know. Thanks for your time.

*Cherie Padilla, Sr. Water Resource Agent
Idaho Dept of Water Resources
Water Allocation Bureau
322 E. Front Street (Front St. & Broadway Ave)
Boise, ID 83720-0098
phone: (208) 287-4944
fax: (208) 287-6700*

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