

MEMORANDUM

Date: May 18, 2011
To: File
From: Nick Van Dyke
Re: licensing memo

History: As permitted, 11-7435 authorized 0.72 cfs of groundwater to be diverted for domestic purposes for a small subdivision of 42 homes near Fish Haven, ID. During development, an adjacent parcel of homes to Canyon Estate's place of use, referred to as The Pointe, was annexed into the Canyon Estates subdivision. Originally, domestic water for homes in The Pointe was authorized for development under a different permit, no. 11-7481. Accordingly, assignment and amendment applications were filed in early 2008 on both 11-7435 and 11-7481¹ with the intent to split off The Pointe from 11-7481 and incorporate it into Canyon Estates. Errors were found in the amendment applications and before corrected amendments were submitted, proof was filed on 11-7435 and a field examination was performed. As a result, the application to amend permit 11-7435 was withdrawn and changes will be made thru a licensing amendment.

Field Exam: On 6/6/2008 the Department conducted a field exam at Canyon Estates. The examiner found 33 lots had been stubbed in, with 14 developed. A measurement was not possible during the time of the examination, so a theoretical calculation was used to estimate a maximum diversion rate 0.16 cfs. Note this rate pertains to only one well. There were two wells onsite during the exam, however the examiner did not recommend the second well be included on the license due to the fact at the time of the site visit, no pump had been installed and no electrical wiring was running to the well. The permit was issued with conditions indicating there was surface water overlapping the place of use; however the examiner found no evidence of this and recommended this condition be removed from the license. The examiner did state some concern condition #10 of the permit may not have been being met.

Licensing Amendment: The licensing amendment adds the SWNE of Section 15 T16S R43E into the place of use and the second well, which is in the same 40 acre-tract as the first well, the NWNW of Section 15 T16S R43E. As discussed above, the examiner did not recommend including the second well. After discussion with office staff, it was decided that if evidence could be submitted a pump had been installed and operating since, it could be included on the license. A letter dated 5/3/2011, from Glenn's Electric Motor & Supply, Inc. out of Logan, UT, provides sufficient evidence.

To address the examiner's concern regarding condition #10 of the permit, I recommend a specific reference to that condition in the cover letter issuing the license.

¹Note the assignment of permit no. 11-7481 was a partial, requiring 11-7481 to be split into new permit nos. 11-7640 and 11-7641. 11-7641 represents The Pointe, 11-7640 represents the remaining portion of 11-7481. The permit 11-7481 was approved with mitigation conditions. A scenario was discussed with office staff of the problem in bringing in water approved with mitigation requirements into a system without mitigation requirements – if the mitigation conditions under 11-7641 were not met or compliance ceases how would curtailment occur in the Canyon Estates subdivision, given it is all one common system? It was decided that question would be addressed during licensing of 11-7641.