

Review Memorandum

Date: October 26, 2010

To: File 21-12857

From: Craig L. Saxton

RE: Licensing review for 21-12857

Purpose of Use: Permit holder requested that the purpose of use be changed to Municipal per Idaho code Section 42-202B(5)c. This will allow for the POU to be described more generally. However, because it was originally permitted as domestic use, an annual volume will need to be carried over based on beneficial use established during the development period.

Change in purpose of use will require an amendment for licensing purposes.

Point of Diversion(s): Three (3) PODs found at licensing field exam and are linked to the delivery system. Amendment will add the third point of diversion that was not permitted.

Volume: 92 homes are connected to the delivery system. Domestic use for 40 homes will be licensed under 21-7446. Calculate volume based on $92 - 40 = 52$

$52 \text{ homes} \times 1.2 \text{ af/a} = 62.4 \text{ af}$

Diversion Rate: Capacity of the system is 1.12 cfs. The licensed diversion rate will be limited to 0.75 cfs as permitted.

Place of use: POU includes Robbins Summer Home Sites and Robbins Subdivision. It also includes the South 5 feet of lot 13 and all of lot 14, Steward Homesites Subdivision.

Conditions:

Permitted Conditions

070: Retain:

The irrigation occurring under this municipal 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.

X59: Retain

Points of diversion are located within Lot 62, Blk. 3 and Lot 15, Blk. 1, Robbins Subdivision.

X60: Remove - Replaced with 180 & 128

Place of use is located within Henrys Fork Village, consisting of Robbins Summer Home Sites, Robbins Subdivision, and the south 5 feet of Lot 13 and all of Lot 14, Steward Homesites Subdivision.

046: Remove – N/A

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

048: Retain

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.

26A: Remove – N/A

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 permit holder had no control.

01M: Retain

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.

106: Remove – N/A

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.

071: Remove – N/A

The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

X01: Remove – N/A

Domestic use is for 92 homes

Add Conditions:

128: Place of use is within the area served by the public water supply system of Henrys Fork Village Water Co. The place of use is generally located within Section 8, T12N, R43E.

180: A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.