

MEMO

TO: File 21-7442 and 21-7583

FROM: CPadilla

DATE: September 10, 2010

RE: Licensing Review Memo

Both of the permits cover domestic use in the Buffalo River Estates and will be licensed together.

Time Line for 21-7442:

Application for Permit Received: 6/28/1989

Permit Approved: 12/14/1989

Proof of Beneficial Use Received: 2/22/1991

Field Exam Conducted: 9/20/2007

Time Line for 21-7583:

Application for Permit Received: 6/19/1998 Fee Received: 6/22/1998

Permit Approved: 11/12/1998

Proof of Beneficial Use Received: 9/26/2003

Field Exam Conducted: 9/20/2007

POU: The lots permitted for 21-7442 were not specified, rather just limited to 70 homes in the conditions of the permit. The permit for 21-7583 limited the POU to 50 homes. Specific lots were cited in this permit (see attached map) for a total of 186 lots. Since 120 were permitted, 66 lots need to be authorized.

POU Overlap Analysis:

<i>Right</i>	<i># of Homes</i>	<i>Source</i>	<i>Rate</i>	<i>Priority</i>
<i>21-10300</i>	<i>1 home (the specific home is in Lot 6 Blk 8 of the sub plat. This home was not included in the application)</i>	<i>GW (seasonal use 5/1-12/31)</i>	<i>0.02</i>	<i>9/1/70</i>
<i>21-7442</i>	<i>70 (as permitted)</i>	<i>GW</i>	<i>0.28</i>	<i>6/28/89</i>
<i>21-7583</i>	<i>50 (as permitted)</i>	<i>GW</i>	<i>0.28</i>	<i>6/22/98</i>
<i>Totals</i>	<i>120 homes</i>		<i>0.28</i>	

Conditioning:

<i>Comment</i>	<i>Water Permit Condition Report 21-7442</i>
<i>Inactive</i>	<i>049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.</i>
<i>Right will be less than 1 cfs, so will be removed</i>	<i>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.</i>
<i>Carry to license</i>	<i>Domestic use is for 70 homes.</i>
<i>Not carried to license</i>	<i>046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.</i>

Comment	Water Permit Condition Report 21-7583
Not carried to license	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 permit holder had no control.
Carried to license	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.
Carries to license	004 The issuance of this right does not grant any right-of-way or easement across the land of another.
Not carried to license	046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
Carries to license- MD may already be installed but not confirmed	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.
Carries to license (will be a combined limit with 7442)	071 The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
Carries to license	Domestic use is for 50 homes.
Carries to license as x60 with corrected lots information (add to 7442)	Places of use are located within Lots 1-14, Blk. 1; Lots 1-11, Blk. 2; Lots 1-8 & 10-28, Blk. 3; Lots 1-17, Blk. 4; Lots 1-7 & 9-30, Blk. 5; Lots 1-15, Blk. 6; Lots 1-5, 13-19 & 55-59, Blk. 7; Lots 1-5, Blk. 8; Lots 3-10, Blk. 13; Lots 6-15, Blk. 15; Lots 2-7, Blk. 16; Lots 2-8, Blk. 17; and Lots 1-10 & 15-23, Blk. 18; Buffalo River Estates Division Nos. 1, 2, & 3.
Carries to license as x59 with corrected lots information (add to 7442)	Two points of diversion are located within NWNE, S23, T13N, R43E. Points of diversion are located within Lot 9, Blk. 3; Lot 8 & 23, Blk. 5; Lot 16A, Blk. 7; and Lot 1, Blk. 19; Buffalo River Estates Subdivision.

PD Summary:

Tag #	Location	Rights that Use PD	Uses
A0018213 aka Well #1	NENE Sec. 23	21-7583 & 21-7442	domestic
A0018212 aka Well #2	NWNE Sec. 23	"	"
A0018219 aka Well #3	SWNE Sec. 23	"	"

Volume and Diversion Rate: The total capacity of the three wells is 0.28 cfs and both rights will have a diversion rate of 0.28 cfs with a combined limit.

21-7442

The field examiner calculated the volume using 0.06 af per home (should have been 0.6 if he meant to include indoor use only). However, the volume should allow for the irrigation of ½ acres of land. 1.2 af x 70 homes = 84 af.

21-7583

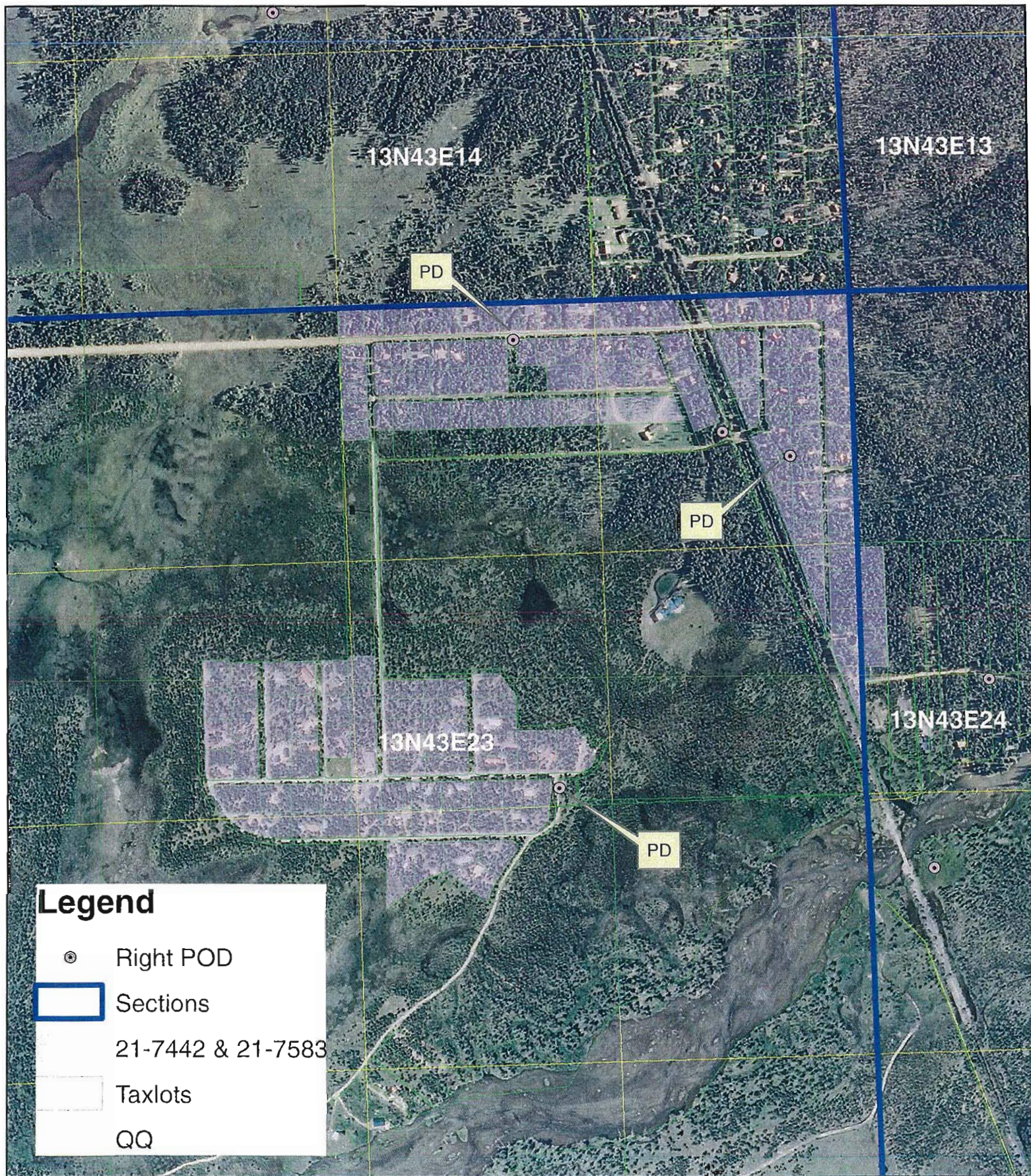
The field examiner calculated the volume using 0.06 af per home (should have been 0.6 if he meant to include indoor use only). However, the volume should allow for the irrigation of ½ acre of land. 1.2 af x 50 homes = 60 afa

~ The rate of 0.28 provides for up to 203 afa so the volume calculations are okay.
(84+60=144afa)



Amendments Needed? YES—need PD and POU amendments

JPEG of POU/PD: see map



21-7442
21-7583

Lots Permitted for Water Rights Buffalo River Estates Lots

Legend	
	Block1
	Block2
	Block3
	Block4
	Block5
	Block6
	Block7
	Block8
	Block13
	Block15
	Block16
	Block17
	Block18
	Block19
	21-7583
	Taxlots

Division #2 69 lots

Division #1 43 lots

17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

1 2 3 4 5
15 14 13 12 11 10 9 8 7 6 5 4 3 2 1
16 17 18 19 20 21 22 23 24 25 26 27 28 29 30
15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

1 2 3 4 5 6 7
1 2 3 4 5
15 16 17 18 19 20 21 22 23 24 25 26 27 28
14 17 13 18 11 10 12 13 14

Division #4
12 lots

2 8 2 1 19 13
3 7 3 6 18 14
4 7 4 5 17 15
5 6 4 5 16a 16
6 15 3
7 14 4
8 13 5
9 12 6
10 11 7 8 9 10

10 9 8 7 6 5 4 3 2 1
15 16 17 18 19 20 21 22 23

55 56 57 58
59

Division #3
62 lots

186 lots total
- 120 authorized
66 to be permitted

. well Lot per Plat Map

*well lots will be excluded from
the PDV for both rights