

MEMO

TO: File 63-11540

FROM: CPadilla

DATE: September 20, 2010

RE: Licensing Review Memo

Time Line:

Application for Permit Received: 5/28/91

Permit Approved: 8/2/91

Proof of Beneficial Use Received: 9/29/06

Field Exam Conducted: 6/19/07

POU Overlap Analysis: NONE, the field examiner noted permit 63-32535 overlaps the POU for this right. However, 63-32535 became voided in 2/2009.

Conditioning

Comment	Water Permit Condition Report 63-11540
Update condition to R65	03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
Doesn't carry 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.
Doesn't carry to license	46B The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
Carry to license-no MD installed	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.
Doesn't carry to license	046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
Only irrigation use developed. No need for condition	Domestic use is for 2 homes. Commercial use is for 100 unit recreational vehicle park with related facilities, restaurant and grocery. See Final Order for additional conditions of approval.
Carry to license	004 The issuance of this right does not grant any right-of-way or easement across the land of another.
Doesn't carry to license-this is no longer an active condition	01G Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
Complied	46A A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.

PD Summary

Tag #	Location	Rights that Use PD	Uses
D0042457	NWNW Sec. 4 1N3E	63-11540	Irrigation

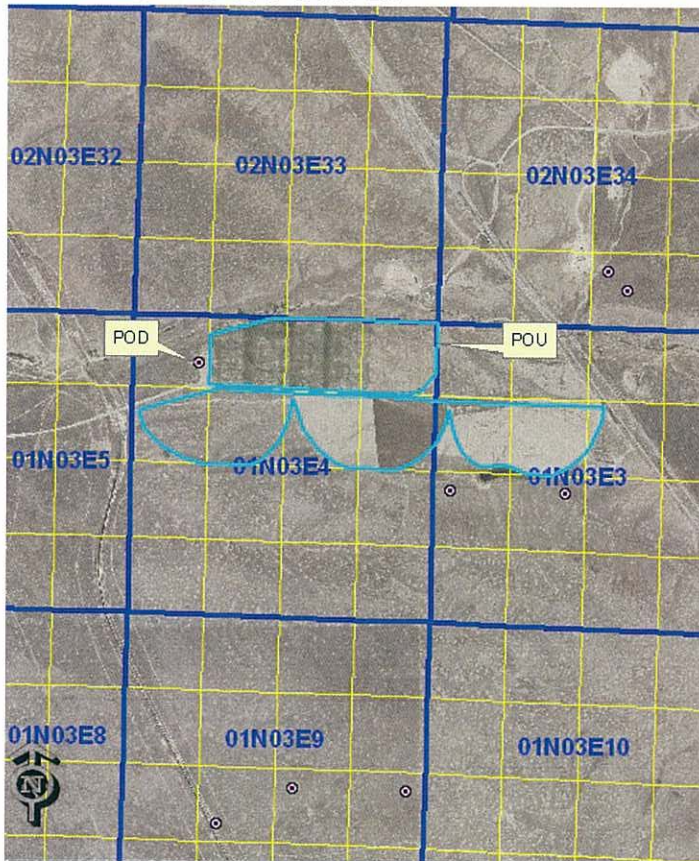
Season of Use: 3/15-11/15

Volume and Diversion Rate: The field examiner reported a rate of flow from the well at 3.10 cfs and a volume of 1291.5 based on department standard for af/acre. This right will be based on the field examiners findings.

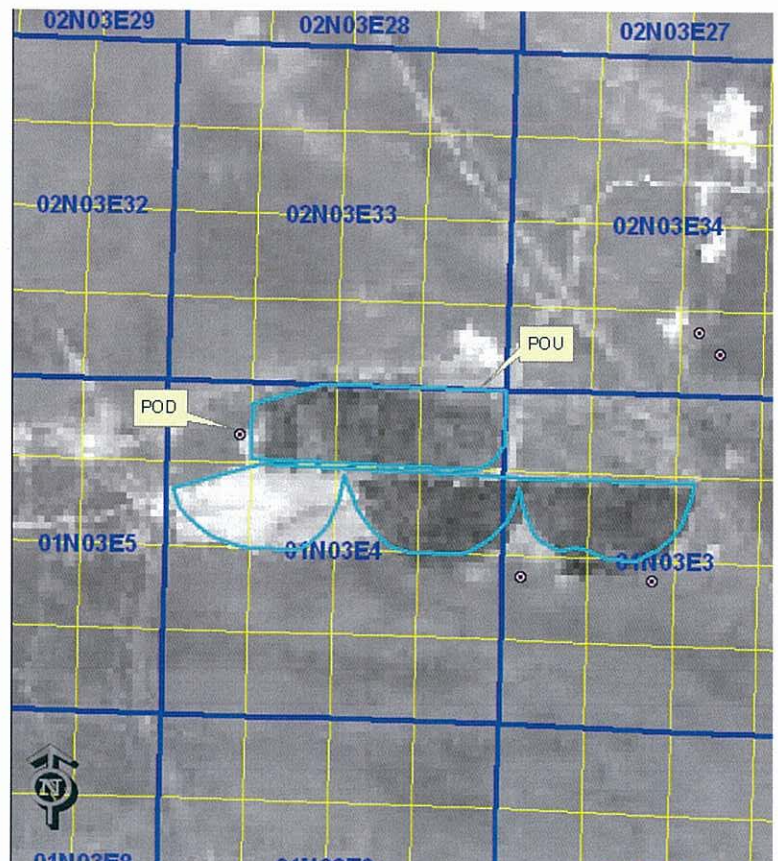
Ownership: Assignment submitted 6/21/07 placed ownership from Joan Prigge to Duke Properties Blacks Creek LLC. The license will be issued in Duke's name. Note that 2010 taxlot information shows Duke as still being the land owner.

Amendment Needed? YES, POU and PD need to be amended. An amendment was submitted prior to proof (2006). The amendment was to change to POU and was never addressed by the department. The amendment is of no use because the POU was developed differently according to the field examiners findings and will be returned to the applicant.

JPEG of POU/PD:



2009 NAIP



2007 SPOT