

**SPF**Water Engineering, LLC
water resource consultantsRECEIVED
APR 05 2007
WATER RESOURCES
WESTERN REGION

April 5, 2007

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Amendments to Applications for Permit 65-23042 and 65-23043 – Blackhawk Partners, LLC

Dear Ms. Graves:

Enclosed on behalf of Blackhawk Partners, LLC is an amended application for domestic, irrigation, and fire protection use at the proposed Blackhawk development in Valley County, Idaho. The original application was submitted to IDWR on May 9, 2006 and has not yet been advertised. A previous amendment to the application was submitted on February 8, 2007. The application number is 65-23042. Also enclosed are two amended applications for permit application 65-23043. A separate application for each pond and a proposed mitigation plan are provided per your comments.

The purpose of the attached amendment to 65-23042 is to change points of diversion, place of use, and allow for potential development of two separate public water systems. The applicant plans to construct a separate public water system for developments on the south end of the Blackhawk property if adequate well capacity can be developed in NE SE Section 1, T17N R2E. If adequate well capacity cannot be developed in that section, the proposed place of use will be served from existing wells located in the SE SE Section 25, T18N R2E and will be connected to the existing public water system at Blackhawk on the River. The final design of the public water system(s) is dependent on available well capacity and cannot be determined until wells are drilled in the NE NE Section 1, T17N R2E.

As mentioned in my February 8, 2007 letter, the intent of the permit application is to apply for groundwater as the sole water source for irrigation of residential lots served by the public water system. Irrigation of residential lots will be limited by the subdivision's governing documents to less than ½-acre per lot. The applicant does not believe it is feasible to construct a separate pressurized irrigation system to deliver appurtenant surface water to residential lots for the following reasons.

- 1) The applicant and the Blackhawk Lake Property Owners Association (BLPOA) have agreed that the applicant will file a transfer application to change the nature of use of the storage components of water rights 65-2946C, 65-7052E, and 65-7535 to aesthetic and recreation storage. Members of the BLPOA purchased homes along Blackhawk Lake (Hait Reservoir) from a prior developer with the apparent understanding that

re transfer

Blackhawk Lake and Banana Lake (Lower Hait Reservoir) would be maintained as aesthetic and recreational amenities. The prior developer did not obtain a transfer to change the nature of use of the water rights associated with these reservoirs. This transfer application was submitted to IDWR on April 5, 2007.

- 2) Other surface water appurtenant to the area served by the public water system includes natural flow from Duffner Creek (65-7052E), dispersed springs (65-7576C), and natural flow from the Payette River (65-7653E). These sources are not expected to provide a reliable water source for most of the irrigation season due to limited seasonal availability from Duffner Creek and the springs. The Payette River water right has at most a 7-acre overlap with the proposed public water system place of use. Water right 65-7653E is also a junior water right (8/24/1976) and is commonly not in priority for much of the irrigation season.
- 3) The applicant will have to provide irrigation water from groundwater sources to provide a reliable water source to homeowners throughout the irrigation season. This water can most effectively be delivered through the potable water system. The additional cost to construct a separate pressurized irrigation system for the residential lots is expected to be approximately \$1.1 million. A separate pressurized irrigation system would also add to ongoing operation and maintenance costs for the homeowner's association. Given the apparent limited seasonal availability of the appurtenant surface water rights, it is not economically feasible to provide a separate pressurized irrigation system to deliver water to homeowners for a few weeks each year.

The applicant does intend to continue irrigating common areas using surface water rights 65-7576C and 65-7653E, and to resume irrigation of common areas using natural flow from Duffner Creek (65-7052E). Irrigation of common areas from surface water can be accomplished with limited improvements to existing infrastructure. Irrigation of common areas when surface water is seasonally unavailable can be accomplished by purchasing surface water from the Water District 65 Rental Pool when available. Rental pool water can be delivered to common areas using the same infrastructure.

On behalf of Blackhawk Partners, LLC, SPF Water Engineering requests that application 65-23042 be processed as an application to appropriate groundwater as the sole water source for irrigation of the proposed residential lots, and that any language requiring use of surface water sources for irrigation of residential lots be omitted from the permit. We also request that the application be processed independent of the aforementioned transfer application to minimize delays to construction of the proposed project.

April 5, 2007

A check for \$290 is enclosed to cover the balance of the application fees for these permits. The total application fee for the amended permits is \$990 (\$140 for the public water system application, and \$290 for each of the pond applications). A total of \$700 was paid for filing of the original applications.

Sincerely,



Jennifer S. Sukow, P.E., P.G.
Senior Project Engineer

cc: Sima Muroff, Blackhawk Partners, LLC
Dave Powell, P.E., RiveRidge Engineering Co.