



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

May 8, 2007

BLACKHAWK PARTNERS LLC
C/O JENNIFER SUKOW PE/PG
SPF WATER ENGINEERING LLC
600 E RIVER PARK LN STE 105
BOISE ID 83706

Re: Applications for Permit and Transfer

Dear Ms. Sukow:

Three applications for permit are being processed for your client. Two applications for transfer remain on hold pending a reduction in application backlogs at the Idaho Department of Water Resources (IDWR).

Applications for Permit Nos. 65-23042, 65-23043 and 65-23120 are being processed as we discussed today. Additional information is needed for Application 65-23042 while processing continues. Some of the additional information will also be useful in evaluating the transfer applications once those can be processed.

Application 65-23042 Additional Information

Please respond to the following requests extracted from Water Appropriation Rule 40.05:

Rule c, items cii and ciii, information relative to the effect on existing water rights as follows:

- ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.
- iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

Rule d, information relative to sufficiency of water supply as follows:

- i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.
- ii. Information shall be submitted on the quantity of water available from the source applied for, including information ... concerning the properties of the aquifers that water is to be taken from for ground water sources.

Additionally, the application proposes to sever at least the storage portion of existing surface water irrigation rights from the place of use. Primary ground water irrigation would be developed for the residential lawns, while some existing surface water rights (or portions thereof) would be used to irrigate common areas under this application. The applicant hopes to avoid expected conditions of approval that would limit new ground water irrigation to supplemental use and/or prevent removal of surface water rights from the property.

This might be a viable approach if the requirements of I. C. § 67-6537 can be met (see enclosed copy). IDWR will consider that requirement to be met if the applicant provides a letter to that effect from the local governing body (county government?). The letter would support the case for primary ground water yard irrigation plus the scenarios proposed by the two transfer applications.

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your response including the requested information, or a request for more time to seek the information, must be received within the next ninety (90) days. The application will be voided without a timely written reply.

Please contact me at 334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure



Idaho Statutes

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6537. USE OF SURFACE AND GROUND WATER. (1) The intent of this section is to encourage the use of surface water for irrigation. All applicants proposing to make land use changes shall be required to use surface water, where reasonably available, as the primary water source for irrigation. Surface water shall be deemed reasonably available if:

(a) A surface water right is, or reasonably can be made, appurtenant to the land;

(b) The land is entitled to distribution of surface water from an irrigation district, canal company, ditch users association, or other irrigation delivery entity, and the entity's distribution system is capable of delivering the water to the land; or

(c) An irrigation district, canal company, or other irrigation delivery entity has sufficient available surface water rights to apportion or allocate to the land and has a distribution system capable of delivering the water to the land.

(2) Consistent with sections 42-108 and 42-222, Idaho Code, any change in the nature of use of surface water provided by an irrigation delivery entity must be authorized by the entity holding the water right(s) for the available surface water. Nothing in this section shall alter the authority and discretion of irrigation delivery entities to apportion, allocate and distribute surface water, or for municipalities, counties, or water and sewer districts to pass ordinances or regulations to promote the use of surface water for irrigation.

(3) Nothing in this section shall be construed to override or amend any provision of title 42 or 43, Idaho Code, or impair any rights acquired thereunder.

(4) When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area.

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