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DEPARTMENT OF  
WATER RESOURCES

April 2, 2009

Gary Spackman  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Subject: Application for Permit 63-32423 – JMM Dry Creek, LLC

Dear Gary:

In response to your letter of March 31, 2009 to Charles Honsinger, this letter discusses potential changes in water use associated with a proposed 32% reduction in net density at the Dry Creek Ranch planned community.

The 32% reduction in net density (and associated 800 dwelling unit decrease) will result in larger average lot sizes, with correspondingly larger irrigation demands. The irrigation demand for the entire planned community will be supplied partially from the municipal potable water system (under application 63-32423 and United Water Idaho rights) and partially from the non-potable pressurized irrigation system (using wastewater reuse and decreed water rights 63-7123, 63-4086B, 63-17454, 63-4023B and 63-2535).

Please note that application 63-32423 proposes diversion rates and volumes not to exceed 7.84 cfs and 1764 afa in combination with decreed irrigation water rights 63-7123, 63-4086B, 63-17454, 63-4023B and 63-2535. These five decreed water rights are also limited to 7.84 cfs and 1764 afa diversion volume. Therefore, application 63-32423 is not requesting any additional diversion volume or diversion rate over the amounts currently authorized under the five decreed water rights. As a result, any decrease (due to decreased in-home annual demand) or increase (due to increased irrigation demand) in annual volume diverted under application 63-32423 will be accompanied by a corresponding increase or decrease in annual volume diverted under decreed irrigation water rights 63-7123, 63-4086B, 63-17454, 63-4023B and 63-2535.

Given that the 32% lower net density will likely result in an increased irrigation demand from the potable water system, it is likely that peak diversion rate from the proposed municipal well(s) will not decrease. However, in the event that the entire increase in irrigation demand is supplied from the non-potable system, the planned community will still have peak hour potable water system demands in excess of 5 cfs, of which up to 5 cfs will be supplied under application 63-32423. For example, SPF's July 18, 2006 Conceptual Water System Report estimated a peak day potable water system requirement of 2,108 (4.7 cfs) for the potable water system. If the density reduction resulted in a 32% reduction (from 4.7 peak day to 3.2 cfs peak day) in potable water system demand, a peaking factor for the water system of 2.0 will result in peak hour demands in excess of the 5.0 cfs diversion rate sought by application 63-32423. Peak

demands in excess of 5.0 cfs will be met through reservoir storage or importation of water under United Water Idaho water rights.

In summary, the change in the number of development units does not reduce the amount of water sought under application 63-32423, but may eventually have an impact on distribution of the 1764 afa of annual diversion volume between the potable and non-potable water systems.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Charles Honsinger – Ringert Law  
Charles Potter – Land Baron  
Josephine Beeman – Beeman Law