



State of Idaho

DEPARTMENT OF WATER RESOURCES

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October 26, 2009

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Governor

GARY SPACKMAN
Interim Director

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**RE: Permit No. 11-7435, Canyon Estates Subdivision; associated Partial Assignment
& Amendment of Permit No. 11-7481, Sam's Hollow Water Co.**

Dear T.J.,

Some time has passed since you and I last discussed the above mentioned permits and associated assignments and amendments filed by your office on February 5, 2008. As indicated by a September 24, 2007, letter from Randy Budge of your office, the objective of the assignments and amendments to both permits was to incorporate a parcel of land known as The Pointe into Canyon Estates Subdivision, which is supplied with water from Permit No. 11-7435. Currently as recorded, The Pointe is supplied with water from Permit No. 11-7481, under the name of Sam's Hollow Water Company. Note that one of the assignments of permit submitted was to change ownership of 11-7435 from Doug Johnson to Canyon Estates Property Owners Association, which has been completed. In this letter I will attempt to address the three items remaining to be processed: 1) Application of Amendment for Permit No. 11-7435, 2) Partial Assignment of Permit No. 11-7481 from Sam's Hollow Water Company to Canyon Estates, and 3) Application of Amendment for Permit No. 11-7481.

- **Application of Amendment for Permit No. 11-7435:** As currently filed the application of amendment changes only the place of use under 11-7435, though it is my understanding from Randy's '07 letter and discussions with you that the permit holder wishes to include a second well on 11-7435. The inclusion of a second well is in order to fulfill DEQ requirements resulting from the addition of The Pointe into the water supply system. As you are likely aware, a field examination was conducted by IDWR for this permit on June 6, 2008. At the time of examination, the second well was not connected because the applicant was awaiting DEQ approval, which had been delayed. I therefore recommended the license be issued without the second well.

Recently I discussed this situation with my supervisor who indicated that the permit could be licensed with the second well if it can be confirmed the well has since been hooked up to the system. Enclosed with this letter is a second licensing amendment that includes the second well. Please disregard the licensing amendment I sent on August 15, 2008. Additionally, if the second licensing amendment is acceptable, please withdraw the Application for Amendment of Permit No. 11-7435 filed February 5, 2008, so that a license can be issued.

- **Partial Assignment of Permit 11-7481:** As a result of the partial assignment of 0.28 cfs to Canyon Estates, Permit No. 11-7481 has been split into Permit Nos. 11-7640 and 11-7641. 11-7641 is the portion now appurtenant to Canyon Estates and 11-7640 is the remaining portion belonging to Sam's Hollow Water Company. I have enclosed reports of both splits for your review.
- **Application of Amendment for Permit No. 11-7481:** As currently filed and described by your February 5, 2008, cover letter, the amendment seeks to change the place of use and add a point of diversion to the assigned portion of 11-7481 to Canyon Estates, now 11-7641. The intent of the amendment is to be able to pump 11-7641 from the Canyon Estates well and use it within all of Canyon Estates Subdivision. I have identified three items on the amendment that likely need modified. The first, a minor detail, is the right identified on the amendment. The amendment lists 11-7481B, which I presume was the right you had assumed 11-7481 would be renumbered to after the partial assignment. The amendment should list 11-7641.

Secondly, the place of use description listed appears to have an error. A portion of the place of use description on the amendment lists the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T16S, R43E, when I believe it should list the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T16S, R43E, (following how 11-7435 was permitted). Moreover, I think it would be proper to base the amendment place of use description on the field examiner's findings of Permit No. 11-7435, as the intent of the amendment is to incorporate 11-7641 into 11-7435's system. Finally, the amendment lists only the original point of diversion for the subdivision. I believe the intent is to list both points of diversion on the amendment. A new amendment for what is now 11-7641 can be submitted with the changes I have mentioned (form enclosed) or a response to this letter confirming the changes I have suggested would suffice to continue moving the amendment toward approval.

With regards to both the permit amendment and licensing amendment, there may be other options to continue processing, however the changes outlined above are what I suggest will be the most straight forward. Also, please note approval condition no. 10 of Permit No. 11-7435. The field examiner noted in the field report that it appears this condition was not followed. Please feel free to contact me if you have any questions pertaining to this letter.

Sincerely,



Nicholas Van Dyke
Water Resource Agent, Sr.

Enclosure(s)

cc: Canyon Estates Property Owners Association
Sam's Hollow Water Company