



State of Idaho

DEPARTMENT OF WATER RESOURCES

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May 1, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Stanley Consultants Inc.
Attn: Dean Cardwell
1940 S. Bonito Way, Suite 140
Meridian, ID 83642

RE: *Application for Permit for Providence Development Group LLC. and associated Transfer for Canyon County Water Company LTD*

Dear Mr. Cardwell:

On April 1, 2008, we meet in my office to discuss the application for permit for Providence Development Group LLC and the associated transfer for Canyon County Water Company LTD. During this meeting we discussed several issues that needed to be addressed in order to proceed with processing of these applications. At the end of the meeting I informed you that information should be supplied within the next 30 days. Unfortunately, we have not received that information. This letter is a formal request for the information required. I have listed the needed information below for your reference:

For the Permit:

- 1.) Only one point of diversion is described on the application. There are seven ponds, therefore there should be 7 points of diversion. One for each pond located in the center of the pond.
- 2.) The place of use description is missing several 40 acre tract identifiers. You must include each 40 acre tract legal description where a pond is located.
- 3.) The processing fee for the permit was \$40.00 below the required fee amount. Therefore, in order to process the application, we would need an additional \$40.00.

For the Transfer:

- 1.) We need to add the acre feet volume amounts for the storage components for the water right on the front page of the form. There is already 87.9 acre feet on the water right from previous transfers. Using the standard one-for-one swap we can use the maximum consumptive use amount of 3.5 acre feet per acre. With 13 acres being retired this would allow an additional 45.5 acre-feet of water ($13 \times 3.5 = 45.5$). The total volume would then be the total amount already on the water right plus the additional amount being proposed for a total of 133.4 acre-feet of water for recharge ($45.5 + 87.9 = 133.4$ af).

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- 2.) In section 5 on Page 1 of the transfer, you need to include all of the legal descriptions for the recharge. This will allow the transfer to address all of the recharge as a whole at the proper locations.
- 3.) On page 1 and page 4, you need to reduce the number of acres allowed for irrigation by the number of acres being retired for recharge. Therefore, the total irrigated acres needs to be reduced to 3973.3 acres.
- 4.) We also need a narrative on Page 2 or as an attachment that states that you are proposing the one-for-one swap for the recharge. You will also need to provide a comment in this narrative that assures us that highly consumptive crops were grown on this property prior to the instillation of the ponds. With this information you can request the standard 3.5 acre feet per acre for consumptive use to calculate the volume per Steve Lester's instructions during the initial visits concerning these applications.
- 5.) The narrative will also need to explain the fee that was paid. The narrative should state that only 12.9 acres or 0.26 cfs is being altered on this water right, therefore, the transfer fee should only be based on the portion of the water right being altered and not the entire water right.

Once we receive the above information, we should be able to continue with processing. However, further clarification may be needed dependent on the information supplied.

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 written response including the requested information, or a request for more time to seek the information, must be received by 6/1/2008. IDWR will issue a preliminary order to reject or deny the application without a timely reply.

If you have any questions or concerns please contact me at the above address.

Respectfully,



Daniel A. Nelson
Staff Hydrologist
Water Distribution Bureau
Idaho Department of Water Resources