

MEMORANDUM

Date: December 8, 2008
To: Water Right File 11-7372
From: medi
Re: review

Applicant

The permit holder, Bear Lake Sands Inc., is no longer a viable business entity with the State of Idaho. The Department has not processed an assignment of the permit but the Beneficial Use Field Report for this permit names the current property owner as East Shore Water Company. Change of ownership processing is needed. When I mentioned that discrepancy to the examiner, Dennis Dunn (IDWR Eastern Region) told me that correspondence should be directed to Randy Budge, and that Mr. Budge had been consulting with the permit holder and was aware of the ownership issues associated with this project. I added Mr. Budge's law firm as a representative of the permit holder in the Department's database records for this permit.

Source & POD

The existing well was drilled in 1980 and was intended to be the point of diversion for lapsed permit 11-7088. The initial well capacity was not fully appropriated through an earlier water right 11-7359 on the same system. The well and initial pump are still operating on the water supply system but a 96,000 gallon storage tank was added in 1996.

Because there are more than 25 users connected to this public water supply system, DEQ has required a second well be connected. According to conversations I have had with the engineering consultant, an additional well is planned and it's location has been selected.

Water Use

The field examiner for this permit states that the system capacity is less now than it was for water right 11-7359. He recommends additional volume for 11 homes but no additional rate. The recommendation of no additional rate is partially based on a preliminary Engineering Report (DEQ#04-06-07) submitted in January 2008 to IDEQ by Lance Anderson of Cache-Landmark Engineering. The report was prepared by Mr. Anderson on behalf James Nebeker and East Shore (Water) Company. The narrative states that based on a well pump test conducted by Mr. Anderson, the current system capacity is only 162 gpm (~0.36cfs) which is less than the rate sought in the permit and less than the initial 1980 flow test for the well.

Only a section of the narrative from Section 3 of the Cache-Landmark report was forwarded to me from IDWR Eastern Region. I requested a complete copy from the engineer and from IDEQ's Pocatello office. Neither of the two copies of the report that I received contained the appendix: C-9 Water Well Pump Test. DEQ made a PDF copy of the report available to me on CD. I printed out only the most salient pages for inclusion in this file.

Previous recommendations for domestic uses on this water supply system appear to have been based on the number of lots rather than on the number of residences. License 11-7359 recommended rates and volumes based on 79 homes. Only a small percent of the above ground construction had occurred by the field exam date for 11-7359 but the place of use was defined as lots 1-59 in the East Shore subdivision and lots 1-20 lots in Bear Lake Sands II subdivision. Assuming that one home would be built on each of the 79 lots supports a recommendation for 79 homes.

I compared maps from the back-file for water right license 11-7359 with maps available for this permit, and found 10 additional lots had been added to the East Shore subdivision. Lots 61-70 (inclusive) have replaced what was a common area in the map for the previous license and would be candidates for

additional use. However, none of the drawings available to me showed stub-ins to the lots. The below ground drawings in the back-file show the water system main lines but nothing smaller. Without additional documentation I cannot recommend additional beneficial use on this supply system. On December 10, 2008, I prepared a Notice of Intent to Void Permit. If the permit is voided, water use in lots 61-70 will exceed what has been licensed.

Several of the constructed residences occupy more than a single lot. From a tally gleaned out of the Cache-Landmark Report, there are 42 residences and 38 vacant lots in the Bears Lake Sands II and East Shore Subdivisions. The previous license was issued in 2007 so water right abandonment isn't a concern yet. There is a potential for a transfer of water from the vacant lots to the developed lots.

These subdivisions may be better served by consolidating their water rights under a municipal use, rather than repeated appropriations for multiple domestic use.

Place of Use

Three separate subdivisions have connections to the distribution system associated with this water right. Additional lots/users have been added to the system but additional water rights have not been obtained to cover the additional use. Only the Bear Lake Sands II Subdivision and East Shore Subdivision had proven beneficial use by the 1997 proof due date for this permit. Bear Lake Villas development occurred after the proof date and so water appropriated by Bear Lake Villas will need to be covered by an additional license.

These subdivisions are located within the Bear River Ground Water Management Area. The ground water designation occurred in August 2001, several years after proof of beneficial use was submitted for this permit.