



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

February 13, 2006

Allen Merritt, Southern Regional Manager
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Application for Permit-Southern Comfort Subdivision

Dear Allen:

Enclosed is an Application for Permit for municipal water for the 12 unit Southern Comfort Subdivision in Blaine County.

This subdivision was developed in 1977 and has a community water system. The subdivision filed the beneficial use claim, 37-11398 for in-house use and irrigation of the subdivision in the Snake River Basin Adjudication (SRBA) for 0.11 cfs with a claimed priority date of 01/01/1977. That claim listed 5 homes that were currently irrigated; however, the subdivision should have listed that a potential of twelve (12) homes could be irrigated in the subdivision.

Subsequently, the Idaho Department of Water Resources issued a draft Recommended Right in the SRBA for the claimed amount of 0.11 cfs. However, based on the applicable statutes, any community system installed after 1963 required application for a permit and subsequent licensing. The SRBA rules require that you cannot file an SRBA claim for any water right which would have required a permit. On this basis then, the SRBA claim which was filed for 0.11 cfs should never have been accepted by IDWR and the subsequent draft recommendation should not have been filed by IDWR. In other words, Southern Comfort Subdivision should have filed an application for permit, and, at this point in time, the only means available to secure a water right is to file an application for permit.

Therefore, under the current rules for community systems, the water system should be allowed 0.17 cfs for twelve (12) homes and 0.12 cfs for irrigation of 0.5 acres per residence for a total of 0.29 cfs. A 2003 aerial photo was prepared by Brockway Engineering and estimated an irrigated acreage of 6 acres determined for the area.

CHARLES E.
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Department of Water Resources
Southern Region

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The permit application was originally submitted on March 1, 2005, but was returned by your office due to ownership conflicts in the initial permit. Therefore, we are now resubmitting the application with the proper ownership (see attached documents), and a check for \$250 from Southern Comfort Homeowners Inc. to cover the filing fees.

Thank you for the prompt processing of this application. If you or the agent working on this permit application has any questions or if we need to submit any additional information, do not hesitate to contact our office.

Sincerely,



Charles E. Brockway, P.E.

cc: Chuck Williamson, Southern Comfort Homeowners' Association, Inc.

Enclosures: Application for Permit
Check for \$250
Articles of Incorporation
2005 Annual Report Form