



State of Idaho

DEPARTMENT OF WATER RESOURCES

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October 15, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SPF WATER ENGINEERING LLC
ATTN TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706

RE: CHAMPION HOME BUILDERS WATER RIGHTS

Dear Mr. Scanlan:

Thank you for your letter dated 9/18/2004 attempting to sort out the water rights for Champion Home Builders. This letter included a withdrawal of an existing application for permit and two transfers. I want to apologize for not responding sooner, but I wanted to review the letter and do an initial review of the transfers before submitting a response. There are several issues that need to be addressed so I will try to keep everything in order.

WITHDRAWAL OF PERMIT:

From this letter it is apparent that the application for permit that was filed on 3/31/2004 was unnecessary. Thank you for the withdrawal of this application. I have decided to delay finalizing the withdrawal of this permit until I am positive that we have Champion Homes water needs covered. I am still concerned about these water rights, and the field reports on the existing rights are vague enough that I want to make sure everything is in order before I process the withdrawal and begin applying the fees to the new filings.

FIRE PROTECTION TRANSFER:

The first transfer was for water right 67-7225 for fire protection. I was not sure during the review of this transfer what was needed for a fire protection transfer. We rarely receive transfers for fire protection, so this is unique. I spoke with my Region Manager, John Westra, and my supervisor, Steve Lester, about this transfer. The consensus is that this transfer is really not necessary.

The point of diversion for the water right will not change, and the actual place of use for the transfer is the pond used to store water for a fire event. Once water is diverted from the pond to fight an existing fire, no water rights are needed. Any kind of infrastructure can be developed to assist with the suppression of an existing fire from the Pond Pump, without requiring an alteration of the water right.

It is much like using water from a mountain stream to fight a forest fire, you can file a water right to divert from the stream to a pond that is designed and used exclusively to fill helicopters, planes, and fire trucks to fight a fire. The place of use would not include the entire forest, but it would be recognized as the pond or the place where the water is actually being used to prepare for the fire suppression needs.

Permit 67-7225 is much the same as the example listed above. The actual place of use is the pond. As is the case with the licensing of 67-7225 we can include any specific areas that will be protected by the water right, but it really isn't required. I wanted to inform you of this situation so you can discuss with your clients whether or not they would like to precede with the transfer on 67-7225. Some insurance companies require that there be a specific water right that accurately describes the place of use, and we can accommodate your clients if this is the case. If there is no specific need for the transfer, then you may want to consider withdrawing this transfer, and have your \$290.00 fee refunded.

DOMESTIC TRANSFER:

I agree with your letter and decision to combine all of the existing water rights into a single combined use. This will help alleviate some of the confusion with these rights, and help make them easier to administer. In my initial review of these rights, I discovered that each of the water rights is for a separate facility or building. The original field exams on these water rights didn't mark or map which buildings were tied to each right. Therefore, in order to help me better understand how the water rights relate to each other, I was hoping that you could use the enclosed map or similar map or diagram to help me figure out how things worked prior to the transfer and how they will work after the transfer. Please mark on a map the location of the well(s) and buildings for each right.

- 1.) Water right 67-7125 is no longer under your control, but I need to know how it relates to the other systems. Please outline the building and location of the well for this water right. It is listed as the Weiser Products Division Plant in the SWNW of Section 9.
- 2.) Water right 67-7124 is involved in the transfer for the Home Division Plant in the SENW Section 9. Please outline the building and location of the well for this water right.
- 3.) Water right 67-7126 is involved in the transfer for the Tamarack Division Plant in the SENW Section 9. Please outline the building and location of the well for this water right.
- 4.) Water right 67-7128 is involved in the transfer for the Main Plant in the SENW Section 9. Please outline the building and location of the well for this water right.

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Champion Home Builders

The transfer states that Champion Home Builders has eliminated one of the three plants to allow the use of a new facility in the NESW. The enclosed 2003 Satellite photo shows the new plant, but it also still shows the older facilities. Please show which facility was eliminated.

It is difficult to tell, but it does look as though the original field exams should have included the buildings in the SWNW Section 9. This transfer can correct the legal descriptions if necessary.

The 1997 aerial photo enclosed with this letter is very similar to the 1974 orthophoto Quadrangle maps in our office. Therefore, I only sent the 1997 aerial photo because it has better resolution than the 1974 map. I have also included a 2003 satellite photo that shows the new building and could be used to show the location of the new well and the buildings it will service.

Most large businesses need a second well for backup purposes. However, the transfer only lists a single well. Could you please let me know if the new proposed well will be the only well supplying all of the facilities?

You have supplied the Tax Notices for proof of ownership for the lands where the water will be moved. These are acceptable, but our State Office staff prefer to have an actual warranty deed or bill of sale to ensure there are no restrictions on the property. If it is possible, could you please supply the warranty deeds for the new lands? If you can't attain these records, it will not delay processing of the application.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

This is a rather long complicated letter, so please contact me at the above address if you would like to discuss this by telephone or in person.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", with a long horizontal flourish extending to the right.

Daniel A. Nelson

Sr. Water Right Agent