



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 10, 2004

Ms. Amy Chestnut
Barker Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701-2139

Re: Protest for Application for Permit 25-14071, Timberline Properties, LLC

Dear Ms Chestnut,

I have prepared this letter as a follow-up to our conversation August 3, 2004 in regards the above referenced Application for Permit in the name of Timberline Properties, LLC. You requested clarification as to how the applicant may have arrived at the values for appropriation. My response is as follows:

1. Application was made for domestic use for a new subdivision to be called Timberline Estates; a platted subdivision of 44 individual lots.
2. Timberline Estates is adjacent to an earlier subdivision development called Fairview Estates; a platted and developed subdivision of 38 individual lots. Timberline Properties, LLC propose to tie-in both subdivisions into one public water system.
3. Fairview Estates applied for and obtained a domestic permit for a public water system consisting of two wells to distribute water to 38 homes. The permit (25-13984) allowed for a diversion rate of 0.55 cfs and was conditioned such to meet the criteria of Idaho Code 42-111. Namely, $\frac{1}{2}$ acre of irrigation and a maximum of 13,000 gallons/day.
4. Timberline Properties, LLC appears to have applied for domestic water and domestic irrigation in accordance to Idaho Code 42-111. The calculation is as follows:
 - a. $44 \text{ lots} \times \frac{1}{2} \text{ acre} \times 0.02 \text{ cfs/acre} = 0.44 \text{ cfs}$
 - b. From Appendix IV, "Maximum Instantaneous Water Requirement for Domestic Use": 44 houses served = 0.32 cfs
 - c. $0.44 \text{ cfs} + 0.32 \text{ cfs} = 0.76 \text{ cfs total.}$
5. Applying the same criteria for the calculation for both Fairview- and Timberline Estates:
 - a. $44 \text{ homes} + 38 \text{ homes} = 82 \text{ homes total}$
 - b. $82 \times \frac{1}{2} \text{ acre} \times 0.02 \text{ cfs/acre} = 0.82 \text{ cfs}$
 - c. From Appendix IV, "Maximum Instantaneous Water Requirement for Domestic Use": 82 houses served = 0.64 cfs (Note that the chart was used to add 50 homes to 30 homes to 2 homes).
 - d. $0.82 \text{ cfs} + 0.64 \text{ cfs} = 1.46 \text{ cfs. Total.}$

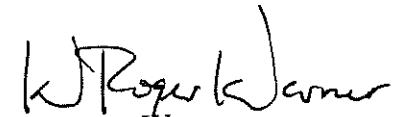
*erroneous
assumption
NOT Linear!
NEW.*

6. The existing permit for Fairview Estates is for 0.55 cfs. However, if you add Fairview Estates permitted diversion rate to what is proposed to be added from Timberview Estates (0.76 cfs), the result is a total of 1.31 cfs. The resulting amount is 0.15 cfs LESS than the 1.46 cfs calculated for both estates together using the chart titled "Maximum Instantaneous Water Requirements for Domestic Use." Why or how Fairview estates arrived at their permitted rate is unknown.

In summary, the calculations for the diversion rate for domestic use for the Timberline Estates Subdivision appear to be consistent with department guidelines for the calculation of such. The adjacent subdivision, Fairview Estates, has an existing permit for their domestic diversions that is less than what would have normally been allowed but it is likely what they applied for. Both subdivisions tied together would be restricted to the amount of the existing permit and the proposed permit application and would be conditioned such to comply with Idaho Code 42-111.

Please feel free to call if you have any questions.

Sincerely,



W. Roger Warner
Water Right Supervisor – Eastern Region

CC: Timberline Estates, LLC

Enclosures:

Copy of "Maximum Instantaneous Water Requirements for Domestic Use."

NOTE:

THESE CHART VALUES ARE USED FOR IN-HOUSE USE ONLY. YOU MUST CALCULATE THE TOTAL ACRES (1/2 ACRE PER LOT), MULTIPLY BY 0.02 CFS/ACRE AND ADD THAT UNDER THE DOMESTIC VALUE. DO NO LIST IRRIGATION AS A SEPARATE ENTITY.

