



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 16, 2004

POWDER VALLEY AND/OR SHADOWBROOK HOMEOWNERS
C/O TOM FEWELL
PO BOX 572
DRIGGS ID 83422

RE: Water Appropriation Permit 22-07815

Dear Mr. Fewell:

During review of your permit to appropriate water, it was found additional steps are required before your license can be issued.

Section 42-111, *Idaho Code* states:

...Whenever a permit has been issued pursuant to the provisions of this act, and the permit holder desires to change the place, period, or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of the water, he shall file an application for amendment upon forms to be furnished by the department of water resources together with the statutory fee for filing and recording same, and upon receipt thereof it shall be the duty of the department of water resources to examine same and if approval thereof would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected thereby, the director of the department of water resources shall approve said application and return an approved copy to the permit holder...

Your permit authorizes 0.51 cfs of groundwater year-round for internal and external domestic use for 47 homes. The field examiner reports internal and external domestic use for one home, external domestic use for 46 homes and the development of a pond containing approximately 1.0 af of water.

The field examiner reported that you have a diversion capacity of 0.25 cfs, which is less than authorized by the permit. The volume of water used is also less than the volume anticipated when your permit was issued (see attached estimate calculation sheet). However, the consumptive use developed is higher than authorized by the permit. The consumptive component of the proposed set of uses was the lawn irrigation. External domestic use was allowed for 47 homes and the field examiner confirms this use. In addition, a pond was developed. Evaporation from the surface of the pond is an enlargement of the anticipated consumptive use. Therefore, a license cannot be issued to cover the irrigation of 47 lawns and the pond.

In order to resolve this issue, several options are available to you.

1. Reduce the irrigated area under this right in an amount equal to the surface area of the pond and file an application for amendment of this permit.
2. Cover the pond with this license, but mitigate by retiring irrigation under another water right equal to the surface area of the pond.
3. File an application for permit for the pond and mitigate by retiring irrigation under another water right equal to the surface area of the pond.
4. File an application for transfer to change the nature of use of another water right to use in the pond.

If I have not received a response from you within 30 days, IDWR will issue the license without authorization for the pond. If you have any questions, please call me at 208-327-5452, or email me at eretelle@idwr.state.id.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Retelle". The signature is fluid and cursive, with a large initial "E" and "R".

Erin Retelle
Water Resource Agent

Enclosure(s): 2

Cc: Kent Foster

VOLUME:

Internal use (a non-consumptive use) ~ 0.6 af/a

External use (a consumptive use) ~ 0.6 af/a

Permitted:

47 homes (internal and external use) x 1.2 af =

56.4 af (28.2 af associated with the consumptive use)

Reported:

1 home (internal and external use) x 1.2 af = 1.2 af

46 homes (external use) x 0.6 af = 27.6 af

1 pond = 1 af

29.8 af (29.2 af associated with the consumptive use)