

From: Palmer, Cherie
Sent: Tuesday, November 08, 2011 11:36 AM
To: 'RTAblondi@aol.com'
Subject: RE: Teton Springs

Hello Bob,

See below for the answers to your questions. I hope this covers it.

Cherie

From: RTAblondi@aol.com [mailto:RTAblondi@aol.com]
Sent: Tuesday, November 08, 2011 9:52 AM
To: Palmer, Cherie
Cc: jpinardi@silverstar.com
Subject: Re: Teton Springs

Cherie,

Thanks for your response. As we look at the options to finalize the permit, I did have a few questions about the adjudication and permitting process.

1) Would the IDWR accept main line stubs to lots (such as the condominium lot) as an indication of beneficial use, given that these main line stubs would serve multiple units. **Yes, if the stub were meant to serve multiple condos, or whatever the case, the number of residences that is served by the stub would be a consideration.**

2) It sounds like you would use the same water use factor for multi-family units as for single family lots. Just wanted to verify this. **That's correct. 0.6 af per residence/condo/apartment/house, etc.**

3) What is the process to amend the permit to allow for the full actual development potential at Teton Springs. Many of the numbers that were provided on the original groundwater permit application were based upon estimates that were developed in 2000 and 2001, when the project was still being formulated. The application may have also understated the number of multifamily units that became a part of the project over time. **Permit 22-13178, or any permit for that matter, cannot be amended to enlarge the water use. The development under the permit shall have been completed by August 1, 2006 pursuant to the conditions of approval on the permit. A new application will need to be filed to cover any uses not covered by 22-13178, which is still undetermined at this point.**

4) Could you also remind me how the priority date of April 9, 2008 was established for this permit versus the date when the well was originally drilled and first used. The original priority date was June 8, 2001 for 0.86 cfs. **Proof of beneficial use was due on August 1, 2006. Because proof was not filed on time permit 22-13178 became lapsed (no longer of no force or effect). Proof was finally filed on April 9, 2008, at which time the Department reinstated the permit and advanced the priority date pursuant to 42-218a.2, Idaho Code.**

5) Also, didn't this priority date of June 2001 establish the cut-off date of August 2006 for the beneficial use. I was curious as to how the new priority date would change this if at all. **The permit holder has 5 years to develop their water use in connection with their permit. The new priority date does not change the amount of time the permit holder has to develop their water use, the permit is subject to the conditions that appear on the permit. A side note: if the permit did not become lapsed, the permit holder could have filed for an extension (for up to another 5 years) to give them more time to develop their water use.**

Thanks for your help.

Bob Ablondi