

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 11-7718

WATER RIGHT NUMBER: 11-7718

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SAMS HOLLOW WATER CO C/O JOEL LARSON 595 S RIVERWOOD PKWY STE 400 LOGAN, UT 84321 (435) 755-2096

Priority Date: 11/08/2001

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.020 CFS	
DOMESTIC	01/01 to 12/31	0.890 CFS	
	<u>Total Diversion:</u>	0.910 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 10, Twp 16S, Rge 43E, B.M.
BEAR LAKE County		
GROUND WATER	NW1/4NW1/4	Sec. 11, Twp 16S, Rge 43E, B.M.
BEAR LAKE County		
GROUND WATER	NW1/4SW1/4	Sec. 2, Twp 16S, Rge 43E, B.M.
BEAR LAKE County		
GROUND WATER	SW1/4SW1/4	Sec. 2, Twp 16S, Rge 43E, B.M.
BEAR LAKE County		
GROUND WATER	L4 (SE1/4SW1/4)	Sec. 11, Twp 16S, Rge 43E, B.M.
BEAR LAKE County		
GROUND WATER	NW1/4NE1/4	Sec. 15, Twp 16S, Rge 43E, B.M.
BEAR LAKE County		
GROUND WATER	NW1/4NE1/4	Sec. 10, Twp 16S, Rge 43E, B.M.
BEAR LAKE County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
16S	43E	11												X				X	
														L 4				L 4	

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16S 43E 14	X				
	L 1				

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	43E	2									X	X	X	X	X	X	X	X	
															L 2			L 1	
16S	43E	10	X	X	X	X	X	X	X		X						X	X	
16S	43E	11		X	X		X	X		X		X	X				X		
				L 1	L 2				L 2				L 4				L 4		
16S	43E	14		X															
				L 1															
16S	43E	15	X	X	X	X													

Conditions of Approval:

- Domestic use is for 41 homes, 256 condominium units, and 4 commercial units under water right no. 11-7481, and 241 homes under water right no. 11-7491.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
- The water management and operation plan must incorporate the components of the Settlement Agreement with PacifiCorp, dated October 7, 2003, related to water delivery, measurement, reporting, and retirement of irrigated acreage as the Bear Lake Haven Subdivision develops.
- The provisions of the water management and operation plan will be incorporated as conditions of the permit to appropriate water. Failure of the permit holder to adhere to the provisions of the water management and operation plan, including having an active and available officer of the association assigned to oversee the water management and operations plan, is cause for IDWR to issue a notice of violation and/or cease and desist order to the permit holder, and to cancel the permit to appropriate water. The provisions of the water management and operation plan may be amended without amending the water right permit under Idaho Code § 42-211, but all changes must be approved in writing by IDWR.

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6. Prior to diversion of water under this right and prior to construction of any additional wells a water management and operation plan for Sams Hollow and any successor must be submitted in writing and approved in writing by IDWR. The water management and operation plan shall contain the following components: (a) a description of a method for forecasting flows in Fish Haven Creek using measured Fish Haven Creek data or data from a comparable basin; (b) a fixed date each year, no later than April 1, when the volume of water to be diverted under this right during the upcoming year is declared and the forecasted streamflows will be compared to projected water use within the subdivision and; (c) a description of curtailment or other water conservation measures that will be employed in times of mitigation water shortages, and how water users will be notified prior to May 1 about restricted water use in the year of predicted shortage; (d) a description of how the curtailment and conservation measures will be monitored and enforced; (e) a description of the entire flow path of mitigation water, including ditches, pipes, culverts, control structures, and how the system will operate, beginning at the diversion from the Upper North Ditch, the #1 North Ditch, and the #3 North Ditch, and ending at the discharge to Bear Lake; (f) a specific description and the location of each measuring device and how each measuring device will be installed and maintained; (g) a description of the frequency of measuring, comparing, and reporting; (h) a list of those to whom the reports will be submitted; (i) the identity of the specific officer, by title, in the association or corporate organization, that will be responsible for the oversight of system operation; and (j) an alternate plan for mitigation water or curtailment should statutory claim no. 11-4022 ever be curtailed by the watermaster of the Bear River. In addition, the water management and operation plan shall also contain an operations manual for the benefit of employees working for Sams Hollow that describes duties relative to operation, monitoring, and reporting.
7. The use of water diverted by Fish Haven Water Users Company under water right no. 11-4022 for mitigation purposes must be represented by (a) an approved transfer recognizing the change in nature of use from irrigation to mitigation, or (b) an approved lease of a portion of water right no. 11-4022 to the Idaho Water Supply Bank for mitigation purposes. Diversion and use for mitigation without written approval by IDWR will be an illegal diversion of water.
8. The irrigation occurring under this domestic use shall not exceed ½ acre within each platted subdivision lot upon which a home has been constructed. Alternatively, an owner of property may divert and use no more than 0.04 cfs and 2,500 gallons per day for all uses he may make on all property he may own in the subdivision. This right does not provide for irrigation of common areas.
9. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

Remarks:

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Comments:

1. jhersley 2/2/2012 split right
Comment: This water right is the result of split from 11-7640 due to an assignment of permit.
2. jhersley 2/2/2012 7:55:43 AM POD
Comment: Updated Shape
3. jhersley 2/2/2012 7:56:21 AM POD
Comment: Updated Shape
4. jhersley 2/2/2012 7:56:54 AM POD
Comment: Updated Shape
5. jhersley 2/2/2012 7:57:54 AM POD
Comment: Updated Shape
6. jhersley 2/2/2012 7:58:21 AM POD
Comment: Updated Shape
7. jhersley 2/2/2012 7:58:41 AM POD
Comment: Updated Shape
8. jhersley 2/2/2012 7:59:05 AM POD
Comment: Updated Shape
9. jhersley 2/2/2012 8:00:34 AM POU
Comment: Updated Shape

Dates and Other Information:

Permit Proof Due Date: 5/1/2014
Permit Proof Made Date:
Permit Approved Date: 9/7/2004
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number: 11
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank: