

## Merritt, Allen

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**From:** Keen, Shelley  
**Sent:** Friday, October 28, 2011 8:14 AM  
**To:** Merritt, Allen  
**Subject:** RE: Draft conditions for a municipal permit

Allen,

I took a quick look. If the permit were issued from this office, we would:

- Use condition 180 instead of 172
- Remove condition 134. It's for type C municipal providers, not municipalities.
- Add condition 190, unless the city doesn't have any other municipal rights.

Shelley

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**From:** Merritt, Allen  
**Sent:** Thursday, October 27, 2011 4:29 PM  
**To:** Keen, Shelley; Skaggs, Pam  
**Subject:** Draft conditions for a municipal permit

Please review and comment on.

Thanks,  
Allen

***Permit Number 37-22661***

- 180  
+190
- ~~172~~
- X35 Rights 37-21243 and 37-22661 when combined shall not exceed a total diversion rate of 2.05 cfs.
- 124 Place of use is within the service area of the City of Carey municipal water supply system as provided for under Idaho Law.
- The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
- 022 The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
- 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
- 102 The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
- 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. 130.
- 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

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- 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
- ~~134~~ Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
- 139 Prior to any diversion and use of water under this water right, the right holder shall (1) provide evidence of participation in a mitigation plan, approved by the director, and administered by a ground water district or other recognized organization, or (2) provide individual mitigation approved by the director.
- 140 Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
- 004 This right does not grant any right-of-way or easement across the land of another.
- 051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.