



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 12, 2009

TOWNSHIP PARK ESTATES WATER ASSOCIATION INC
5320 MAUNA LANI LANE
IDAHO FALLS ID 83404

RE: Water Right Permit No. 25-07583

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Point(s) of Diversion**

☐ **Place(s) of Use**

☒ **Other**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. Your permit authorized more irrigation use than was actually developed during the time that the permit was in effect. As a consequence of that shortfall, I found I was able to convert a portion of the unused irrigation rate into a higher rate for domestic use. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

If you have any questions, please contact me at 208-287-4946 or Michele.Edl@idwr.idaho.gov

Sincerely,

Michele D Edl
Associate Engineer

Enclosure(s)

cc: HOLDEN KIDWELL HAHN & CRAPO

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 25-07583

Date of Priority: July 26, 1994

Maximum Diversion Rate: 0.57 CFS
Maximum Diversion Volume: 78.9 AF

Comes now TOWNSHIP PARK ESTATES WATER ASSOCIATION INC
5320 MAUNA LANI LANE

IDAHO FALLS ID 83404 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 25-07583, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.36 CFS	71.7 AF
DOMESTIC	01/01 to 12/31	0.21 CFS	7.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUNDWATER L4 (NW1/4NW1/4) Sec. 6, Twp 01N, Rge 38E, B.M. BONNEVILLE County

GROUNDWATER L4 (NW1/4NW1/4) Sec. 6, Twp 01N, Rge 38E, B.M. BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 38E 6					3.6	9.4	2.9	2.0									17.9
					L3	L4	L5										

Total Acres: 17.9

PLACE OF USE: 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	
01N 38E 6					X	X	X	X									
					L3	L4	L5										

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 200__.

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 25-07583

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 25-07583 with the following:

CONDITIONS OF APPROVAL

1. Domestic use is for 12 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Witness my hand this _____ day of _____, 2009.

GARY SPACKMAN
Interim Director