

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 11-07491

Priority: January 11, 2002

Maximum Diversion Rate: 1.22 CFS

This is to certify, that SAMS HOLLOW WATER CO
C/O TARA PLOTT
595 S RIVERWOOD PKWY STE 400
LOGAN UT 84321

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	1.22 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, Twp 16S, Rge 43E, B.M. BEAR LAKE County
GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, Twp 16S, Rge 43E, B.M. BEAR LAKE County
GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp 16S, Rge 43E, B.M. BEAR LAKE County
GROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 10, Twp 16S, Rge 43E, B.M. BEAR LAKE County
GROUND WATER NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, Twp 16S, Rge 43E, B.M. BEAR LAKE County
GROUND WATER L4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 11, Twp 16S, Rge 43E, B.M. BEAR LAKE County
GROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, Twp 16S, Rge 43E, B.M. BEAR LAKE County

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	
16S 43E 2									X	X	X	X	X	X	X	X	
16S 43E 10	X	X	X	X	X	X	X			X			L2		X	L1	
16S 43E 11		X	X		X	X		X			X	X			X		
16S 43E 14		L1	L2					L2				L4			L4		
16S 43E 15	X	X	X	X													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2014**.
2. Subject to all prior water rights.
3. 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.

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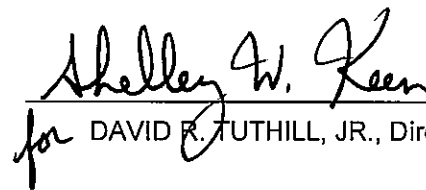
4. Prior to diversion of water under this right and prior to construction of any additional wells a water management and operation plan for Sams Hollow and any successor must be submitted in writing and approved in writing by IDWR. The water management and operation plan shall contain the following components: (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.
5. 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.
6. 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.
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. 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.
9. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
10. The irrigation occurring under this domestic use shall not exceed $\frac{1}{2}$ 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.

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11. Domestic use is for 63 homes, 256 condominium units, and 4 commercial units under water right no. 11-7481, and 241 homes under water right no. 11-7491.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2nd day of October, 2009.


for DAVID R. TUTHILL, JR., Director