



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 20, 2008

CITY OF AMERICAN FALLS
550 N OREGON TL
AMERICAN FALLS ID 83211

RE: Water Right Permit No. 29-08171

Dear Permit Holder(s):

The Department of Water Resources ("Department") 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**

Although the permit authorized the development and use of ground water at a maximum diversion rate of 3.21 cfs, Department records indicate that the maximum rate of diversion used from Well No. 6 was 2.67 cfs.

Section 42-219, Idaho Code, regarding the issuance of license, states, "Such license shall be issued...and shall state...the purpose for which such water is used, the quantity of water which may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied. A license may be issued to a municipal provider for an amount up to the full capacity of the system constructed or used in accordance with the original permit provided that the director determines that the amount is reasonably necessary to provide for the existing uses and reasonably anticipated future needs within the service area and otherwise satisfies the definitions and requirements specified in this chapter for such use."

The Department will issue a license with a maximum diversion rate of 2.67 cfs, the maximum diversion rate used from the well authorized by the permit, unless you can show that the City's municipal supply system is capable of distributing and using more than this rate in addition to the City's prior water rights for municipal use. If such evidence is available, please provide it within 14 days.

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. If you concur with the information presented, please sign the form and return it with the requisite \$50.00 filing fee within 14 days.

If you have any questions, please call me at (208) 287-4943.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Marshall".

Aaron Marshall
Sr. Water Resource Agent

Enclosure(s)