



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. TUTTILL, 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):

Post-it* Fax Note	7671	Date	12/2	# of pages	2
To	TIPPY	From	Pete		
Co/Dept		Co.	City of AF		
Phone #	232-6101	Phone #	226-2569		
Fax #	232-6109	Fax #	226-2548		

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.

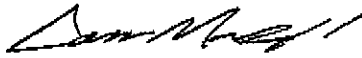
Section 42-219, Idaho Code, regarding the issuance of license, states, "Such license shall be issued...and shall state...the purpose for which such water is used, the quantity of water which may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied. A 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.

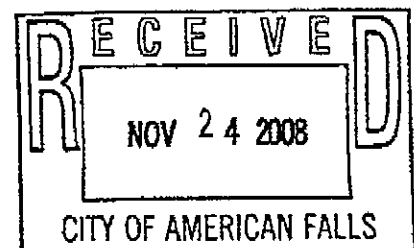
If you have any questions, please call me at (208) 287-4943.

Sincerely,



Aaron Marshall
Sr. Water Resource Agent

Enclosure(s)



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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 29-08171

Date of Priority: November 30, 2000**Maximum Diversion Rate:** 2.67 CFS

Comes now CITY OF AMERICAN FALLS
550 N OREGON TL

AMERICAN FALLS ID 83211 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. 29-08171, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	2.67 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW¼SE¼SW¼	Sec. 21, Twp 07S, Rge 31E, B.M.	POWER County
GROUND WATER	NE¼NE¼SE¼	Sec. 29, Twp 07S, Rge 31E, B.M.	POWER County
GROUND WATER	SE¼NE¼SE¼	Sec. 29, Twp 07S, Rge 31E, B.M.	POWER County
GROUND WATER	NW¼NW¼SE¼	Sec. 29, Twp 07S, Rge 31E, B.M.	POWER County
GROUND WATER	NW¼SW¼SE¼	Sec. 29, Twp 07S, Rge 31E, B.M.	POWER County
GROUND WATER	NW¼SW¼	Sec. 32, Twp 07S, Rge 31E, B.M.	POWER County
GROUND WATER	SW¼SW¼NW¼	Sec. 13, Twp 08S, Rge 31E, B.M.	POWER County
GROUND WATER	SW¼SW¼NW¼	Sec. 13, Twp 08S, Rge 31E, B.M.	POWER County
GROUND WATER	SW¼SW¼NW¼	Sec. 13, Twp 08S, Rge 31E, B.M.	POWER County

PLACE OF USE: MUNICIPAL

See Conditions of Approval.

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)

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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-08171

FOR DEPARTMENT USE ONLY

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, DAVID R. TUTHILL, JR., of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 29-08171 with the following:

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. Place of use is within the service area of the City of American Falls municipal water supply system as provided for under Idaho Law.
3. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
4. 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.
5. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
6. 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.
7. 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.
8. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
9. 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. 120.

Witness my hand this _____ day of _____, 2008.

DAVID R. TUTHILL, JR.
Director

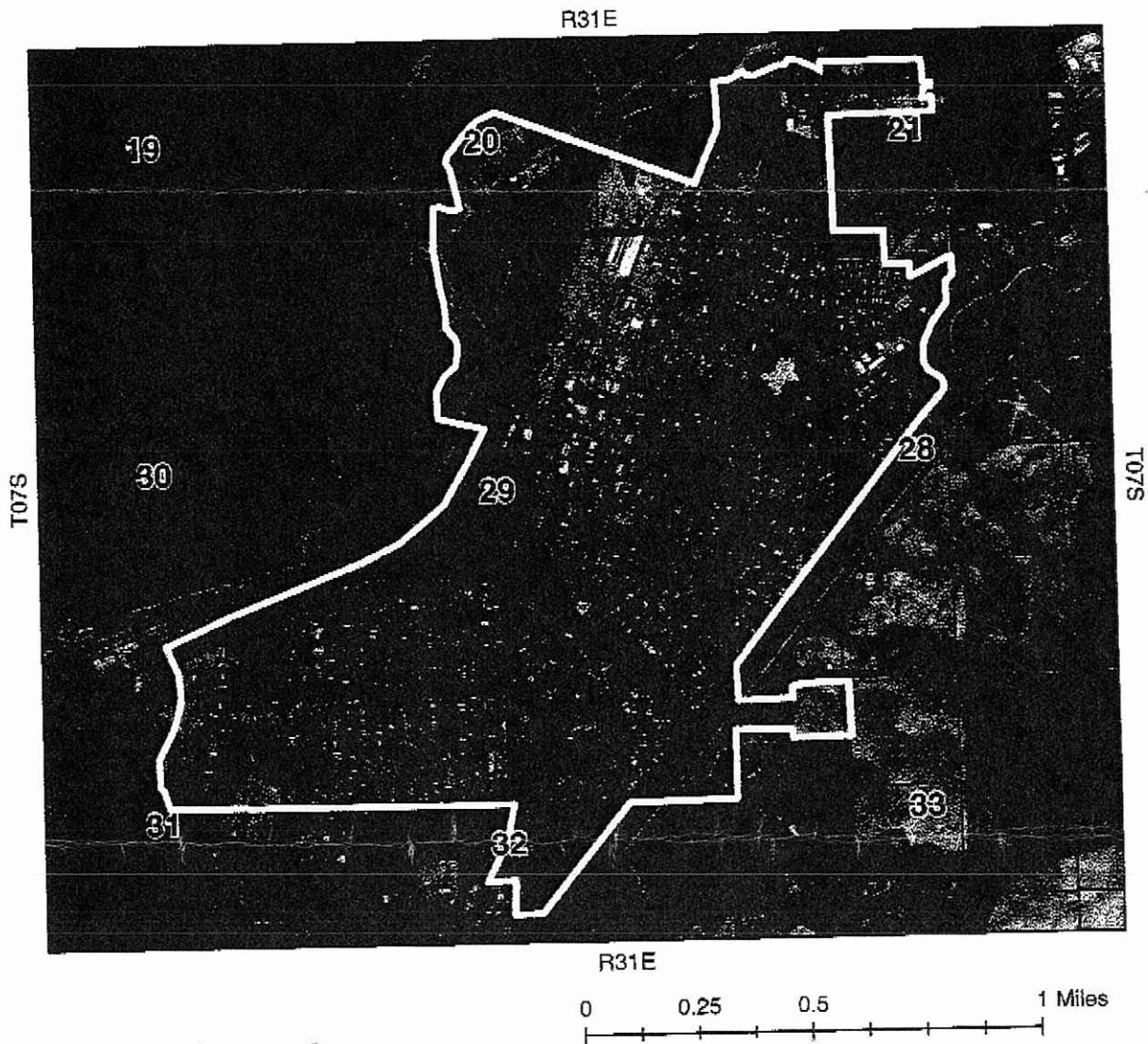
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State of Idaho
Department of Water Resources
Water Right License

29-8171

Water Service Area Boundary for City Of American Falls

November 20, 2008

**Legend**

Water Service Area Boundary

- Townships
- PLS Sections
- Quarter Quarters

