

PROPOSED CONDITIONS OF APPROVAL FOR WATER RIGHT NO. 95-9045

Proposed August 27, 2008

(Redline shows changes from existing Amendment of Permit)

1. Proof of application of water to beneficial use shall be submitted on or before September 1, 2010.
2. Subject to all prior water rights.
3. Municipal use is limited to irrigation of 545 acres and fire protection within Sections 4, 5, 8, 9, 16 and 17, Township 48 North, Range 4 West, Kootenai County. In addition, water diverted under this right may be used for construction within the Black Rock North Development for two years during initial development. Black Rock shall inform the Department in writing when the two years begin. The construction period must be complete within two years and prior to the date proof of beneficial use is due. No other municipal use of this water right is authorized.
4. ~~Storage of water under this right is limited to 5.0 acre-feet for irrigation and 1.5 acre-feet for fire protection. Furthermore, the 5 acre-feet stored for irrigation must be stored in a reservoir from which water for irrigation is pumped and delivered. The remaining 1.5 acre-feet may be stored in a separate reservoir. The holder of this right is authorized to use any water stored under this water right for fire protection purposes. Water shall not be diverted from storage except to fight or repel an existing fire.~~
5. ~~The holder of this water right shall not store water in the Black Rock North Development and must reduce its storage to 6.5 acre-feet or less in the Club at Black Rock unless it obtains or identifies other water rights it owns that authorize storage of water in the ponds. Furthermore, if water from other sources is commingled with water diverted from Coeur d'Alene Lake, the holder of the permit must develop a plan, approved by IDWR, that will insure no more than 6.5 acre-feet of water from Coeur d'Alene Lake diverted under this right will be stored~~
- 6.5. Water may only be diverted and used for irrigation from March 15 through November 15.

~~7.6.~~ This right when combined with all other rights shall provide no more than 3.0 acre-feet annually per acre at the field headgate for irrigation.

~~8.7.~~ The total volume diverted from Lake Coeur d'Alene for irrigation under the municipal use and the other uses authorized under this water right shall not exceed 1,215 acre-feet per year. The diversion of water from Lake Coeur d'Alene for both direct flow and storage purposes shall not exceed 2.5 cfs. The total storage volume for all uses shall be 369 acre-feet per year.

~~9.8.~~ The right holder shall submit to the Department the final design of the water use facilities including wastewater treatment and storm runoff facilities for the project for review and approval prior to construction.

~~10.9.~~ The right holder shall install and maintain a fish screen at the point of diversion with 1/4 inch or smaller screen mesh.

~~11.10.~~ The diversion and use of water for municipal purposes is subject to additional conditions and limitations agreed to by both Kootenai Environmental Alliance and the water right holder under a separate agreement to which the Department is not a party and which is independently enforceable by a court of law. A copy of the agreement shall be included in the Department water right file.

~~12.11.~~ The right holder shall install a suitable measuring device and shall annually report the total volume of water diverted under this right to the Department on or before October 15 of each year.

~~13.12.~~ The right holder shall comply with all water quality statutes and rules administered by the Idaho Department of Environmental Quality.

~~14.~~ ~~After the expiration of one year from the date of final approval of amendment no 72669 the irrigation use identified separately from the municipal use authorized by the amendment shall be stricken from the permit unless the use has been changed or is the subject of a change application pending before the Department.~~

13. The aesthetic storage use under this right also includes use for fish and wildlife and recreation purposes.