

Yenter, Cindy

From: Yenter, Cindy
Sent: Friday, February 29, 2008 11:36 AM
To: Williams, Rob; MacMillan, Randy
Cc: Merritt, Allen
Subject: 36-16156 draft permit conditions

Attachments: Draft conditions 36-16156.pdf

Rob and Randy - Here are conditions drafted by Allen and myself. Final condition set may contain other standard conditions not included here, or condition wording may be slightly different. However, these conditions represent what may be expected on the approved permit.

Please contact Allen or me if you have questions.

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Draft conditions
36-16156.pdf ...

Permit Number 36-16156

01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department and the watermaster as part of the diverting works.

R05 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. 130.

140 Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

170 To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
36-7201	Industrial	1.34		

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

020 The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

X01 Domestic use is for 1 home and potable water within process plant.

051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

DRAFT
2.29.2008