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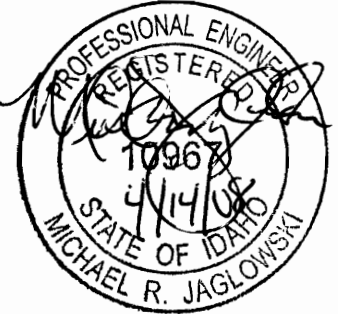
## Technical Memorandum

**TO:** Idaho Department of Water Resources

**FROM:** Michael R. Jaglowski, P.E., CPESC  
Hailey G. Campbell, E.I.T.  
Ray Elliott, President of the Aspen Creek Water Company

**DATE:** April 14, 2008

**SUBJECT:** Proof of Beneficial Use



Keller Associates has been requested to review the conditions of approval regarding Aspen Creek Water Company's Proof of Beneficial Use as listed at, <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp> under Aspen Creek Water Company, to be met and submitted on or before June 1, 2008. After review of the system and its future capabilities we are offering our comments on those conditions given by the IDWR to Aspen Creek Water Company (ACWC). We find that the conditions have been completed to the best of Aspen Creek Water Company's ability. Please refer to the following conditions and their comments:

1. Project construction must commence within one year from the date of the permit issuance and the ACWC will proceed diligently to completion. Currently the ACWC is changing their water rights from Domestic to Municipal.

Their Domestic permit allows for 105 households. They have sold 95 lots and have connected 35 households. By the end of their 4<sup>th</sup> phase of construction there will be approximately 300 lots for sale. A design for a new 300,000 gallon storage tank has commenced and will be installed in addition to the current 100,000 gallon storage tank when the quantity of connections requires such storage.

Two engineering firms, Turner Engineering of Logan, Utah and Keller Associates of Pocatello, Idaho, have confirmed that the 1.5 cfs along with the additional storage will support future growth adequately. The 300 lots will use all of the 1.5 cfs which will not exceed the allocated Department's irrigation of roughly 4,000 square feet (1/10 acre) per lot.

2. The IDWR requires that the ACWC determine the amount of water diverted through suitable measuring devices or from power records and report the information annually to the IDWR. The ACWC has installed water service meters on each property and will continue installing these in all future phases of planned development. The amount of water received at the households will be totalized and reported to the IDWR annually.

3. The ACWC is required to comply with the drilling permit requirements of Section 42-235, Idaho Code and Applicable Well Construction Rules of the IDWR. The ACWC has complied with the drilling permit requirements. A redundant well has been drilled to these requirements and will be on line in July 2008. The well's potential output will be 250 gpm.
4. The ACWC amended their water rights permit to be authorized as a Municipality. When doing this, they expanded their area of use to over 280 acres of land to be developed in the near future.
5. Currently the ACWC water rights permit is authorized as Domestic use for 105 homes. An application to amend this permit to a Municipality has been submitted to the IDWR.
6. The ACWC will use the full allotment of appurtenant surface water irrigation rights in conjunction with ground water diverted under this right for irrigation purposes.
7. The water rights used by the ACWC will only be used for irrigation on the land specified by the boundaries of their permit.
8. The ACWC shall not exceed 1/10 acre within each platted subdivision lot upon which a home has been constructed. The ACWC will not use this water right to provide irrigation of common areas or on lots which homes have not been constructed.

Keller Associates, Inc. finds that these conditions have been met by the ACWC. If the IDWR has any further comments or questions please feel free to contact us or Ray Elliott, President of the ACWC.