

Form 211 10/07

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Fee 50-
Receipt 20338 66
Received by SC
Date 2-2-09

APPLICATION FOR AMENDMENT OF A PERMIT

Name of Applicant ASPEN CREEK WATER CO., INC. Phone (435) 946-3503

Mailing address 10 South Bear Lake Blvd. / Garden City, UT 84028 Email _____

I am the owner and the holder of Permit to Appropriate the Public Waters of the State of Idaho No. 11-07436 and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: _____ Change point of diversion _____ Add point of diversion
X Change place of use X Change nature of use _____ Change period of use _____ Other _____

1. Point of diversion: NW 1/4 SW 1/4 Section 15 Township 16S Range 43E B.M.
County of Bear Lake Other points of diversion NE 1/4 NW 1/4, Sec 22, Twp 16S,
Rge 43E County of Bear Lake

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 1.5 cfs for Municipal purposes from 1/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year) (water use) (Begin Month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (Begin Month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year) (water use) (Begin Month) (End month)

3. Place of use or land to be irrigated:

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	43E	15							X	X	X	X	X	X		X	X		200
16S	43E	22		X	X		X												80

Total number of acres to be irrigated 280

4. a. Who owns the property at the point of diversion? ASPEN CREEK WATER CO., INC
b. Who owns the land to be irrigated or place of use? LAKE VISTA PROPERTIES
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

Complete the following map by showing land and point of diversion as proposed by this amendment. Show ¼ ¼, section, township, range and ditches. (The smallest subdivision represents 40 acres.)

A hand-drawn map on a grid. The map shows a building layout with several rooms and corridors. The rooms are labeled with directional abbreviations: NW, NE, SW, and SE. A small rectangular structure is labeled '15' and '22'. The map is drawn on a grid with solid lines for the main structure and dashed lines for the grid lines. The building is located in the lower-left quadrant of the grid. The labels are as follows: NW (top-left), NE (top-right), SW (bottom-left), and SE (bottom-right). The small rectangular structure is labeled '15' and '22'. The map is drawn on a grid with solid lines for the main structure and dashed lines for the grid lines. The building is located in the lower-left quadrant of the grid. The labels are as follows: NW (top-left), NE (top-right), SW (bottom-left), and SE (bottom-right). The small rectangular structure is labeled '15' and '22'.

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 11th day of March, 20 08. Amy Elliott Pres.
Permit Holder Signature (and title, if for a company or organization)

Permit Holder Signature (and title, if for a company or organization)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by Se Date _____
Published in News Examiner Publication dates 4/30 & 5/7/08

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 20_____

SIGNATURE

11-07420

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 11-7436

WATER RIGHT NUMBER: 11-7436

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ASPEN CREEK WATER CO INC 10 SOUTH BEAR LAKE BLVD GARDEN CITY, UT 84028 (435)946-3503

Priority Date: 11/25/1996

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	1.500 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW 1/4SW 1/4	Sec. 15, Twp 16S, Rge 43E, B.M.
BEAR LAKE County		
GROUND WATER	NE 1/4NW 1/4	Sec. 22, Twp 16S, Rge 43E, B.M.
BEAR LAKE County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16S	43E	15			X				X		X	X	X	X			X	X	

Conditions of Approval:

1. 01M 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.
2. 070 The irrigation occurring from ground water under this domestic right shall not exceed 1/10 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
3. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

11 - 07436

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 11-7436

4. 101 This right shall not be used for irrigation purposes if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. X60 Places of use are located within Lots 1-64 of Phases 1-6 and Lots 1-40 of Phase 7, Aspen Creek Subdivision.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. 065 The right holder shall use the full allotment of appurtenant surface water irrigation rights in conjunction with ground water diverted under this right for irrigation purposes.
8. X01 Domestic use is for 105 homes.

Remarks:Comments:

1. skeen 5/4/2006 POD
Comment: Updated shape

2. skeen 5/4/2006 POD
Comment: Updated PLS

3. skeen 5/4/2006 POD
Comment: Updated shape

4. skeen 5/4/2006 POU
Comment: Updated Shape

Dates and Other Information:

Permit Proof Due Date: 6/1/2008
 Permit Proof Made Date:
 Permit Approved Date: 6/15/1998
 Permit Moratorium Expiration Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Field Exam Date:
 Date Sent to State Office:
 Date Received at State Office:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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