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DEC 21 2007

**DEPARTMENT OF
WATER RESOURCES**

December 19, 2007

Shelley W. Keen, Manager
Water Right Permits Section
322 East Front Street
Boise, Idaho 83720-0098

Re: Petitions for Reconsideration of Preliminary Orders re:
Water Right Nos. 11-07424 and 11-07399

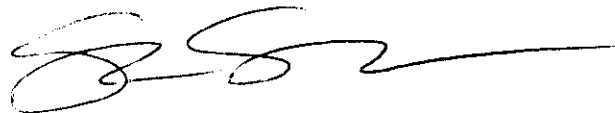
Dear Mr. Keen:

Please find enclosed for filing with IDWR the following:

1. Petition for Reconsideration of Preliminary Order re: Water Right No. 11-07424
2. Petition for Reconsideration of Preliminary Order re: Water Right No. 11-07399

Thank you for your assistance. If you have any questions, please don't hesitate to call or email.

Sincerely,



SCOTT J. SMITH

Enclosures

**PETITION FOR RECONSIDERATION
OF PRELIMINARY ORDER
RE: WATER RIGHT NO. 11-07424**

Bear Lake West Property Owners Association, Inc. (hereinafter "Bear Lake West"), the owner of the aforementioned water right, hereby petitions the Idaho Department of Water Resources to reconsider its Preliminary Order served on December 5, 2007. The Preliminary Order certifies a Water Right License for Water Right No. 11-07424 for a diversion rate of 0.33 cfs and an annual diversion volume of 60.0 AF. The underlying Permit from which this Preliminary Order arose allowed for the same diversion rate but did not contain an annual diversion volume.

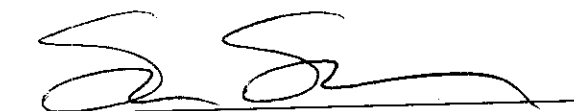
Bear Lake West seeks reconsideration of the Annual Diversion Volume contained in the aforementioned Preliminary Order for Water right No. 11-07424. The underlying permit allowed for domestic use associated with 50 homes. Pursuant to I.C. § 42-111 and the "Conditions of Approval" for the underlying permit, each home was allowed sufficient water for both in-home use and for the outside irrigation of ½ acre.

Roger Warner indicated while he worked in the Idaho Falls, IDWR officer, that in-home use (excluding any outside irrigation) utilized 1.2 AF per year and that the irrigation of ½ acre required another 1.2 AF.

These figures appear to correspond exactly with the calculations contained on the IDWR chart attached to this petition. That chart includes the following notation: "THESE CHART VALUES ARE USED FOR IN-HOUSE USE ONLY." The chart value for single family domestic home is 1.2 AF – which according to the notation does not include outside irrigation. As previously mentioned, it is our understanding that in the Bear Lake area outside irrigation of ½ acre requires 1.2 AF per year.

Based upon these figures, it appears that each home in the Bear Lake area is entitled to 2.4 AF per year. Given that the original permit was for 50 homes, it appears that the annual diversion rate under this water right should be 120 AF. It is therefore requested that IDWR reconsider its Preliminary Order and amend it accordingly.

DATED this 19 day of December 2007.



SCOTT J. SMITH

Attorney for Bear Lake West Property Owners Assoc.

**PETITION FOR RECONSIDERATION
OF PRELIMINARY ORDER
RE: WATER RIGHT NO. 11-07399**

Bear Lake West Property Owners Association, Inc. (hereinafter "Bear Lake West"), the owner of the aforementioned water right, hereby petitions the Idaho Department of Water Resources to reconsider its Preliminary Order served on December 5, 2007. The Preliminary Order certifies a Water Right License for Water Right No. 11-07399 for a diversion rate of 0.33 cfs and an annual diversion volume of 60.0 AF. The underlying Permit from which this Preliminary Order arose allowed for the same diversion rate but did not contain an annual diversion volume.

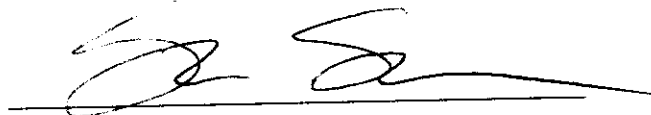
Bear Lake West seeks reconsideration of the Annual Diversion Volume contained in the aforementioned Preliminary Order for Water right No. 11-07399. The underlying permit allowed for domestic use associated with 50 homes. Pursuant to I.C. § 42-111 and the "Conditions of Approval" for the underlying permit, each home was allowed sufficient water for both in-home use and for the outside irrigation of $\frac{1}{2}$ acre.

Roger Warner indicated while he worked in the Idaho Falls, IDWR officer, that in-home use (excluding any outside irrigation) utilized 1.2 AF per year and that the irrigation of $\frac{1}{2}$ acre required another 1.2 AF.

These figures appear to correspond exactly with the calculations contained on the IDWR chart attached to this petition. That chart includes the following notation: "THESE CHART VALUES ARE USED FOR IN-HOUSE USE ONLY." The chart value for single family domestic home is 1.2 AF – which according to the notation does not include outside irrigation. As previously mentioned, it is our understanding that in the Bear Lake area outside irrigation of $\frac{1}{2}$ acre requires 1.2 AF per year.

Based upon these figures, it appears that each home in the Bear Lake area is entitled to 2.4 AF per year. Given that the original permit was for 50 homes, it appears that the annual diversion rate under this water right should be 120 AF. It is therefore requested that IDWR reconsider its Preliminary Order and amend it accordingly.

DATED this 19 day of December 2007.



SCOTT J. SMITH
Attorney for Bear Lake West Property Owners Assoc.

NOTE: THESE CHART VALUES ARE USED FOR IN-HOUSE USE ONLY. YOU MUST CALCULATE THE TOTAL ACRES (1/2 ACRE PER LOT), MULTIPLY BY 0.02 CFS/ACRE AND ADD THAT UNDER THE DOMESTIC VALUE. DO NOT LIST IRRIGATION AS A SEPARATE ENTITY.

