
FAX COVER SHEET

AUGUST 25, 2006

TO

Shelley W. Keen, Water Rights Supervisor

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FROM

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SUBJECT

Antelope Valley Ranch

Permit No. 34-13838

PAGES

3, including this cover sheet.

COMMENTS: Petition for Reconsideration

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BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

ANTELOPE VALLEY RANCH LLC,

Petitioner.

PETITION FOR
RECONSIDERATION

Permit No. 34-13838

The Petitioner, Antelope Valley Ranch LLC, by and through its attorney of record, Marvin M. Smith, hereby petitions the Department of Water Resources to reconsider the conditions that relate to the issuance of a permit to appropriate water:

PETITION

Petitioner has received a Preliminary Order Granting Petition for Reconsideration in regard to its Application for Permit to Appropriate Water, No. 34-13838 (amended). In the Permit to Appropriate Water (amended) and in its Preliminary Order Granting Petition for Reconsideration, the Department concluded as follows:

... 3. The permit requirement that from April 1 to October 31, the outflow from the reservoir into Cherry Creek shall equal or exceed the inflow to the reservoir from Cherry Creek is appropriate to protect prior surface water rights and to comply with the conditional withdrawal of protest

The Petitioner would respectfully disagree with the conclusion based upon evaporation and evaporation rates in the area and would respectfully request that the State of Idaho, Department of Water Resources, reconsider this condition of approval to allow for evaporation to avoid the lowering of the reservoir based upon evaporation rates and to avoid the need for "continuous monitoring based upon evaporation."

Based upon the foregoing, the Petitioner respectfully requests that Condition of Approval No. 5 be modified in the Permit to Appropriate Water (amended).

DATED this 25th day of August, 2006.



Marvin M. Smith
Approved Agent of the Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing PETITION FOR RECONSIDERATION to be mailed, postage prepaid, this 25th day of August, 2006 to the following:

Tip Harwood
3588 North 3400 West
Moore, Idaho 83255

Jennie Marie Smith
3897 West 3700 North
Moore, Idaho 83255-8738

