

Keen, Shelley

From: Keen, Shelley
Sent: Thursday, October 13, 2005 3:17 PM
To: 'tlt@idahowaters.com'; 'kfooster@holdenlegal.com'
Cc: Warner, Roger
Subject: 25-14166 Draft Permit for Comore Loma

Gentlemen,

I have attached a revised draft permit for Application 25-14166 (Comore Loma). The revisions are based largely on the recent suggestions from Travis, with a few insertions from IDWR in conditions 9 and 10. Please review the proposed approval conditions in the attached document and reply to me by October 27, 2005, if you have questions or concerns. If I do not receive a response from you within that time, I will assume that the proposed conditions are acceptable to you and your clients.

Sincerely,

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-287-4947
shelley.keen@idwr.idaho.gov



25-14166 Draft
Permit for Como...

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State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 25-14166

Priority: March 28, 2005

Maximum Diversion Rate: 2.60 CFS

This is to certify, that COMORE LOMA
3920 SUNNYSIDE ROAD
AMMON ID 83406

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	2.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NW¼ Sec. 6, Twp 01N, Rge 39E, B.M. BONNEVILLE 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	
01N 39E 6						X	X				X	X			X		
01N 39E 7		X			X	X	X	X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 1, 2008**.
2. Subject to all prior water rights.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Domestic use is for 200 homes.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 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.
8. Prior to the diversion and use of water under this right, the right holder shall install and maintain an acceptable measuring device, including a data logger, at the authorized point of diversion and in accordance with Department specifications, and the right holder shall provide information or reports about the amount of water diverted under this right to the Department and/or Water District 01 as needed to administer this right.

State of Idaho
Department of Water Resources

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Permit to Appropriate Water

NO. 25-14166

CONDITIONS OF APPROVAL

9. The right holder shall mitigate for the consumptive use of water under this right by acquiring sufficient ground water right(s) to offset the depletion to the Snake River caused by the use of water under this right by either (a) abandoning the mitigation right(s), (b) changing the nature of use of the mitigation rights to "mitigation" through the appropriate administrative process and ceasing to divert and use water under the right(s), (c) transferring the right(s) to the point of diversion and place of use for this right, or (d) other mitigation agreeable to the right holder and the protestant and approved by the Department.
10. The right holder, pursuant to the Stipulation to Resolve Protests with the protestants, is required to implement the ground water mitigation within two years of the date of the approval of this right. The time allowed to complete the mitigation requirement may be extended if the right holder provides written consent from the protestants, and contractual documents, applications for authorization, and/or other evidence demonstrating that he or she has diligently pursued implementation of the mitigation requirement and that implementation of the mitigation is imminent. Action to enforce compliance with the conditions of the permit is solely at the discretion of the Department.
11. Until the required ground water mitigation plan has been implemented, the right holder shall mitigate for the consumption of water under this right by cooperating with the Watermaster of Water District 01 to cause storage water from Palisades Reservoir to be released and routed into the water retention facility of the City of Blackfoot, Idaho, known as Jensen's Grove. The delivery of water to Jensen's Grove, and any outflow, shall be measured and monitored as required by the Department and/or Water District 01 to accomplish the required mitigation. The timing and amount of water to be delivered to Jensen's Grove for mitigation purposes shall be determined in accordance with the table submitted as "Exhibit A" in connection with the Stipulation to Resolve Protests in the matter of Applications 25-14166 and 25-14167.
12. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.