

Keen, Shelley

From: Keen, Shelley
Sent: Wednesday, September 28, 2005 2:08 PM
To: 'tlt@idahowaters.com'; 'kfooster@holdenlegal.com'
Cc: Warner, Roger
Subject: 25-14166 Draft Permit for Comore Loma.doc

Gentleman,

For the sake of speed, I am using email to forward the draft permit for Comore Loma Application 25-14166. Please review the proposed approval conditions in the attached document and reply to me by Friday, October 7, 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.

I have not attached a draft for Comore Development Application 25-14167 because the conditions should be nearly identical to those for proposed for 25-14166.

Sincerely,

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
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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.

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CONDITIONS OF APPROVAL

9. The right holder shall mitigate for the consumptive use of water under this right by acquiring sufficient ground water rights to offset the depletion to the Snake River caused by the use of water under this right and by either abandoning the mitigation rights, changing their nature of use to "mitigation" through the appropriate administrative process and ceasing to divert and use water under the rights, or by transferring them to a Department-approved mitigation project such as ground water recharge.
10. The right holder is expected to implement the required 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 permit holder provides 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.
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.
13. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.