

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 25-14114

Priority: August 26, 2004

Maximum Diversion Rate: 9.56 CFS

This is to certify, that FALLS WATER CO INC
1770 SABIN DR
IDAHO FALLS 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>
MUNICIPAL	01/01 to 12/31	9.56 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SW¼SW¼	Sec. 14, Twp 02N, Rge 38E, B.M., BONNEVILLE County
GROUND WATER	NE¼SW¼	Sec. 14, Twp 02N, Rge 38E, B.M., BONNEVILLE County
GROUND WATER	NE¼SW¼	Sec. 14, Twp 02N, Rge 38E, B.M., BONNEVILLE County
GROUND WATER	NE¼SW¼	Sec. 14, Twp 02N, Rge 38E, B.M., BONNEVILLE County
GROUND WATER	NE¼SE¼	Sec. 15, Twp 02N, Rge 38E, B.M., BONNEVILLE County
GROUND WATER	SE¼SW¼	Sec. 10, Twp 02N, Rge 38E, B.M., BONNEVILLE County
GROUND WATER	NE¼SE¼	Sec. 14, Twp 02N, Rge 38E, B.M., BONNEVILLE County
GROUND WATER	NW¼NW¼	Sec. 11, Twp 02N, Rge 38E, B.M., BONNEVILLE County
GROUND WATER	SW¼NW¼	Sec. 11, Twp 02N, Rge 38E, B.M., BONNEVILLE County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2010**.
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. Place of use is within the service area of Falls Water Co. Inc. as provided for under Idaho law. The place of use is generally described as within the city limits of Idaho Falls and the surrounding service area.
6. Diversion and use of water under this right in conjunction with water right nos. 25-7148, 25-7191, 25-7418, 25-7509, and Snake River Basin Adjudication (SRBA) claim nos. 25-14035 and 25-14055 is limited to a total annual volume of 3,730.4 acre-feet. If any of these rights are claimed in the SRBA but are not confirmed by the SRBA court, then the total combined annual volume of 3,730.4 acre-feet shall be reduced by the amount of the right or claim that is not confirmed in the SRBA.

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7. Prior to the diversion and use of water under this right, the right holder shall install and maintain an acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
8. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
9. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
10. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
11. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
12. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of October, 2005.


FOR KARL J DREHER, Director