

(WA)

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MAR 30 2005

DEPARTMENT OF
WATER RESOURCES

Conditions of approval
Petition for Reconsideration

Mar 27, 2005

To Whom It May Concern:

I am writing in the matter of water right (35-13521). I have several concerns to the conditions that are on the permit. I will go over them in the order they are listed on the permit that I received.

- 1) I am fine with the proof of application of beneficial use by Mar. 1, 2006. I have always thought that a permit holder had 5 years to put his permit to use.
- 2) I have a problem pertaining to the measuring device provision. This is listed as #6. I do not agree that it should include data loggers. While I do not have a problem with data loggers I have been told they are very expensive. If the IDWR or any other group would like to help pay for one I have no problem. I know that measuring the water can be done through power records and so forth. Any other way the watermaster deems appropriate should be acceptable.
- 3) In #9 I would like the last paragraph to read that specified mitigation rights, or portions **thereof may not be sold, transferred, or leased** ; for any other purpose without consent of right holder of record of right #35-13521. The owner of mitigation rights was paid in full (\$850) per acre to give up said rights.
I would also like to add a paragraph in #9 that says, after 20 years, only watermaster of said right (35-13521) needs to be reported to. This is due to the IDWR's groundwater model that claims the effects should all be equaled out in 20 years or less.
- 4) Last but not least, I strongly disagree that the IDWR should have any right to review after 20 years. I am investing over \$540,000 in this project and cannot afford for this ground to be worthless 20 years from now when I am still paying for it. I have dried up acres to use this water and I should be able to do so without worrying about it 20, 40, 60 or any number of years from now.

Thank you,

Andy Povey