



BONNEVILLE COUNTY, IDAHO

BOARD OF COMMISSIONERS

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Dennis Dunn, Sr. Water Resource Agent
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RE: Denial of Permits in Existing County Subdivisions

Dear Dennis;

Thank you for your letter of April 14, 2005 with regard to water rights for Comore Loma Subdivision. The Commission recognizes the importance of a viable and legal water supply for developments in Bonneville County. We agree that to approve a subdivision that does not have an approved water right would be a disservice to the community and the future individuals who purchase lots in the development. In that there is no valid water right for expansion of the community water system for the proposed Comore Loma Division # 22 the Commission agrees that it would be appropriate to postpone the approval of the plat until such time that an appropriate water right could be obtained.

However, it is also the opinion of the Commission that the responsibility to enforce denial of building permits should occur at the beginning of the development and platting process and not occur mid-stream in the process after lots have been sold, permits have been issued and homes have been built. If an individual obtains approval for a development from all of the responsible government agencies by their signing off on the plat, the owner should have substantial reliance on those approvals and be allowed to continue his development through to completion.

It is our understanding that the District Health Department signature on a plat that has a community water system is only given after the Health Department has received a letter of approval for the system from DEQ, and that DEQ approval is only given after they have reviewed the system and verified that it complies with design criteria and has an approved water supply. DEQ has approved the first 21 divisions of Comore Loma to date and has not turned any down. It is also the Commission's understanding that DEQ is required to verify that there is a valid and adequate water right for a development before giving approval to the health department to sign the plat. In that the County does not have the staff, time, personnel, or access to the information on water rights it must depend upon various State agencies to get the answers right before giving approval for a plat to be signed. If those State agencies err in the approval of the plat it should be their responsibility to fix the problem or enforce denial of building permits. It should not be the County's responsibility to act as an enforcement arm of the state agencies.

The County will agree to inform the public upon the issuance of each building permit that there is a potential problem with the water supply and that they should check with their water provider to determine if adequate water is available prior to starting construction of their building. The County will continue to issue building permits in platted-approved subdivisions until it receives a court order to stop. The Commission does not believe that individuals who depended upon the State approval process and have given substantial reliance upon those approvals should bear a financial loss or ruin due to an error of the State.

Dated this 4th day of May 2005.

BONNEVILLE COUNTY BOARD OF COMMISSIONERS

Roger S. Christensen
Roger S. Christensen, Chairman

Lee Staker
Lee Staker, Member

Dave Radford
Dave Radford, Member

copy: Steve Serr, Director, Bonneville County Zoning & Building

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