

Warner, Roger

From: kfoster@holdenlegal.com
Sent: Wednesday, May 04, 2005 4:11 PM
To: Travis Thompson
Cc: Warner, Roger
Subject: applications for permit Nos. 25-14166 and 25-14167

Dear Travis,

We have been contacted by Comore Development, Inc. and asked to attempt to initiate a dialogue with you regarding protests you have filed on behalf of Twin Falls and North Side Canal Companies to applications nos. 25-14166 and 25-14167.

Preliminarily it appears that the protest to 25-14166 was filed late. Setting that potential issue aside for now, we would like you to consider the viability of the following.

As you can imagine, the anticipated development work and construction of 200 residences under each application will not all occur immediately. It is expected that approximately a third of the contemplated residences would connect to the water service system each year for about three years. Each application is for 2.6 cfs, approximately .6 cfs for the in-home nonconsumptive use for 200 homes and 2.0 cfs for watering of lawns, gardens, trees, shrubs, etc. for some 100 acres (one half acre per residence).

Comore is committed to providing mitigation or replacement water to the extent required by IDWR. At the present time, Comore has available 240 shares of stock in Palisades Water Users, Inc. Each share represents one acre foot of storage space in Palisades Reservoir. Because no storage water available under these particular shares has been used for several years, we checked with the office of the District 01 Watermaster and were advised by Mr. Lyle Swank that there is presently 210 acre feet of carryover storage water actually available for these particular shares.

Comore proposes to use this 210 acre feet of wet water, to the extent necessary, for any required replacement water. We suppose it can be delivered as surface water, or, if preferable, it can be delivered to the Jensen's Grove Lake at Blackfoot and allowed to recharge through that facility. Discussions with Blackfoot City officials assured Comore that the city would be happy to accept this water into Jensen's Grove.

Would you please consider this idea with the respective boards and your expert and let us know as soon as possible whether it might form the basis for withdrawal of your protests. We will look forward to hearing from you.

Kent