

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 1-10566

Priority: December 16, 2009

Maximum Diversion Rate: 50.00 CFS

Maximum Diversion Volume: 8,093.6 AF

It is hereby certified that:

SOUTHWEST IRRIGATION DISTRICT
PO BOX 668
BURLEY ID 83318

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 28, 2009, and has submitted Proof of Beneficial Use on June 19, 2015. An examination confirms water is diverted from:

Source : SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	50.00 CFS	6,455.6 AF
GROUND WATER RECHARGE	01/01 to 12/31	50.00 CFS	1,638.0 AF

Location of Point(s) of Diversion

SNAKE RIVER L2 (SW¼ NE¼), Sec. 20, Twp 10S, Rge 22E, B.M. CASSIA County

Place of Use: GROUND WATER RECHARGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	22E	20			X L2														
11S	21E	9																X	
11S	21E	11												X					
11S	21E	23										X							
11S	21E	26																X	
12S	21E	3										X	X						
12S	21E	4			X	X			X	X					X			X	
12S	21E	5			X L8	X	X L5	X L6		X L7									
12S	21E	9	X			X					X			X				X	
12S	21E	10						X	X		X	X							
12S	21E	12							X										
12S	21E	15			X			X	X	X		X	X						
12S	21E	16	X		X	X									X			X	
12S	21E	21	X			X									X			X	
12S	21E	22						X	X			X	X						
12S	21E	27						X	X			X							
12S	21E	28	X			X									X L1				
12S	22E	18											X L4						

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 1-10566

Conditions of Approval

1. Irrigation place of use is within the boundary of Southwest Irrigation District pursuant to Idaho Code § 43-323.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 01. In addition, the watermaster of state water district 140, or its successor, shall be responsible for administering the requirement that this water right must be used in lieu of ground water rights in Water District 140.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Rights 01-10566, 01-10572 and 45-14183 when combined shall not exceed a total diversion rate of 55.0 cfs.
5. Rights 01-10566, 01-10572 and 45-14183 when combined for irrigation shall not exceed a total annual maximum diversion volume of 6455.6 af.
6. The right holder shall record the daily quantity of water diverted for ground water recharge and shall report the diversion data for the prior calendar year to the Department by February 1 each year. Reporting shall occur in the manner specified by the Department, consistent with Idaho Code § 42-701. To facilitate this reporting requirement, the right holder shall install and maintain a totalizing measuring device approved by the Department at each point of diversion and at each point where water is delivered from the conveyance system into a designated recharge site.
7. Pursuant to Idaho Code § 42-234(4), to ensure that other water rights are not injured by the operations of the recharge project authorized by this right, the Director has authority to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
8. Pursuant to Idaho Code § 42-234(3), the Director may reduce the amount of water that may be diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
9. This right is not an authorization for the described recharge effort to be used as mitigation or credit for any other purpose. The sufficiency of the recharge effort authorized under this right for mitigation or credit for some other purpose may be determined by the Department upon proper submission of a mitigation plan pursuant to the Department's Rules of Conjunctive Management of Surface and Ground Water Resources, a mitigation plan to offset depletion in association with a water right application, a Management Program pursuant to Idaho Code Idaho Code § 42-1416B, or any other proposal to utilize credit for the recharge effort.
10. The right holder shall not divert and use water under this right if the natural flow in the Snake River is not sufficient to fill senior rights diverting from the Snake River as determined by the Watermaster of Water District 01.
11. This right is limited to use on land with valid ground water irrigation right(s) and does not authorize irrigation of land not already irrigated with ground water. The water user shall not divert water under the appurtenant ground water irrigation right(s) when receiving water for irrigation under this right.
12. Prior to diverting and using water pursuant to this right, the right holder shall identify the land to be irrigated with water diverted pursuant to this right by submitting a land list and a representative electronic shape file or by submitting a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. In addition, the right holder shall submit a list of ground water irrigation rights that will not be used when water is being delivered pursuant to this right. Before changing the land to be irrigated pursuant to this right, the right holder shall submit a new land list, representative electronic shape file or map, and list of ground water irrigation rights to the Department prior to the irrigation season in which the change will occur.

State of Idaho
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Water Right License
Water Right No. 1-10566

13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
14. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
15. The boundary encompassing the place of use for irrigation under this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
16. Noncompliance with any condition of this right is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
17. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 30th day of November, 2020.



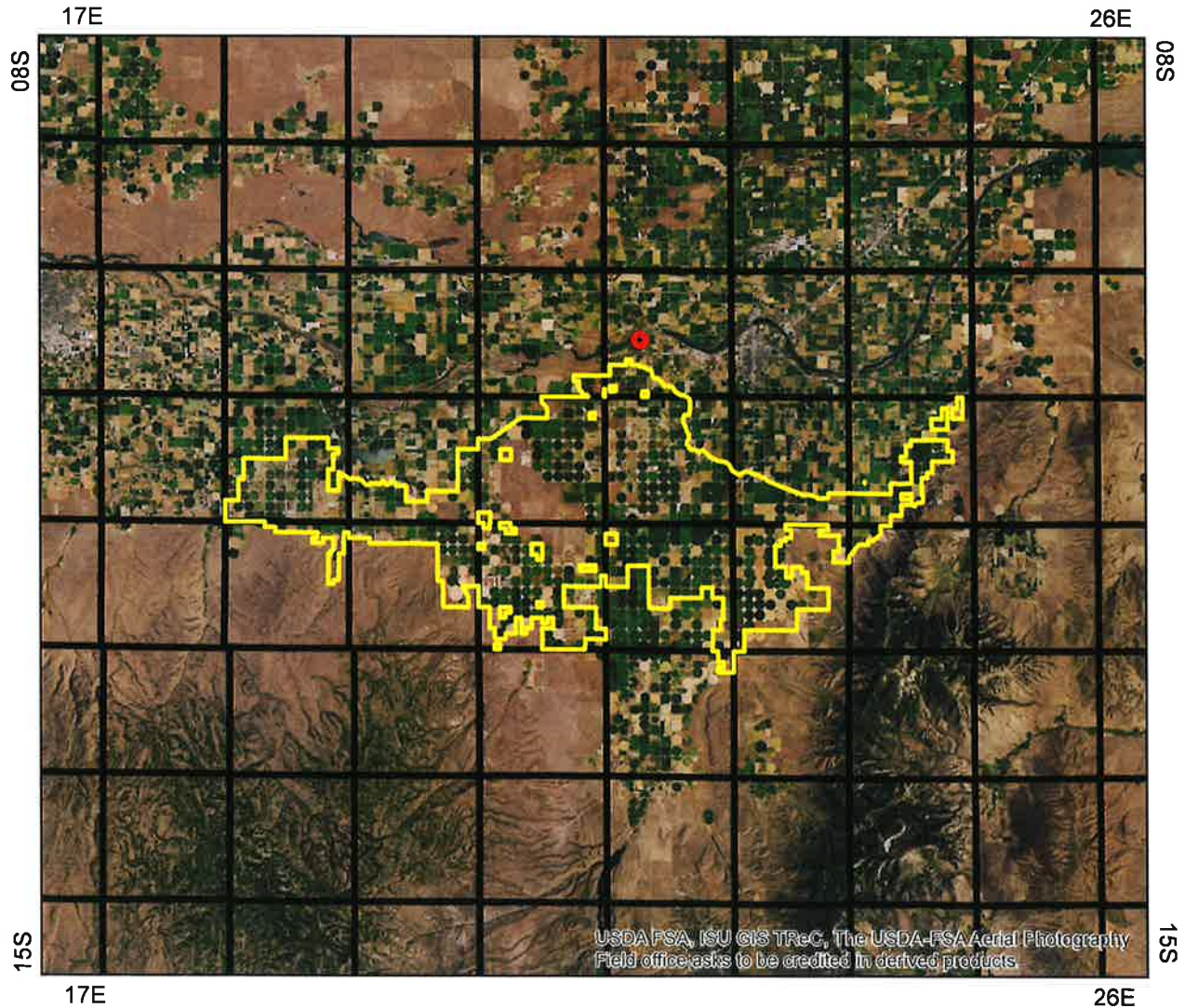
COREY SKINNER
Southern Regional Manager

Southwest Irrigation District

Attachment to Water Right License

01-10566

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 5 10 20 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships

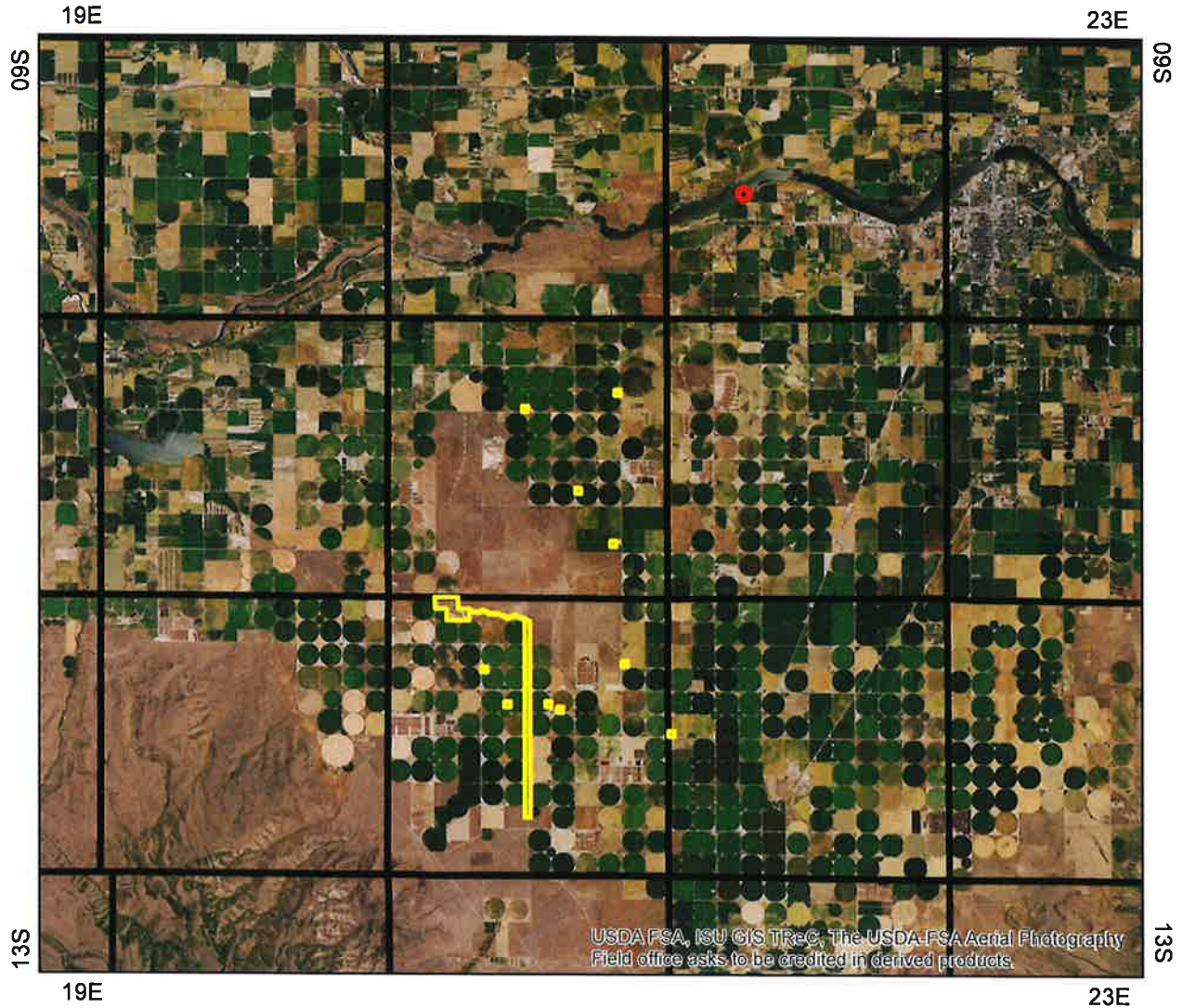


State of Idaho
Department of Water Resources

Attachment to Water Right License

01-10566

This map depicts the GROUND WATER RECHARGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships



State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 1-10566

RECEIVED

OCT 13 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

Priority: December 16, 2009

Maximum Diversion Rate: 50.00 CFS

Maximum Diversion Volume: 8,093.6 AF

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 1-10566

SOUTHWEST IRRIGATION DISTRICT PO BOX 668 BURLEY ID 83318

requests the permit be changed as follows:

Source : SNAKE RIVER

Tributary: COLUMBIA RIVER

Beneficial Use

IRRIGATION

GROUND WATER RECHARGE

Period of Use

03/15 to 11/15

01/01 to 12/31

Rate of Diversion

50.00 CFS

50.00 CFS

Annual Volume

6,455.6 AF

1,638.0 AF

Location of Point(s) of Diversion

SNAKE RIVER L2 (SW¼ NE¼), Sec. 20, Twp 10S, Rge 22E, B.M. CASSIA County

Place of Use: GROUND WATER RECHARGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10S	22E	20			X L2															0.0
11S	21E	9																X		0.0
11S	21E	11												X						0.0
11S	21E	23										X								0.0
11S	21E	26																X		0.0
12S	21E	3										X	X							0.0
12S	21E	4			X	X			X	X					X			X		0.0
12S	21E	5			X L8	X	X L5	X L6		X L7										0.0
12S	21E	9	X			X					X				X			X		0.0
12S	21E	10						X	X			X	X							0.0
12S	21E	12							X											0.0
12S	21E	15			X			X	X	X		X	X							0.0
12S	21E	16	X		X	X									X			X		0.0
12S	21E	21	X			X									X			X		0.0
12S	21E	22						X	X			X	X							0.0
12S	21E	27						X	X			X								0.0
12S	21E	28	X			X									X L1					0.0
12S	22E	18											X L4							0.0

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 9 day of October, 2020.

Southern Irrigation District
By Michael Petersen
(Signature) *cedary*

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 1-10566

FOR DEPARTMENT USE ONLY

Preliminary check by SG

Fee = \$100

Received by SG

5038197

Date

10/13/20

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 1-10566 with the following:

Conditions of Approval

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 01. In addition, the watermaster of state water district 140, or its successor, shall be responsible for administering the requirement that this water right must be used in lieu of ground water rights in Water District 140.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Rights 01-10566, 01-10572 and 45-14183 when combined shall not exceed a total diversion rate of 55.0 cfs.
4. Rights 01-10566, 01-10572 and 45-14183 when combined for irrigation shall not exceed a total annual maximum diversion volume of 6455.6 af.
5. The right holder shall record the daily quantity of water diverted for ground water recharge and shall report the diversion data for the prior calendar year to the Department by February 1 each year. Reporting shall occur in the manner specified by the Department, consistent with Idaho Code § 42-701. To facilitate this reporting requirement, the right holder shall install and maintain a totalizing measuring device approved by the Department at each point of diversion and at each point where water is delivered from the conveyance system into a designated recharge site.
6. Pursuant to Idaho Code § 42-234(4), to ensure that other water rights are not injured by the operations of the recharge project authorized by this right, the Director has authority to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
7. Pursuant to Idaho Code § 42-234(3), the Director may reduce the amount of water that may be diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
8. This right is not an authorization for the described recharge effort to be used as mitigation or credit for any other purpose. The sufficiency of the recharge effort authorized under this right for mitigation or credit for some other purpose may be determined by the Department upon proper submission of a mitigation plan pursuant to the Department's Rules of Conjunctive Management of Surface and Ground Water Resources, a mitigation plan to offset depletion in association with a water right application, a Management Program pursuant to Idaho Code Idaho Code § 42-1416B, or any other proposal to utilize credit for the recharge effort.
9. The right holder shall not divert and use water under this right if the natural flow in the Snake River is not sufficient to fill senior rights diverting from the Snake River as determined by the Watermaster of Water District 01.
10. This right is limited to use on land with valid ground water irrigation right(s) and does not authorize irrigation of land not already irrigated with ground water. The water user shall not divert water under the appurtenant ground water irrigation right(s) when receiving water for irrigation under this right.

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 1-10566

11. Prior to diverting and using water pursuant to this right, the right holder shall identify the land to be irrigated with water diverted pursuant to this right by submitting a land list and a representative electronic shape file or by submitting a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. In addition, the right holder shall submit a list of ground water irrigation rights that will not be used when water is being delivered pursuant to this right. Before changing the land to be irrigated pursuant to this right, the right holder shall submit a new land list, representative electronic shape file or map, and list of ground water irrigation rights to the Department prior to the irrigation season in which the change will occur.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Return flow discharged to a subsurface system must be authorized by a separate injection well permit.
14. The boundary encompassing the place of use for irrigation under this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
15. Noncompliance with any condition of this right is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
16. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 30th day of November, 20 20.



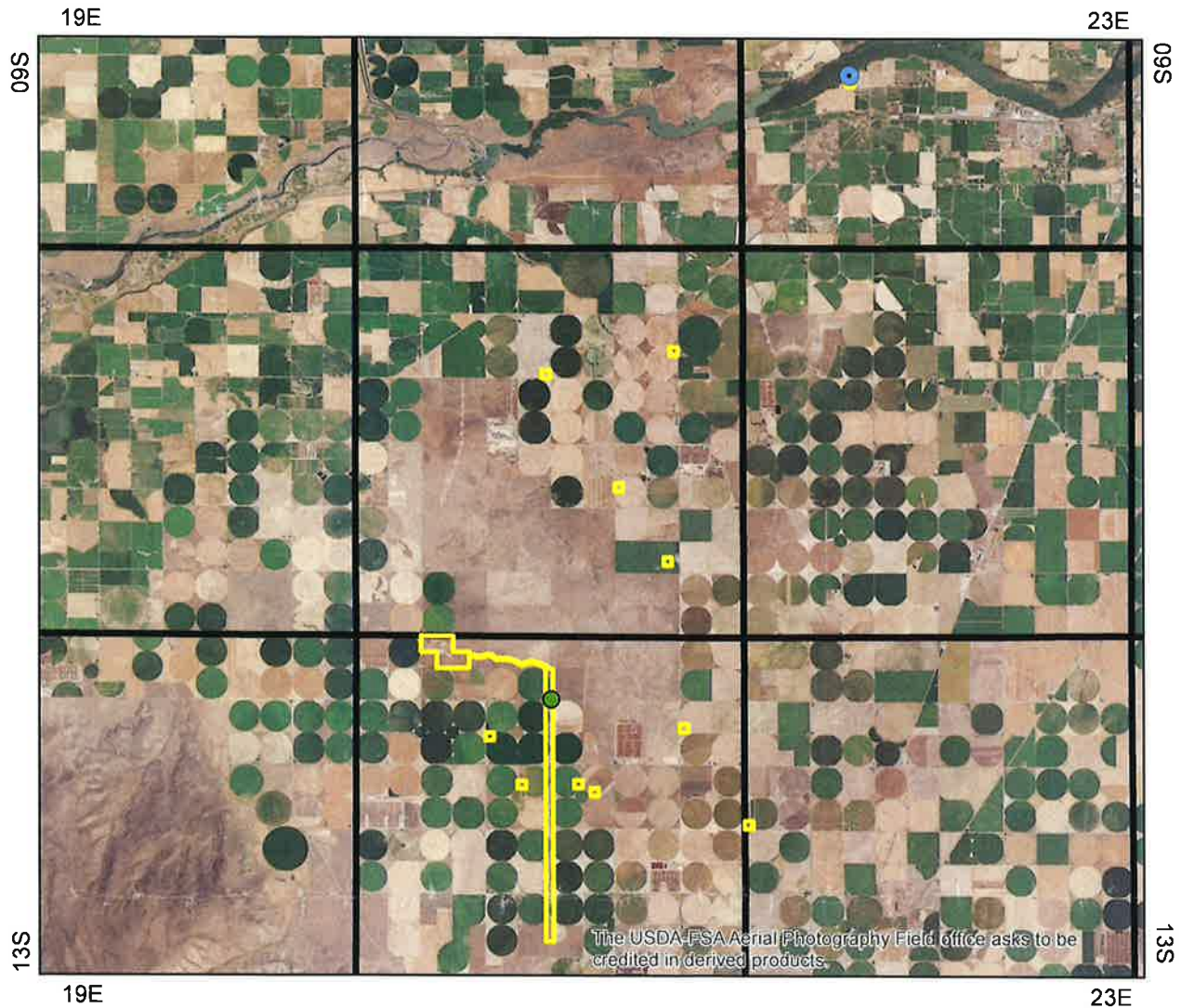
COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources

Attachment for Application to Amend a License

1-10566

This map depicts the GROUND WATER RECHARGE place of use boundary for this water right as determined by a field examination and is attached to the approval document solely for illustrative purposes.



0 1.75 3.5 7 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

December 2, 2020

SOUTHWEST IRRIGATION DISTRICT
PO BOX 668
BURLEY ID 83318

RE: License No(s). 1-10566, 1-10572, 45-14183

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Also enclosed is a copy of the approved application for amendment for 1-10566.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2020, I served a true and correct copy of Water Right License No. 1-10566, 1-10572 and 45-14183 by U.S. Mail, postage prepaid, to the following:

SOUTHWEST IRRIGATION DISTRICT (Current Owner)
PO BOX 668
BURLEY ID 83318

WILLIAM A PARSONS (Attorney)
PARSONS SMITH STONE LOVELAND & SHIRLEY LLP
PO BOX 910
BURLEY ID 83318-0910

WATER DISTRICT #01
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

WATER DISTRICT #140
ADAM MC COY (Watermaster)
355 W 500 S
BURLEY ID 83318-5229



Denise Maline
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

PARSONS, SMITH, STONE, LOVELAND & SHIRLEY, LLP

ATTORNEYS AT LAW
137 WEST 13TH STREET
P.O. BOX 910
BURLEY, IDAHO 83318

RECEIVED

OCT 13 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

OF COUNSEL
RICHARD K. SMITH
RANDOLPH C. STONE

WILLIAM PARSONS
LANCE A. LOVELAND
DAVID F. SHIRLEY
JASON R. NAESS
SCOTT B. LINDSTROM

October 9, 2020

Mr. Bill Mills
Idaho Dept. Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

**RE: Water Right Permit No. 1-10566 – Southwest Irrigation District
Our File No. 308**

Dear Mr. Mills:

Enclosed, for your information, is the signed Application for Amendment relating to Water Right No. 1-10566, along with a check in the sum of \$100.00 for the fee.

Thank you for your courtesies. Should you have any questions, please contact me.

**PARSONS, SMITH, STONE, LOVELAND
& SHIRLEY, LLP**

Mail without signature to avoid delay

William A. Parsons

WAP/sw
Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

October 5, 2020

SOUTHWEST IRRIGATION DISTRICT
C/O Brian Higgs
Water Well Consultants
355 S 500 W
Burley ID 83318

RE: Water Right Permit No. 1-10566

Dear Mr. Higgs:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Idaho Code § 42-211. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

_____ Point(s) of Diversion

 X Place(s) of Use

_____ Other

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form with the filing fee of \$100.00 within fourteen (14) days. Please note that this amendment can be signed by anyone with the authority to sign on behalf of Southwest Irrigation District.

If you have any questions, please call me at (208) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bill Mills'.

Bill Mills
Water Resource Agent, Senior

Enclosure: Application for Amendment;