

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 23-11477

Priority: April 29, 2019

Maximum Diversion Rate: 0.44 CFS

Maximum Diversion Volume: 0.9 AF

This is to certify that

RAINEY CREEK ENTERPRISES LLC
PO BOX 5
IRWIN ID 83428-0005

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>	<u>Annual Volume</u>
DIVERSION TO STORAGE	04/01 to 10/31	0.44 CFS	
WILDLIFE STORAGE	01/01 to 12/31		0.9 AF

Location of Point(s) of Diversion

GROUND WATER SE¼ SW¼, Sec. 36, Twp 02N, Rge 43E, B.M. BONNEVILLE County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
02N	43E	36												X				

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2024**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 3.6 acre-feet or a total surface area of 0.8 acres.
4. Initial fill of the wildlife pond will be accomplished by holding two acres of right 23-11468 unused during the 2019 irrigation season. Subsequent refill of the pond must occur through the IWRB Water Supply Bank or the Water District 1 Rental Pool.
5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation by non-use. The mitigating right may also include a condition stating that the mitigation by non-use is for the benefit of this right.

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Right No.	Use Changed to Mitigation by Non-Use	Mitigation Volume (AF)	Mitigation Acres
23-11468	Irrigation	0.7	0.2

The land that will no longer be irrigated under this right is located within the SESW and SWSE, Section 36, Township 2N, Range 43E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights. The remaining annual volume described under this right is mitigated by removal of wetland vegetation.

7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. 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.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 23rd day of July, 2019.



JAMES CEFALO

Water Resources Program Manager