

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 22-14308

Priority: February 02, 2018

Maximum Diversion Rate: 12.40 CFS

This is to certify, that KLB INC
C/O JOHN BROWN
PO BOX 579
REXBURG ID 83440

has applied for a permit to appropriate water from:

Source: TETON RIVER**Tributary:** HENRYS FORK

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

RATE OF DIVERSION

12.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

TETON RIVER SE¼ NW¼ NE¼ Sec. 29, Twp 07N, Rge 44E, B.M. TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 43E 10																11.0	11.0
07N 43E 11									2.2	38.0	10.0						50.2
07N 43E 13					.8	29.0			4.8	40.0	35.0	5.2					114.8
07N 43E 14			21.0	32.0	6.7	40.0	36.0	29.6	39.0	36.0	40.0	40.0	40.0	37.0	40.0	39.0	476.3
07N 43E 15	14.0			13.0									13.0			13.0	53.0
07N 43E 22	13.0			13.0									13.0			13.0	52.0
07N 43E 23	40.0	39.0	33.0	30.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	622.0
07N 43E 24			8.7	22.0	21.0	38.0	39.0	37.0	40.0	32.0	35.0	40.0	28.0	35.0	40.0	27.0	442.7
07N 43E 25	30.0	40.0	40.0	29.0	40.0	38.0	40.0	40.0					35.0	40.0	39.0	38.0	449.0
07N 43E 36	33.0	40.0															73.0
07N 44E 19						8.1			11.0	37.0	38.0	40.0	14.0	11.0	40.0	40.0	239.1
07N 44E 20						L 2				L 3	L 4						142.4
						7.6	6.3		25.0	29.0	34.0	37.0			3.5		
07N 44E 29			13.0	.3	38.0	38.0	37.0	40.0	15.0	13.0			1.7	15.0			211.0

Total Acres: 2936.5

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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2024**.
2. Subject to all prior water rights.
3. Rights 22-7196, 22-7256, 22-13329 and 22-14308 when combined shall not exceed a total diversion rate of 13.40 cfs and the irrigation of 2,936.5 acres.
4. This right shall not be used if water rights 22-7196, 22-7256, or 22-13329 are sold, transferred, leased, or used on any other place of use. This right may not be sold, transferred, leased, or used on any other place of use that does not have an existing water right.
5. Use of water under this right may 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 No. 01.
6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. This right does not grant any right-of-way or easement across the land of another.
9. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement (Teton County Instrument #252389) to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
10. Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.
11. Prior to diversion and use of water under this approval, the right holder shall obtain Bureau of Reclamation authorization necessary to access the point of diversion or place of use or to convey water across federal land.
12. 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.
13. Failure of the right holder to comply with any condition of approval is cause for the Director to cancel this permit.

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

Signed this 30th day of January, 2019.



JAMES CEFALO
Water Resources Program Manager