

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 34-07595

**PRIORITY:** January 11, 2000

Maximum Diversion Rate: 3.12 CFS  
Maximum Diversion Volume: 546.7 AF

It is hereby certified that:

BORAH BORAH RANCH LLC  
C/O MICHAEL JOHN  
91 LAUREL GROVE AVE  
PO BOX 819  
ROSS CA 94957

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 11, 2000, and has submitted Proof of Beneficial Use on February 25, 2005 and a water right has been established as follows:

**SOURCE:**  
GROUND WATER

**TRIBUTARY:**

**BENEFICIAL USE**  
IRRIGATION

**PERIOD OF USE**  
04/01 to 10/31

**DIVERSION RATE**  
3.12 CFS

**ANNUAL DIVERSION VOLUME**  
546.7 AF

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SW $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 36, Twp 08N, Rge 22E, B.M. CUSTER 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 |        |
| 08N | 22E | 35  |    |    | 31.0 | 31.0 |    |    |      |    |    |    |    |    | 31.0 | 31.0 |    |    | 124.0  |
| 08N | 22E | 36  |    |    |      |      |    |    | 32.2 |    |    |    |    |    |      |      |    |    | 32.2   |

Total Acres: 156.2

**CONDITIONS OF APPROVAL**

1. Rights 34-7595, 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs and the irrigation of 156.2 acres.
2. 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. 34.
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(s).

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4. 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.

| <u>Water Right</u> | <u>Rate (cfs)</u> | <u>Acres</u>       | <u>Source</u>      |
|--------------------|-------------------|--------------------|--------------------|
| 34-583B            | 0.80              | 40                 | Big Lost River     |
| 34-699B            | 0.16              | 8                  | Big Lost River     |
| 34-702B            | 0.426             | 21.3               | Big Lost River     |
| 34-703B            | 1.40              | 70                 | Warm Springs Creek |
| 34-704B            | 0.94              | 100.2              | Warm Springs Creek |
| 34-14582           | 0.50              | 93.2               | Big Lost River     |
| 34-14583           | 0.29              | 50.4               | Big Lost River     |
| 34-14584           | 0.77              | 134.7              | Warm Springs Creek |
| 34-14585           | 0.35              | 17.5               | Warm Springs Creek |
| 34-14586           | 2.05              | 93.2               | Big Lost River     |
| <b>Total</b>       | <b>5.21 cfs</b>   | <b>156.2 acres</b> |                    |

The water normally delivered under these rights shall remain undiverted in Warm Springs Creek and the Big Lost River in any year that ground water is diverted under this right. If the specified mitigation rights, or any portion thereof, are 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.

5. The mitigation rights listing Warm Springs Creek as the authorized source shall be subject to terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, in the matter of Application for Permit 34-7591, in the name of L&S Partners, and the Preliminary Order of the Department issued on November 18, 1999.
6. The right holder is entitled to cease use of this ground water right and resume use of the surface water mitigation rights upon request in writing to the Water District 34 watermaster prior to the beginning of the irrigation season. The right holder shall not irrigate the 156.2 acres described in this right with surface water and ground water in the same irrigation season.
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 lands above.
8. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (May 19, 2000) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
9. Use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.

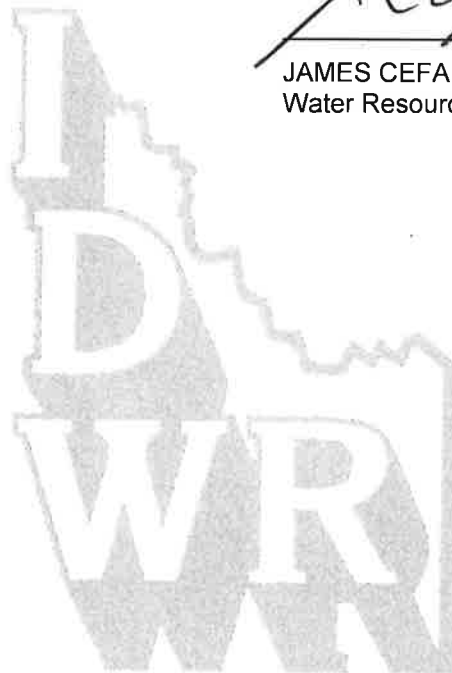
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This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of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

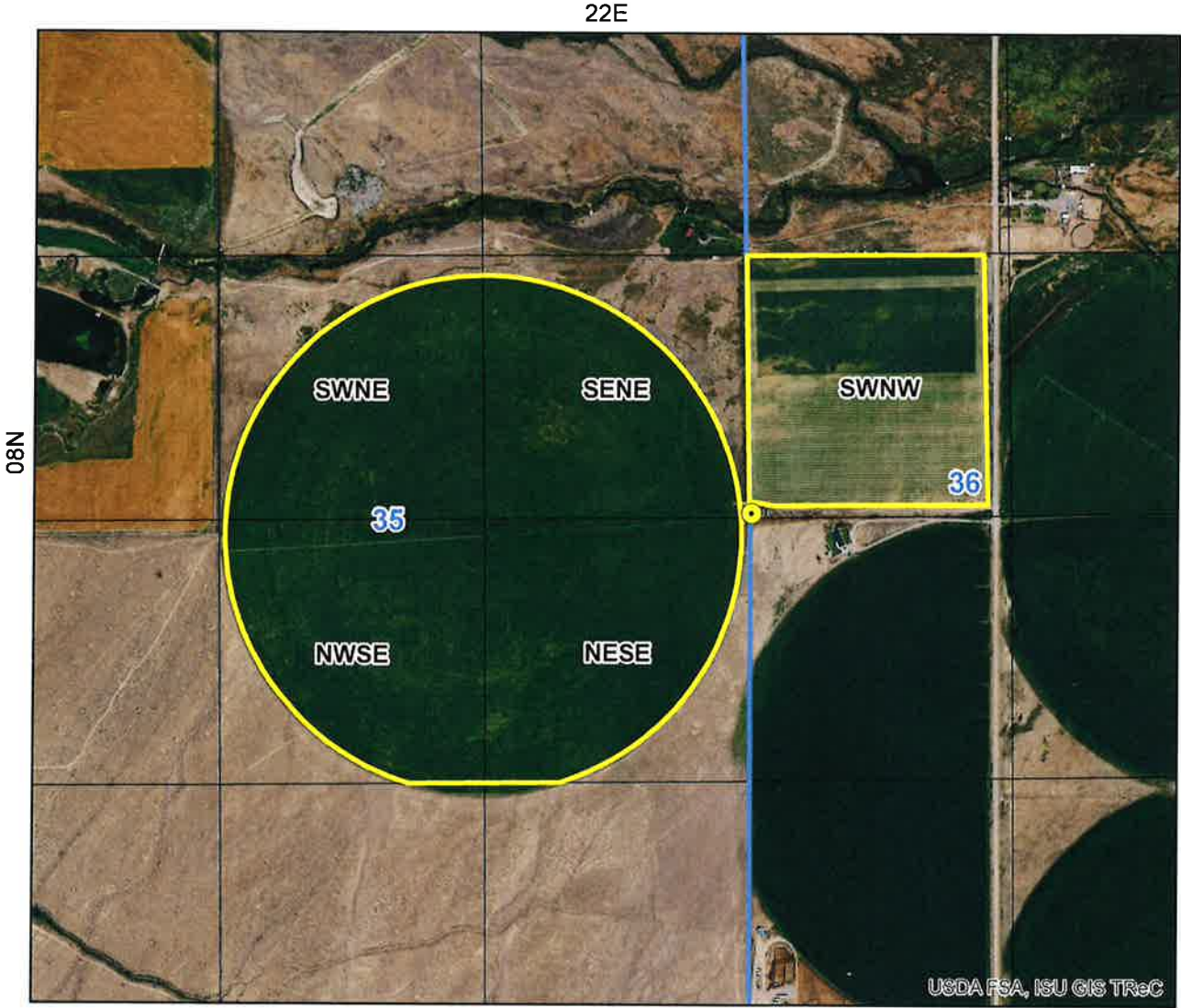
Signed this 30<sup>th</sup> day of November, 2018.



JAMES CEFALO  
Water Resource Program Manager



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- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

