

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 35-13521

**PRIORITY:** August 31, 2004

Maximum Diversion Rate: 3.67 CFS  
Maximum Diversion Volume: 1,040.0 AF

It is hereby certified that:

ANDREW E POVEY  
2412 POVEY RD  
AMERICAN FALLS ID 83211-5107

And

NORTHWEST FARM CREDIT SERVICES FLCA  
73 FORT HALL  
AMERICAN FALLS ID 83211

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 31, 2004, and has submitted Proof of Beneficial Use on January 14, 2010. An examination confirms water is diverted from:

**SOURCE:**  
GROUND WATER

and a water right has been established as follows:

**BENEFICIAL USE**  
IRRIGATION

**PERIOD OF USE**    **DIVERSION RATE**  
04/01 to 10/31        3.67 CFS

**ANNUAL**  
**DIVERSION VOLUME**  
1,040.0 AF

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

GROUND WATER NW¼NW¼NE¼ Sec. 35, Twp 06S, Rge 29E, B.M. POWER 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 |        |
| 06S | 29E | 35  | 32.0 | 30.0 | 32.0 | 32.0 | 34.0 | 34.0 | 32.0 | 34.0 |    |    |    |    |    |    |    |    | 260.0  |

Total Acres: 260

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**CONDITIONS OF APPROVAL**

1. 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 rights will be changed to show that diversion and use of water is not authorized because the rights, or portions thereof, are being dedicated to mitigation purposes.

| Right No. | Use Changed to Mitigation | Mitigation Rate | Mitigation Volume | Acres |
|-----------|---------------------------|-----------------|-------------------|-------|
| 35-14581  | Irrigation                | 1.99 cfs        | 383.2             | 95.8  |
| 35-14582  | Irrigation                | 0.87 cfs        | 296.8             | 74.2  |

The land that will no longer be irrigated under these rights is located within W1/2NE, E1/2NW, NWNW, S17; SENE, S18; T04S, R31E.

| Right No. | Use Changed to Mitigation | Mitigation Rate | Mitigation Volume | Acres |
|-----------|---------------------------|-----------------|-------------------|-------|
| 36-16625  | Irrigation                | 0.11 cfs        | 20.8              | 5.2   |
| 36-16627  | Irrigation                | 0.16 cfs        | 31.2              | 7.8   |
| 36-16629  | Irrigation                | 0.04 cfs        | 7.6               | 1.9   |
| 36-16631  | Irrigation                | 0.01 cfs        | 4.4               | 1.1   |

The land that will no longer be irrigated under these rights is located within NWSE, S24, T08S, R21E.

| Right No. | Use Changed to Mitigation | Mitigation Rate | Mitigation Volume | Acres |
|-----------|---------------------------|-----------------|-------------------|-------|
| 43-13802  | Irrigation                | 0.84 cfs        | 200.0             | 50.0  |
| 43-13803  | Irrigation                | 0.15 cfs        | 96.0              | 24.0  |

The land that will no longer be irrigated under these rights is located within N1/2NE, SWNE, S02, T10S, R26E.

If the specified mitigation rights, or portions thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit shall be reduced by the same proportion as the reduction to the mitigation rights.

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 No. 120. In addition, use of water under the mitigation rights 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, the mitigation rights are located within Water District No. 120 and Water District No. 130.
3. The watermasters of Water District Nos. 120 and 130 are instructed to obtain and report annual water diversions under both this right and the mitigation rights to assure compliance with the mitigation requirements of this water right. GIS shape files for the place of use of each of the above mitigation rights will be obtained, reviewed, and retained in IDWR files for the rights.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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5. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 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.
8. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) 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 nonconsumptive 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.
10. Noncompliance with any condition of this right, including the requirement for mitigation, 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.

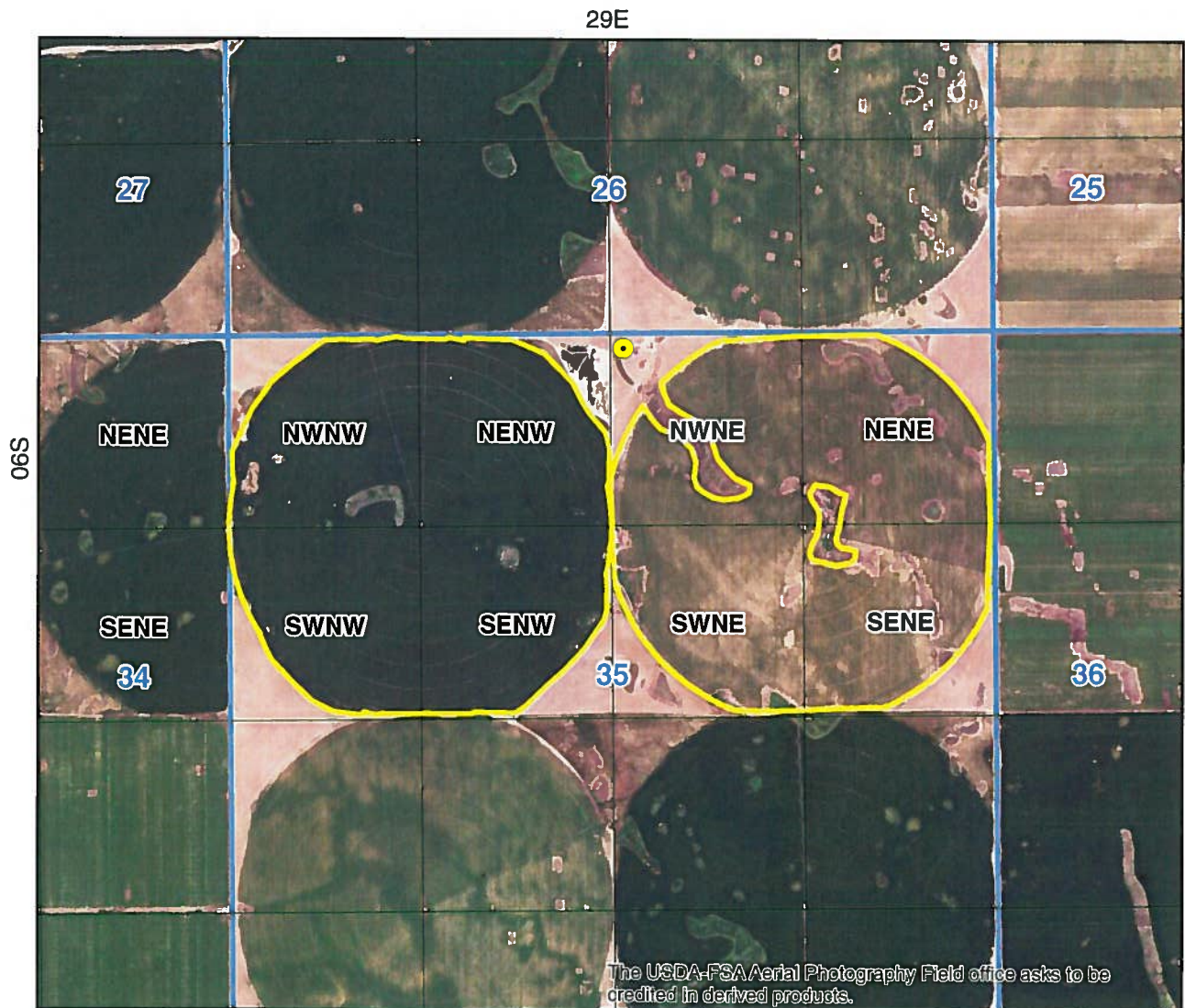
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 16<sup>th</sup> day of April, 2018.



JAMES CEFALO  
Water Resource Program Manager

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

0 0.15 0.3 0.6 Miles

