

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 74-16008

Priority: June 26, 2015

Maximum Diversion Rate: 3.72 CFS

This is to certify, that LYNN A HERBST
And
ROBIN R HERBST
PO BOX 21
TENDROY ID 83468

has applied for a permit to appropriate water from:

Source: SPRINGS**Tributary:** AGENCY CREEK

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>
IRRIGATION	03/15 to 11/15	3.72 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS	SW1/4NE1/4NW1/4	Sec. 29, Twp 19N, Rge 24E, B.M. LEMHI County
SPRINGS	NW1/4SE1/4SW1/4	Sec. 20, Twp 19N, Rge 24E, B.M. LEMHI County
SPRINGS	SW1/4NE1/4SW1/4	Sec. 20, Twp 19N, Rge 24E, B.M. LEMHI County (Injection)
SPRINGS	SW1/4NE1/4SW1/4	Sec. 20, Twp 19N, Rge 24E, B.M. LEMHI County (Rediversion)

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		
19N 24E 17			.2					17.4	31.4				36.1			3.2	1.6	89.9
19N 24E 20					33.9	15.0	12.1	27.9	6.2	1.2								96.3

Total Acres: 186.2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2017**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. This right does not authorize the irrigation of land not previously irrigated.
5. This right authorizes the diversion of water from springs, injection of diverted water into Agency Creek, and a point of rediversion of the injected water from Agency Creek.
6. The right holder shall maintain the lockable control structure currently located at the Agency Creek point of diversion east of Hwy 28. Prior to diversion of water under this right, the right holder shall install and/or maintain a measuring device and lockable control structure at the following locations: 1) on the point of rediversion from Agency Creek located west of Hwy 28, and 2) on the L-31 ditch where L-31 crosses Tendoy Lane at a location that can be easily viewed by the watermaster.

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7. Rights 74-740, 74-741, 74-742, 74-7147, and 74-16008 when combined shall not exceed a total diversion rate of 5.35 cfs and the irrigation of 186.2 acres. However, when Rights 74-740, 74-741, and/or 74-742 are completely or partially unavailable for use, Right 74-16008 shall provide only two-thirds (0.67%) of the diversion rate unavailable from those rights.
8. The right holder shall limit the diversion of water under this right to those times when Rights 74-740, 74-741, 74-742, and 74-7147 are not available or reasonably sufficient to irrigate the place of use authorized under this right.
9. If water rights 74-740, 74-741, 74-742, or 74-7147 are abandoned, forfeited, sold, transferred, leased, or used on any other place of use, right 74-16008 shall not be used.
10. This right is limited to a maximum diversion rate of 0.02 cfs per acre.
11. 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 Nos. 74 and 74-M.

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

Signed this 15th day of February, 20 17.



PAMELA S. SKAGGS

Water Rights Supervisor