

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 11-07788

Priority: April 14, 2014

Maximum Diversion Volume: 4.0 AF

This is to certify, that FIVE SQUARE RANCH LLC
C/O JOHN MAKOFF
7028 KEARNY DRIVE
HUNTINGTON BEACH CA 92648

has applied for a permit to appropriate water from:

Source: SOREN CANYON CREEK Tributary: THOMAS FORK

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	4.0 AF
STOCKWATER STORAGE	01/01 to 12/31	4.0 AF

LOCATION OF POINT(S) OF DIVERSION:SOREN CANYON CREEK SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16 Twp 12S Rge 46E, B.M. BEAR LAKE County**PLACE OF USE:** RECREATION STORAGE and STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	46E	16																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2020**.
2. Subject to all prior water rights.
3. 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. 11F.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. The pond established by the storage of water under this right shall not exceed a total capacity of 4.0 acre-feet or a total surface area of 1 acre.
6. The storage pond authorized under this right can only be filled between October 1 and April 30.
7. In times of shortage on Soren Canyon Creek, the right holders for water rights 11-140 and 11-7791 can call for the storage pond authorized under this right to be drained

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8. 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 purposes.

Right No.	Use Changed to Mitigation Irrigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
11-90		0.025	2.5	1.0

The land that will no longer be irrigated under this right is located within the SENW, Section 15, Township 12S, Range 46E.

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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 21st day of October, 2015.


for GARY SPACKMAN
Director