

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-13914

RECEIVED
SEP 25 2015
Department of Water Resources
Eastern Region

Date of Priority: February 11, 2009

Maximum Diversion Rate: 4.60 CFS

Maximum Diversion Volume: 570.2 AF

Comes now D & C PROPERTIES LLC
PO BOX 390

REXBURG ID 83440 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-13914, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	04/01 to 10/31	4.60 CFS	570.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE1/4NE1/4SE1/4	Sec. 30, Twp 05N, Rge 46E, B.M.
TETON County		
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 30, Twp 05N, Rge 46E, B.M.
TETON County		

PLACE OF USE: INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 46E 30									X				X	X			

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Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 22 day of September, 2005.

Dan J. Walker

(Signature)

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FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100- Received by SC # ED41478 Date 9/25/15

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-13914 with the following:

CONDITIONS OF APPROVAL

1. Rights 22-13826 and 22-13914 when combined shall not exceed a total diversion rate of 4.6 cfs, and a total annual maximum diversion volume of 570.2 af.
2. Industrial use is for a gravel and sand washing facility.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
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. 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	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
22-11900	Irrigation	0.01		1.0
22-7394	Irrigation	0.01	3.0	1.0

The land that will no longer be irrigated under this right is located within the NESW, Section 30, Township 5N, Range 46E, B.M.

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 permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

5. 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.

Witness my hand this 28th day of September, 2015.


for Gary Spackman, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

07/29/2015

D & C PROPERTIES LLC
PO BOX 390
REXBURG ID 83440

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SEP 25 2015
Department of Water Resources
Eastern Region

RE: Water Right Permit No. 22-13914

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ X Point(s) of Diversion

☐ Place(s) of Use

☐ Other

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at (208)525-7161.

Sincerely,

Blake Jordan
Sr. Water Resource Agent

Enclosure(s)