

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/23/2015

Water Permit 1-10572

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SOUTHWEST IRRIGATION DISTRICT PO BOX 668 BURLEY, ID 83318 (208)878-8382

Priority Date: 2/17/2009

Status: Lapsed

<u>Source</u>	<u>Tributary</u>
WASTE WATER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	60.000 CFS	
	<u>Total Diversion</u>		60.000 CFS	

Source and Point(s) of Diversion

WASTE WATER	L2(SWNE)	Sec. 20, Twp 10S, Rge 22E, CASSIA County
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Place Of Use

IRRIGATION
Large POU not Displayed

Conditions of Approval:

1. Right 45-14183 is also recorded as Right 01-10572 to facilitate regulation by Water District 01 to prevent injury to senior Snake River water right holders. The duplicate records represent a single diversion and use of water.
2. 176 The source of water diverted under this right is waste water and is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
3. 004 This right does not grant any right-of-way or easement across the land of another.
4. This right is limited to use on land with valid ground water irrigation right(s) and does not authorize irrigation of land not already irrigated with ground water. The water user shall not divert water under the appurtenant ground water irrigation right(s) when receiving water for irrigation under this right.
5. R05 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 01. In addition, the watermaster of state water district 140, or its successor, shall be responsible for administering the requirement that this water right must be used in lieu of ground water rights in Water District 140.
6. 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department and the watermaster as part of the diverting works.
7. The right holder shall not divert and use water under this right if the natural flow in the

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Snake River is not sufficient to fill senior rights diverting from the Snake River as determined by the Watermaster of Water District 01 unless injury to senior water right holders is mitigated by the delivery of storage water either from (a) the right holder's shares of contracted storage water or (b) storage water rented or leased according to the Water District 01 Rental Pool procedures. Option (b) may include storage water representing return flow credits accruing to Burley Irrigation District and provided on behalf of the right holder.

8. 127 Place of use is 137,598 acres within the boundary of Southwest Irrigation District service area pursuant to Section 43-323, Idaho Code.
9. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
10. R64 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.
11. Prior to diverting and using water pursuant to this right, the right holder shall identify the land to be irrigated with water diverted pursuant to this right by submitting a land list and a representative electronic shape file or by submitting a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. In addition, the right holder shall submit a list of ground water irrigation rights that will not be used when water is being delivered pursuant to this right. Before changing the land to be irrigated pursuant to this right, the right holder shall submit a new land list, representative electronic shape file or map, and list of ground water irrigation rights to the Department prior to the irrigation season in which the change will occur.
12. When submitting proof of beneficial use for this right, the right holder shall also submit a set of detailed maps and/or electronic shape file showing the land actually irrigated with water diverted pursuant to this right in each irrigation season during the authorized development period.
13. 140 Noncompliance with any condition of this right 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.
14. The diversion and use of water described in Right 45-14183 (Right 01-10572) is subject to additional limitations set forth in an agreement with Burley Irrigation District, A & B Irrigation District, American Falls Reservoir District # 2, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company and the Southwest Irrigation District. The agreement is dated September 1, 2009. The Department is not a party to the agreement, which may be enforceable by a court of law.
15. The diversion and use of water described in water right 45-14183 (Right 01-10572) is subject to additional limitations in a separate agreement between Burley Irrigation District and Southwest Irrigation District. The agreement is dated May 13, 2009. The Department is not a party to the agreement, which may be enforceable by a court of law.

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Comments:

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|----|---|------------|------------------------------|
| 1. | jreeder
Updated Shape | 7/20/2009 | POD |
| 2. | jreeder
Updated Shape | 7/20/2009 | POU |
| 3. | Shelley Keen
Water Right 01-10572 is also numbered 45-14183. The point of diversion is in Basin 45, but the right will be administered by the watermaster of water district 01. Documents are to be kept in water right file 45-14183. | 4/9/2010 | Dual Number |
| 4. | jreeder
Updated shape to the new SWID boundary. | 6/24/2010 | POU |
| 5. | amerritt
Updated large POU shape based on approval of T75835 for right 1-23A. | 10/29/2010 | update POU shape |
| 6. | amerritt
Updated Shape | 10/29/2010 | POU |
| 7. | amerritt
Updated PLS | 10/29/2010 | POU |
| 8. | mciscell
Updated Shape | 8/16/2012 | POD |
| 9. | dblock
Permit 45-14183 Lapsed. The status of this duplicate record has also changed to lapsed. | 4/23/2015 | WR Termination/Status Change |

Dates and Other Information

Permit Approved Date: 4/14/2010
Water District Number: 140
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Swan Falls Trust or Nontrust: N
Mitigation Plan: True

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A