

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 37-22779

Priority: August 29, 2012

Maximum Diversion Rate: 0.26 CFS

This is to certify, that ROBERT G STEVENS
PO BOX 308
KETCHUM ID 83340

And/Or

CAROL F STEVENS
PO BOX 308
KETCHUM ID 83340

has applied for an amendment of a permit and the amendment is **APPROVED** for development of water as follows:

Source: GROUND WATER

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/31	0.26 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SE1/4	Sec. 14, Twp 05N, Rge 17E, B.M.
BLAINE 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		
05N 17E 14																	12.9	12.9

Total Acres: 12.9

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2016**.
2. Subject to all prior water rights.
3. Rights 37-22779 and 37-21427 when combined shall not exceed a total diversion rate of 0.26 cfs, a total annual maximum diversion volume of 38.7 af at the field headgate, and the irrigation of 12.9 acres.

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4. To mitigate for the depletion of water resulting from the use of water under Right 37-22779 and to prevent injury to senior water right holders, Eagle Creek Irrigation Company shall cease diverting and using for irrigation purpose a proportionate share of water based on the 14 shares in the company, owned by the right holder of Right 37-22779, relative to the current operating shares. At the time of the issuance of this permit, Eagle Creek Irrigation Company diverts 4.56 cfs, as authorized under Right 37-863E, and has 186.9 operating shares. Based on the 14 shares owned by the right holder of Right 37-22779 and the current operating shares (186.9), the total flow to be dedicated to mitigation purposes is 0.34 cfs. To prevent injury to other water right holders within the Eagle Creek Irrigation System, the Watermaster or ditch rider shall deliver 0.08 cfs of the mitigation portion of Right 37-863E into the High Ditch of the Eagle Creek Irrigation Company, where it shall remain undiverted but provide for conveyance loss in the canal. The remainder of the mitigation flow (0.26 cfs) shall remain in the channel of Eagle Creek and be delivered past the last diversion of the Eagle Creek Irrigation Company on Eagle Creek to mitigate any injury caused by the pumping of Right 37-22779 on right holders in the Big Wood River.
5. 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 Right 37-22779 approval shall be reduced by the same proportion as the reduction to the mitigation right.
6. The land that will no longer be irrigated (12.9 acres) under the portion of Right 37-863E being dedicated to mitigation is located within the SW1/4SE1/4, Section 14, Township 05N, Range 17E, B.M. which is the same land to be irrigated under Right 37-22779.
7. 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. 37. Use of water shall also be regulated by Eagle Creek Irrigation Company. Regulation of this right shall be coordinated between State Water District No. 37 and the Eagle Creek Irrigation Company.
8. Prior to diversion of water under this right, the right holder shall install a lockable control works and measuring devices, subject to the approval of the Department, in a manner that will provide the watermaster and/or ditch rider suitable control of the diversions. Control works and measuring devices shall be installed and maintained on the well, on the High Ditch and on the outflow of the Eagle Creek System being directed to the Big Wood River.
9. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
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.
11. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 5 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

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12. To implement the mitigation requirement of this right, the official record of Right 37-863E has been changed to show that diversion and use of water is not authorized because a portion thereof (0.34 cfs and 12.9 acres of irrigation), is being dedicated to mitigation purposes for the diversion of water under Right 37-22779. The land that will no longer be irrigated (12.9 acres) under Right 37-863E being dedicated to mitigation is located within the SW1/4SE1/4, Section 14, Township 05N, Range 17E, B.M. In addition, the following condition has been added to Right 37-863E:

To mitigate for the depletion of water resulting from the use of Right 37-22779 and to prevent injury to senior water right holders, Eagle Creek Irrigation Company shall cease diverting and using for irrigation purpose a proportionate share of water based on the 14 shares in the company, owned by the right holder of Right 37-22779, relative to the current operating shares. At the time of the issuance of Right 37-22779, Eagle Creek Irrigation Company diverts 4.56 cfs, as authorized under Right 37-863E, and has 186.9 operating shares. To prevent injury to other water right holders within the Eagle Creek Irrigation System, the Watermaster or ditch rider shall deliver 0.08 cfs for mitigation purpose of Right 37-863E into the High Ditch of the Eagle Creek Irrigation Company, where it shall remain undiverted but provide for conveyance loss in the canal. The remainder of the flow dedicated for mitigation purpose (0.26 cfs) shall remain in the channel of Eagle Creek and be delivered past the last diversion of Eagle Creek Irrigation Company on Eagle Creek to mitigate any injury caused by the pumping of Right 37-22779 on right holders in the Big Wood River.

13. Place of use and point of diversion are located in a portion of HES 129 and projected to be within SWSE Section 14, T05N R17E.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of August, 2014.

For



GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Permit to Appropriate Water

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This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.04 0.08 0.16 Miles

