

State of Idaho
Department of Water Resources

AMENDED Permit to Appropriate Water AMENDED

NO. 25-14379

Priority: August 13, 2012

Maximum Diversion Rate: 0.39 CFS

This is to certify, that M & B INVESTMENTS LLC
6549 S 5TH WEST
IDAHO FALLS ID 83404-7633

has applied for a permit to appropriate water from:

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>
DOMESTIC	01/01 to 12/31	0.39 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 13	Twp 04N	Rge 38E, B.M.	JEFFERSON County
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PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	38E	13			X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2015**.
2. Subject to all prior water rights.
3. Points of diversion are located within Lot 1, Blk. 2, Sunbrook Estates.
4. Place of use is located within Sunbrook Estates.
5. 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. 120.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to diversion and use of water under right 25-14379, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The domestic use authorized under rights 25-14163 and 25-14379 is for 39 homes and shall not exceed 13,000 gallons per day per home.

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10. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
11. The diversion and use of water described in right 25-14379 may be subject to additional conditions and limitations agreed to by the protestants and the right holder under a separate agreement, recorded as Instrument No. 411289 in Jefferson County, to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
12. The holder of this water right shall submit copies of the annual diversion records demonstrating that 17 shares of water from Rigby Canal and Irrigation Company, Inc. were delivered to the holder of this water right to mitigate impacts of diversions under this water right.
13. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review 20 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.
14. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of August, 2014.


for GARY SPACKMAN
Director