

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 74-15895

Priority: November 14, 2008

Maximum Diversion Rate: 1.11 CFS

This is to certify, that DEANNA K OMLER
C/O JOEL AND SUSAN DYE And
WILLIAM E OMLER
C/O JOEL AND SUSAN DYE
PO BOX 26
TENDON ID 83463

has applied for a permit to appropriate water from:

Source: AGENCY CREEK**Tributary:** LEMHI RIVER

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>
POWER	01/01 to 12/31	1.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

AGENCY CREEK NW ¼ SW ¼ Sec. 26 Twp 19N Rge 24E, B.M. LEMHI County

PLACE OF USE: POWER

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
19N	24E	26																		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2015**.
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. 74M.
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. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
6. Use of water under this right shall be non-consumptive.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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8. The term of this permit shall extend to March 1, 2039. Prior to the expiration of the term, the Director may issue an order canceling all or any part of the use authorized herein, may establish a new term, or may revise, delete, or add conditions under which the permit or subsequent water right license may be exercised. The order shall take effect on the date the current term expires. If the Director does not issue such an order, the term shall automatically extend to a length equal to the project's prior term and any prior conditions on the permit or subsequent water right license shall remain in effect.
9. This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.
10. The rights for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
11. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25th day of February, 2014.


for GARY SPACKMAN
Director