

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 34-13763

Priority: July 29, 2002

Maximum Diversion Rate: 1.50 CFS

This is to certify, that 6 X RANCH LLC
C/O BLAKE QUINN
PO BOX 226789
LOS ANGELES CA 90022

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>
IRRIGATION	05/01 to 10/15	1.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4SW1/4 Sec. 25, Twp 08N, Rge 22E, B.M. CUSTER 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	
08N 22E 25																	75.0

Total Acres: 75

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2015**.
2. Subject to all prior water rights.
3. 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 as part of the diverting works.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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6. 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 right 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 right, or portion thereof, is being dedicated to mitigation purposes.

Right Nos.	Use Changed to Mitigation	Mitigation Rate	Mitigation Volume	Mitigation Acres
34-483B	Irrigation	1.50 cfs	262.5 ac-ft	75

The land that will no longer be irrigated under this right is located within the SWNW, Section 25, Township 08N, Range 22E, B.M. and NWSW, Section 25, Township 08N, Range 22E, B.M.

Diversion under this right is authorized only during those times when the full rate of mitigation water (1.50 CFS) is available for delivery from Warm Springs Creek. 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 diversion of ground water under this right shall cease in its entirety.

In addition, the place of use on the official record for associated water rights 34-123B and 34-124B will be reduced to exclude the 75 acres authorized for irrigation under this right.

The official record for associated water right 34-125B will be changed by reducing the place of use by the 75 acres authorized for irrigation under this right. In order to prevent injury to other users on Neilsen Ditch, the diversion rate for 34-125B will not be reduced.

Existing combined use limitations will be revised as well. Rights 34-123B, 34-124B, 34-125B, 34-483B, and 34-2320 when combined shall not exceed a total diversion rate of 4.96 cfs, a total annual maximum diversion volume of 785.8 af at the field headgate, and the irrigation of 219.5 acres.

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. 34.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. This right does not authorize the irrigation of land not previously irrigated.
10. 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 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of February, 2010.

for Shelley W. Keen
GARY SPACKMAN, Interim Director