

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 47-17575

Priority: August 31, 2011

Maximum Diversion Rate: 9.60 CFS
Maximum Diversion Volume: 198.0 AF

This is to certify, that L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL ID 83355

has applied for a permit to appropriate water from:

Source: ROCK CREEK

Tributary: SNAKE 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>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	02/01 to 11/15		198.0 AF
DIVERSION TO STORAGE	02/01 to 11/15	9.60 CFS	
IRRIGATION FROM STORAGE	03/15 to 11/15		198.0 AF

LOCATION OF POINT(S) OF DIVERSION:

ROCK CREEK SW1/4SW1/4SW1/4 Sec. 1, Twp 12S, Rge 18E, B.M.
TWIN FALLS County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 19E 19																X	
11S 19E 20										X							

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 19E 8	40.0	31.0	32.0	40.0													143.0
11S 19E 9									40.0	39.0	39.0	40.0					158.0
11S 19E 16					40.0	39.0	38.0	40.0	40.0	38.0	38.0	40.0					313.0
11S 19E 20	37.0	33.0	39.0	40.0	38.0	36.0	38.0	39.0	38.0	38.0	2.0	38.0	40.0	38.0	39.0	39.0	572.0
11S 19E 29	36.0	37.0	40.0	40.0	31.0	38.0	34.0	38.0	38.0	40.0	37.0	37.0	40.0	40.0	40.0	39.0	605.0
11S 19E 30	38.0		38.0	40.0					39.0			33.0	40.0	40.0	33.0	37.0	338.0

Total Acres: 2129

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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2014**.
2. Subject to all prior water rights.
3. The source of the water diverted under this right is "Trust Water", which is identified in the 1984 Swan Falls Settlement and defined as surface and ground water tributary to the Snake River between Milner Dam and Swan Falls. Diversions under this right shall be subject to curtailment if such diversions would impact the established minimum stream flows of 3,900 cfs from April through October and 5,600 cfs from November through March at the Murphy gage.
4. 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 rights for the purposes and amounts specified below. Moreover, the official record for the following water rights will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
47-191	Irrigation	0.64	N/A	32.2
47-192	Irrigation	1.60	N/A	80.0
47-14078	Irrigation	0.82	400.7	104.2
47-17340	Irrigation	1.08	N/A	104.2

The land that will no longer be irrigated under these rights is located within the NENE, SENE, and a portion of the NESE of Section 29, Township 11S, Range 19E, B.M. The total allowable acres for irrigation on the above rights will be reduced by 104.2 acres.

Additionally an overlapping acre limit condition will be reduced by these same 104.2 acres on the following rights: 47-171, 47-2519, 47-2518, and 47-14077.

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 this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

5. 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.
6. The two reservoirs established by the storage of water under this right shall not exceed a total capacity of 198.0 acre-feet or a total surface area of 38.0 acres.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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. 47O.

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9. 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.
10. Prior to diversion of water under this right, the right holder shall permanently install and maintain a staff gage acceptable to the Department to provide a means to measure the level of the reservoirs on a constant basis.
11. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.
12. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of June, 2013.

FOR

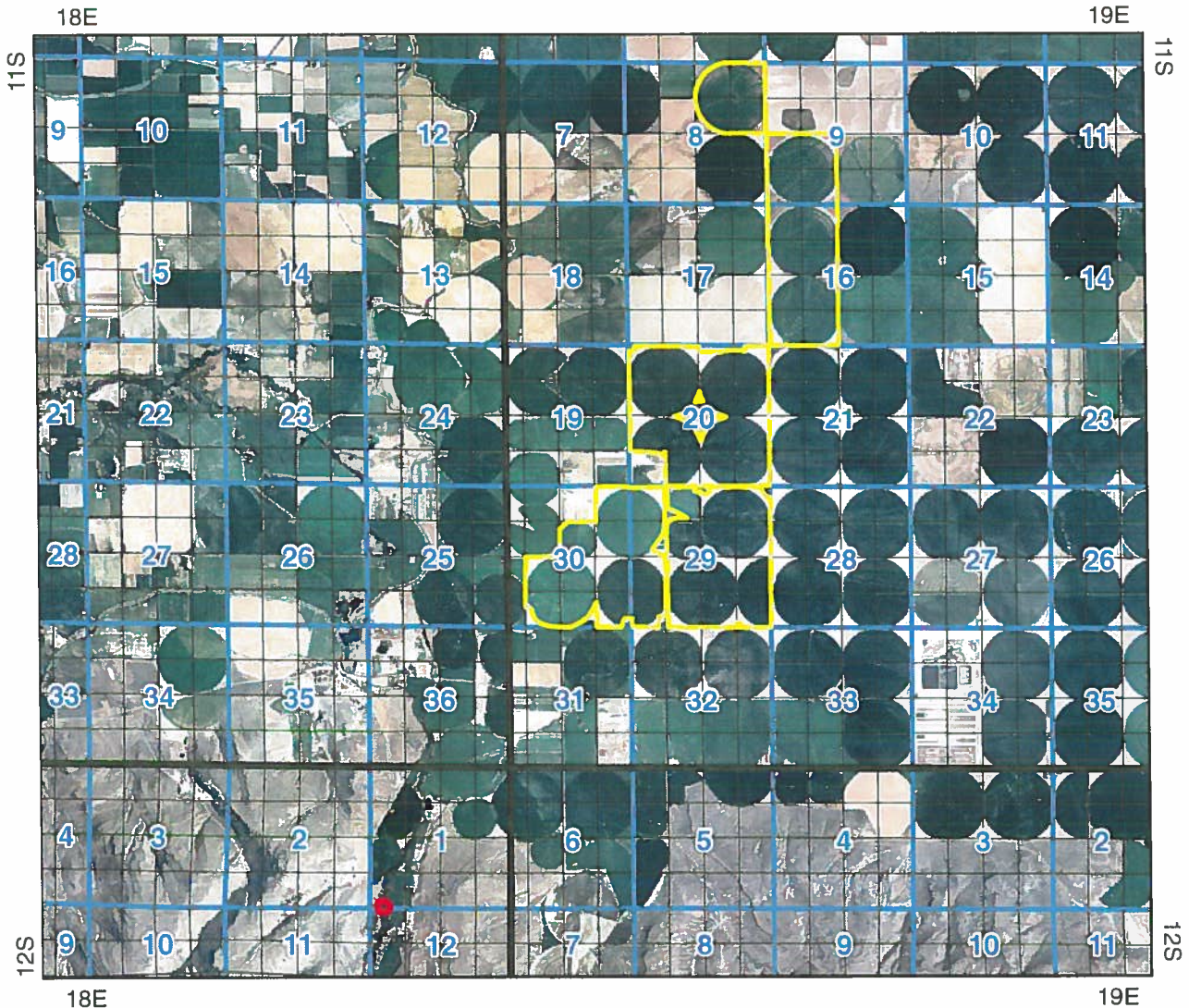
GARY SPACKMAN, Director

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Attachment To Permit to Appropriate Water

47-17575

This map depicts the IRRIGATION FROM STORAGE 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 0.75 1.5 3 Miles

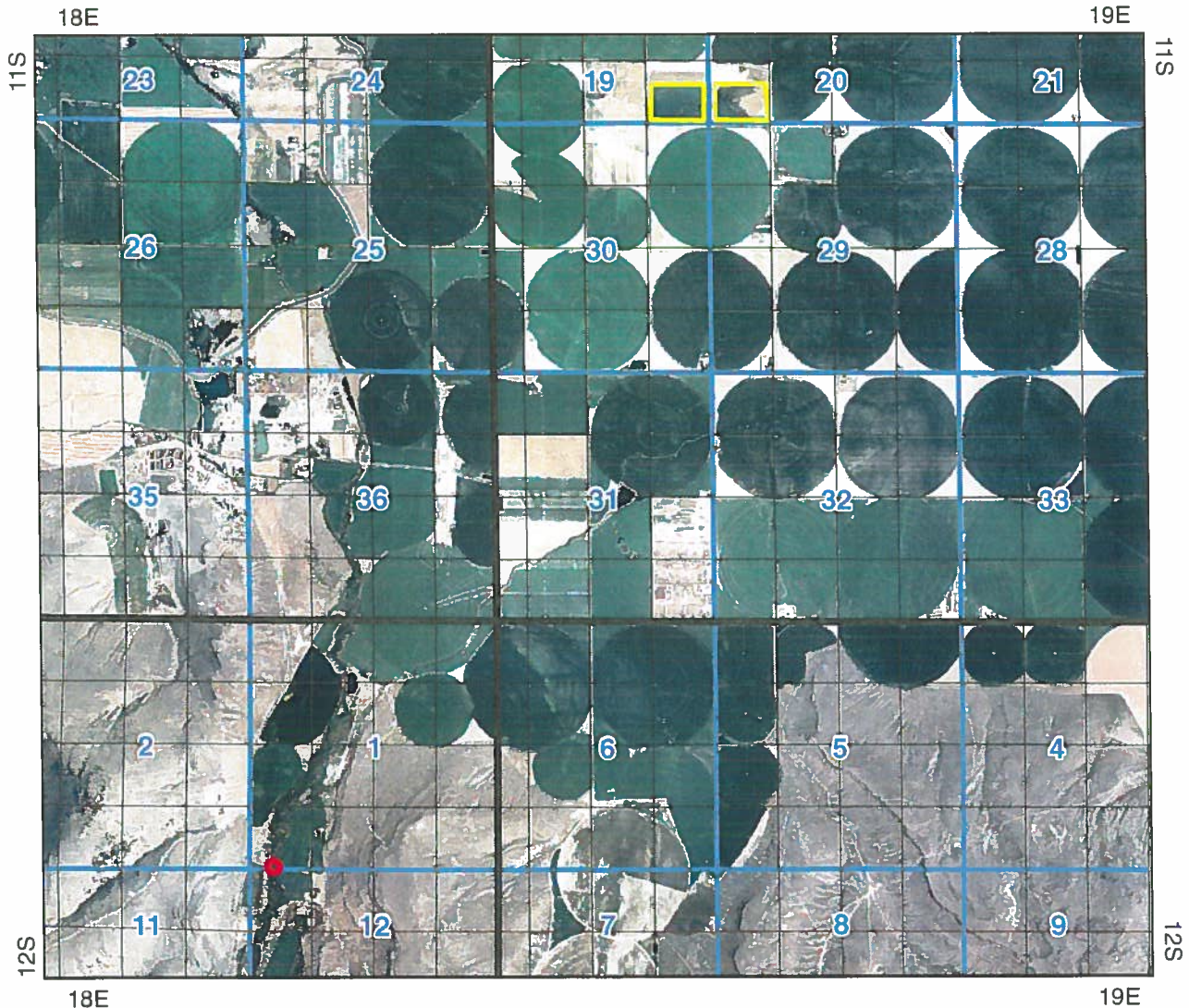


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-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.45 0.9 1.8 Miles

