

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 63-11866

Priority: June 16, 1992

Maximum Diversion Rate: 1.54 CFS

It is hereby certified that FREDERICK C BATT  
1621 IDAHO  
CALDWELL ID 83605  
And/Or  
REED BATT  
PO BOX 287  
WILDER ID 83676

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 16, 1992; and have submitted Proof of Beneficial Use on May 20, 2009. An examination confirms water is diverted from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

**BENEFICIAL USE**

IRRIGATION

**PERIOD OF USE**

03/01 to 11/15

**DIVERSION RATE**

1.54 CFS

**LOCATION OF POINTS OF DIVERSION:**

GROUND WATER SE1/4SE1/4 Sec. 9, Twp 04N, Rge 05W, B.M., CANYON County

GROUND WATER SE1/4NE1/4 Sec. 16, Twp 04N, Rge 05W, B.M., CANYON 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 |        |
| 04N | 05W | 16  | 37.0 | 4.0 | 6.0 | 30.0 |    |    |    |    |    |    |    |    |    |    |    |    | 77.0   |

Total Acres: 77

**CONDITIONS OF APPROVAL**

1. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
2. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 346.5 af at the field headgate for the lands above.

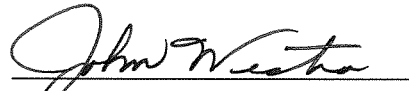
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4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The following rights are diverted through point of diversion in SESE, S09, Twp. 04N, Rge. 05W: 63-33475, 63-33476 & 63-11866; and the following rights are diverted through point of diversion in SENE, S16, Twp. 04N, Rge. 05W: 63-8649 & 63-11866.
6. Rights 63-33476 and 63-11866 when combined shall not exceed a total diversion rate of 2.64 cfs, a total annual maximum diversion volume of 594.0 af at the field headgate, and the irrigation of 132 acres.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. This right does not grant any right-of-way or easement across the land of another.
9. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 15<sup>th</sup> day of November, 2012.

  
JOHN WESTRA  
Western Regional Manager