

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 23-11387

Priority: February 27, 2008

Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 6.3 AF

It is hereby certified that MICHELLE ALEIXO And
JEFFREY ALEIXO
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated February 27, 2008; and has submitted Proof
of Beneficial Use on November 21, 2011; and a water right has been established as follows:

SOURCE

PALISADES CREEK

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.03 CFS	5.3 AF
AESTHETIC STORAGE	01/01 to 12/31		1.0 AF
RECREATION STORAGE	01/01 to 12/31		1.0 AF
DIVERSION TO STORAGE	04/15 to 10/15	0.03 CFS	1.0 AF

LOCATION OF POINT(S) OF DIVERSION:

PALISADES CREEK SW¼NW¼ Sec. 25 Twp 01N Rge 44E, B.M. BONNEVILLE 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	
01N	44E	25																	1.5

Total Acres: 1.5

PLACE OF USE: AESTHETIC STORAGE and RECREATION 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	
01N	44E	25																	X

CONDITIONS OF APPROVAL

1. 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. 01.
2. 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.
3. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

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4. To divert water in connection with this right, the right holder shall use a pump that is installed outside the high water mark of Palisades Creek or installed in a shallow well or sump constructed or excavated outside the high water mark but near enough to Palisades Creek that diversions of water from it cause the flow of Palisades Creek to be diminished by at least 50% of the diversion rate within a 24 hour period. If the right holder elects to install a well or sump, prior to its construction or excavation, the right holder shall submit a report prepared by a licensed professional engineer or geologist that demonstrates the depletion requirement of this condition and shall receive written approval from the Department. If the right holder does not employ a shallow well or sump, only a flexible pipe may extend from the pump to the water below the high water mark, and the intake for the flexible pipe shall be screened with ¼-inch or smaller mesh to protect fish and wildlife.
5. To prevent injury to senior right holders, when the 2/27/2008 priority is not being filled on either Palisades Creek or the Irwin to Heise Reach of the Snake River, the right holder shall provide storage water for the Water District No. 01 watermaster to release into the Irwin to Heise Reach of the Snake River equal to the daily amount being diverted. If storage is not provided to the watermaster by the right holder to mitigate for water diverted from Palisades Creek, the right holder shall not divert water under this right.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. The pond established by the storage of water under this right shall not exceed a total capacity of 1 acre-feet or a total surface area of 0.2 acres.
8. Place of use and point of diversion is located within Lot 27 Block 1, Palos Verde Estates.
9. The following rights are diverted through point of diversion described above: 23-11387, 23-11418.

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 9th day of August, 2012.


for GARY SPACKMAN
Director