

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 23-07146

RECEIVED
FEB 07 2012
Department of Water Resources
Eastern Region

Date of Priority: October 09, 1990

Maximum Diversion Rate:
Maximum Diversion Volume: 40.0 AF

Comes now HAMILTON LAND DEVELOPMENT LLC
64 ANTELOPE CREEK RD
RIRIE ID 83443 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 23-07146, and requests that the permit be changed as follows:

Source: ANTELOPE CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION FROM STORAGE	04/15 to 10/31		40.0 AF
IRRIGATION STORAGE	01/01 to 12/31		40.0 AF

LOCATION OF POINT(S) OF DIVERSION:

ANTELOPE CREEK SE1/4SE1/4 Sec. 5, Twp 02N, Rge 42E, B.M.
BONNEVILLE County

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	
02N 42E 4	10.0 L 1	39.0 L 2	40.0	38.0	41.0 L 3	39.0 L 4	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0			527.0
02N 42E 5	15.0 L 1			21.0									19.0			5.6	60.6
02N 42E 8	29.0	2.6	26.0	40.0													97.6
02N 42E 9		7.3			40.0	40.0	40.0		36.0								163.3
03N 42E 32				.5									32.0			35.0	67.5
03N 42E 33						14.0			13.0	39.0	40.0	39.0			11.0		156.0

Total Acres: 1072

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	
02N 42E 5																X	
02N 42E 8	X																

Total Acres: 1109

SCANNED
MAR 23 2012

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Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 6 day of February, 2012


(Signature)

SCANNED

MAR 23 2012

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Department of Water Resources
APPLICATION FOR AMENDMENT

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WATER RIGHT NO. 23-07146

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100 Received by SL # E637306 Date 2/7/12

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 23-07146 with the following:

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. Rights 23-7146, 23-11239, 23-11240, 23-11241 and 23-11242 when combined shall not exceed the irrigation of 1172 acres.
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 40 acre-feet or a total surface area of 10 acre(s).
4. During any year that American Falls Reservoir does not completely fill, the holder of this right must purchase forty (40) acre-feet of water from the Snake River rental pool to replace water stored and used from the proposed reservoir. During each year, the right holder shall not use water from the reservoir until he has determined, through the Snake River Watermaster, that American Falls Reservoir has physically filled or the right holder has rented the rental pool water herein required.
5. This right only authorizes a one time annual fill of the reservoir.
6. 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.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
8. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

Witness my hand this 21st day of March, 2012.


GARY SPACKMAN
Interim Director

SCANNED
MAR 23 2012