

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 23-07146

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 1072 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.

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 22nd day of March, 2012.


for GARY SPACKMAN
Interim Director