

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 27-07398

Date of Priority: February 06, 1985 **Maximum Diversion Rate:** 4.04 CFS
Maximum Diversion Volume: 904.0 AF

Comes now J BERKELEY LARSEN FARM LLC
702 E 400 N
FIRTH ID 83236 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. 27-07398, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.04 CFS	904.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L1 (NE1/4NW1/4)	Sec. 17, Twp 02S, Rge 37E, B.M.
BINGHAM County		
GROUND WATER	SW1/4SW1/4	Sec. 8, Twp 02S, Rge 37E, B.M.
BINGHAM 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	
02S 37E 8									39.0	38.0	38.0	34.0					149.0
02S 37E 17		14.0			48.0		15.0										77.0
					L 1		L 2										

Total Acres: 226

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 21 day of December, 2001.

[Signature]
(Signature)

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FOR DEPARTMENT USE ONLY

Preliminary check by DC Fee = 100.- Received by JB # ED37208 Date 12/21/2011

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. 27-07398 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. 120.
2. 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.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.
6. 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.

Witness my hand this 21st day of December, 2011.


GARY SPACKMAN
Interim Director