

Application for Permit No. 31-7656

In the Name of Bennett

WITHDRAWAL OF PROTEST

Name of Protestant: Mud Lake Water Users

Represented by: Holden Kidwell Hahn & Crapo, by Rob Harris

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☐ My withdrawal is not conditional.

☒ My withdrawal is conditioned on the following:

Support issuance of the permit as it is described in the draft permit provided by IDWR (see attached).

Signed this 22nd day of November, 2011

Robert L. Harris, Attorney
Signature of Protestant or Protestant's Representative

State of Idaho
Department of Water Resources

DRAFT

Permit to Appropriate Water

DRAFT

NO. 31-07656

Priority: August 09, 1999

Maximum Diversion Rate: 0.02 CFS

This is to certify, that C MICHAEL BENNETT
10764 N 55TH E
IDAHO FALLS ID 83401

has applied for a permit to appropriate water from:

Source: MINERS CREEK

Tributary: BEAVER CREEK

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

07/01 to 10/31

RATE OF DIVERSION

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

MINERS CREEK NE1/4SE1/4SW1/4 Sec. 7, Twp 13N, Rge 37E, B.M. CLARK County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
13N	37E	7	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
														X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2012**.
2. Subject to all prior water rights.
3. 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. 31.
4. 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.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. Domestic use is for the irrigation of 1/2 acre associated with a seasonal residence. This right shall not be used to fill or maintain a pond.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
8. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
9. Diversion under this right may only occur when water flowing past the point of diversion on Miners Creek (NESESW, Sec. 7, T13N, R37E) does not reach Beaver Creek.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this _____ day of _____, 20_____.

GARY SPACKMAN, Interim Director