

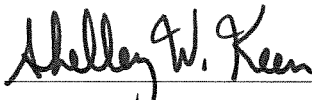
State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 36-08785

9. The diversion and use of water described in permit 36-8785 may be subject to additional conditions and limitations agreed to by the Idaho Department of Fish and Game and the right holder under separate agreement dated July 26, 2004, to which the Department is not a party and which may be enforceable by a court of law.
10. Rights 36-1, 36-2, 36-7741, 36-8729, and 36-8785 when combined shall not exceed a total diversion rate of 38.45 cfs and a total annual maximum diversion volume of 27,800 af.
11. This right does not authorize construction of new fish propagation facilities or expansion or enlargement of wildlife, recreation or aesthetic ponds or features not already authorized under existing rights held by the right holder. (See rights 36-7741 and 36-8729)
12. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

Witness my hand this 15th day of September, 2011.


for GARY SPACKMAN
Interim Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 36-08785

FOR DEPARTMENT USE ONLY

Preliminary check by LLS Fee = 50.00 Received by SRF # 6092031 Date 10-28-10

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. 36-08785 with the following:

CONDITIONS OF APPROVAL

1. During the period from March 16 of each year to September 15 of the year, the right holder may only divert 8 cfs when the flow in Riley Creek immediately downstream of the Conyer Ditch (Le Moyne Diversion) is equal to or less than 45 cfs. When the flow in Riley Creek is greater than 45 cfs immediately downstream of the Conyer Ditch (Le Moyne Diversion), the right holder may divert 8 cfs and any amount in excess of 45 cfs up to a total of 16 cfs (subject to other conditions).
2. The right holder shall maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. Additionally, the right holder shall maintain a measuring device or rated section in Riley Creek to measure the flows of Riley Creek and insure the bypass below the Conyer Ditch (Le Moyne Diversion) as described in the conditions of this right.
3. Should the use of the water under this right reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the right holder shall cease diversion under this right.
4. 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. 36A.
5. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
6. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.
7. Use of water under this right shall be non-consumptive.
8. This water right shall be junior and subordinate to other rights for the use of water, other than fish propagation, wildlife, recreation, aesthetic purposes, and hydropower in the State of Idaho that are initiated later in time than the priority date of this right and shall not give rise to any claim against any future rights for the use of water, other than fish propagation, wildlife, recreation, aesthetic uses, or hydropower within the State of Idaho initiated later in time than the priority of this right.

RECEIVED Should questions arise during the processing of this application please contact:

David Shaw - ERO Resources Corp. (208) 373-7983

OCT 28 2010

Department of Water Resources

 STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

 Name of Applicant Buckeye Farms, Inc. Phone (208) 837-6595

 Mailing address P.O. Box 269, Hagerman, ID 83332 Email buckeyefarmsinc@gmail.com

 I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-8785, and request that the permit and map be amended and/or changed as follows:

 Purpose of Amendment: Change point of diversion Add point of diversion
X Change place of use Change nature of use Change period of use Other

 1. Point of diversion: 1/4 SW 1/4 NE 1/4, Section 1, Township 8S, Range 13E, B.M.,

 County of Gooding. Other points of diversion _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

 Amount 16.0 cfs for Recreation purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre feet per year) (water use) (Begin Month) (End month)

 Amount 16.0 cfs for Wildlife purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre feet per year) (water use) (Begin Month) (End month)

 Amount 16.0 cfs for Fish Propagation purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre feet per year) (water use) (Begin Month) (End month)

 Amount 16.0 cfs for Aesthetics purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre feet per year) (water use) (Begin Month) (End month)

3. Place of use or land to be irrigated:

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	13E	33	X	X L1	X L4	X				X L4					X L10	X L5		X	
		34	X	X		X	X		X L7		X L3	X L4	X L5		X L1	X L2			
7S	13E	34							H L7		H L3								

X = Recreation, Wildlife & Aesthetics

Total number of acres to be irrigated _____

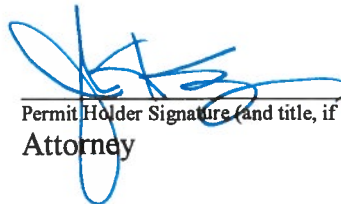
4. a. Who owns the property at the point of diversion? State of Idaho/LeMoyne
- b. Who owns the land to be irrigated at the place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
Applicant has existing rights in the Hunt Ditch and point of diversion dating from 1883.

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show ¼ ¼, section, township, range and ditches. (The smallest subdivision represents 40 acres.)

See Attached

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 27th day of OCTOBER, 2010.



Permit Holder Signature (and title, if for a company or organization)
Attorney

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date _____

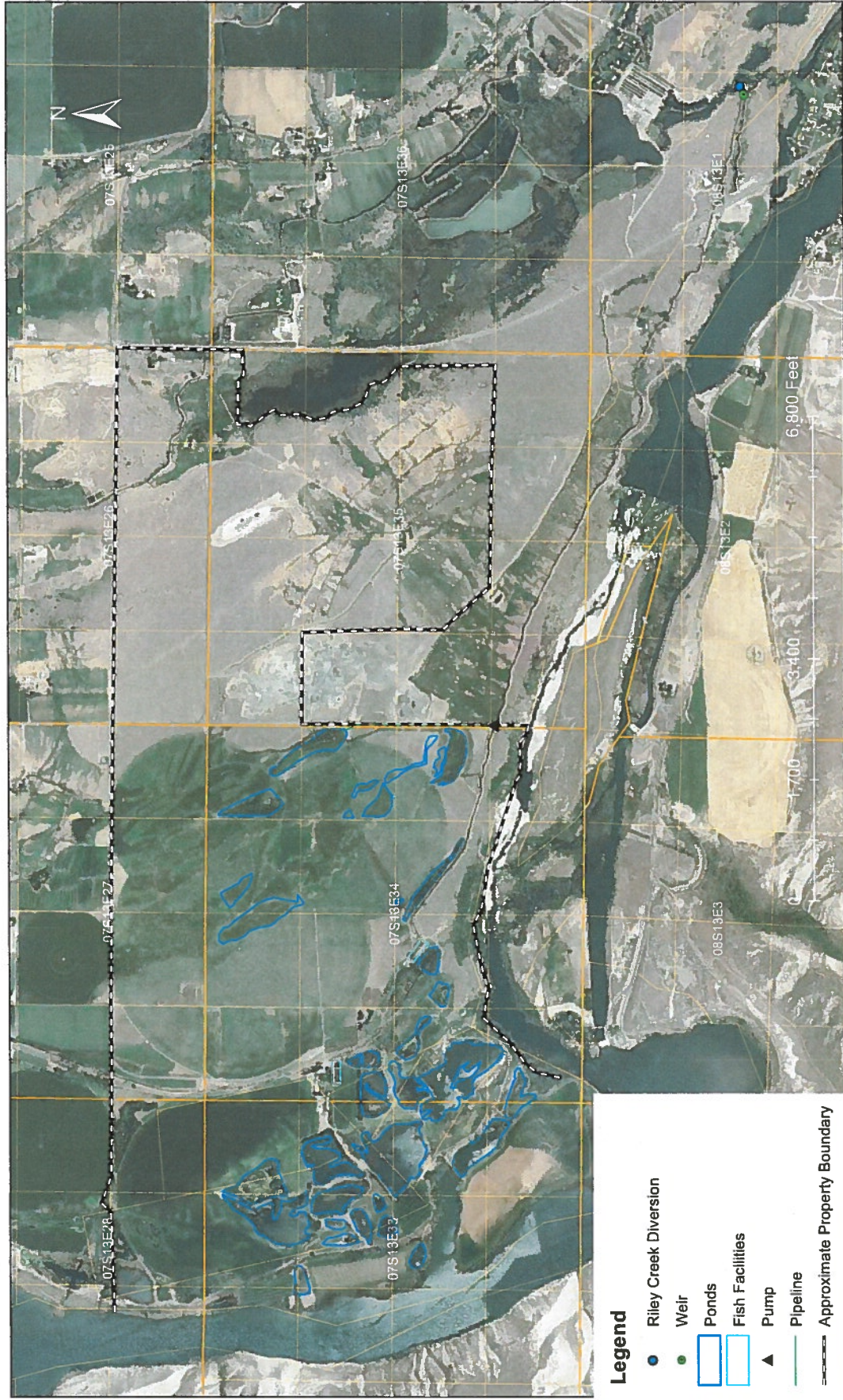
Published in _____ Publication dates _____

I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 20____.

SIGNATURE

Buckeye Farms Water Use Map 36-8785



Buckeye Farms Water Use Map 36-8785

