

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08785

Priority: October 29, 1998

Maximum Diversion Rate: 16.00 CFS
Maximum Diversion Volume: 11,600.0 AF

It is hereby certified that BUCKEY FARM INC
PO BOX 269
HAGERMAN ID 83332 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated October 29, 1998; and has
submitted Proof of Beneficial Use on October 28, 2010. An examination confirms water is diverted from:

SOURCE

RILEY CREEK

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
RECREATION	01/01 to 12/31	16.00 CFS	11,600.0 AF
WILDLIFE	01/01 to 12/31	16.00 CFS	11,600.0 AF
FISH PROPAGATION	01/01 to 12/31	16.00 CFS	11,600.0 AF
AESTHETIC	01/01 to 12/31	16.00 CFS	11,600.0 AF

LOCATION OF POINT(S) OF DIVERSION:

RILEY CREEK L6 (SW1/4NE1/4) Sec. 1, Twp 08S, Rge 13E, B.M. GOODING County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 13E 33	X	X	X	X				X					X	X		X	
								L 4						L 5			
07S 13E 34	X	X		X	X		X		X	X	X		X	X			
								L 3					L 1	L 2			

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 13E 34							X		X								
							L 7		L 3								

PLACE OF USE: WILDLIFE same as RECREATION

PLACE OF USE: AESTHETIC same as RECREATION

CONDITIONS OF APPROVAL

- 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).

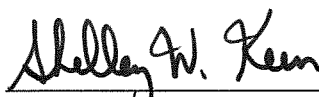
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2. The right holder shall maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works. Additionally, the right holder shall maintain a measuring device or rated section in Riley Creek 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.
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.

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 15th day of September, 2011.


for GARY SPACKMAN
Interim Director