

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-22624

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 15, 2012**.
2. Subject to all prior water rights.
3. Use of water under this right shall be non-consumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.
4. 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.
5. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from Inidan Creek and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
6. 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. 37.
7. Prior to diversion of water under this right, the right holder shall install and 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 install and maintain a measuring device to measure the return flow from the project as it discharges back to Indian Creek.
8. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. The Director retains jurisdiction to require a bypass flow for maintenance of fish, wildlife, riparian and aquatic habitat.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of May, 20 11.

FOR



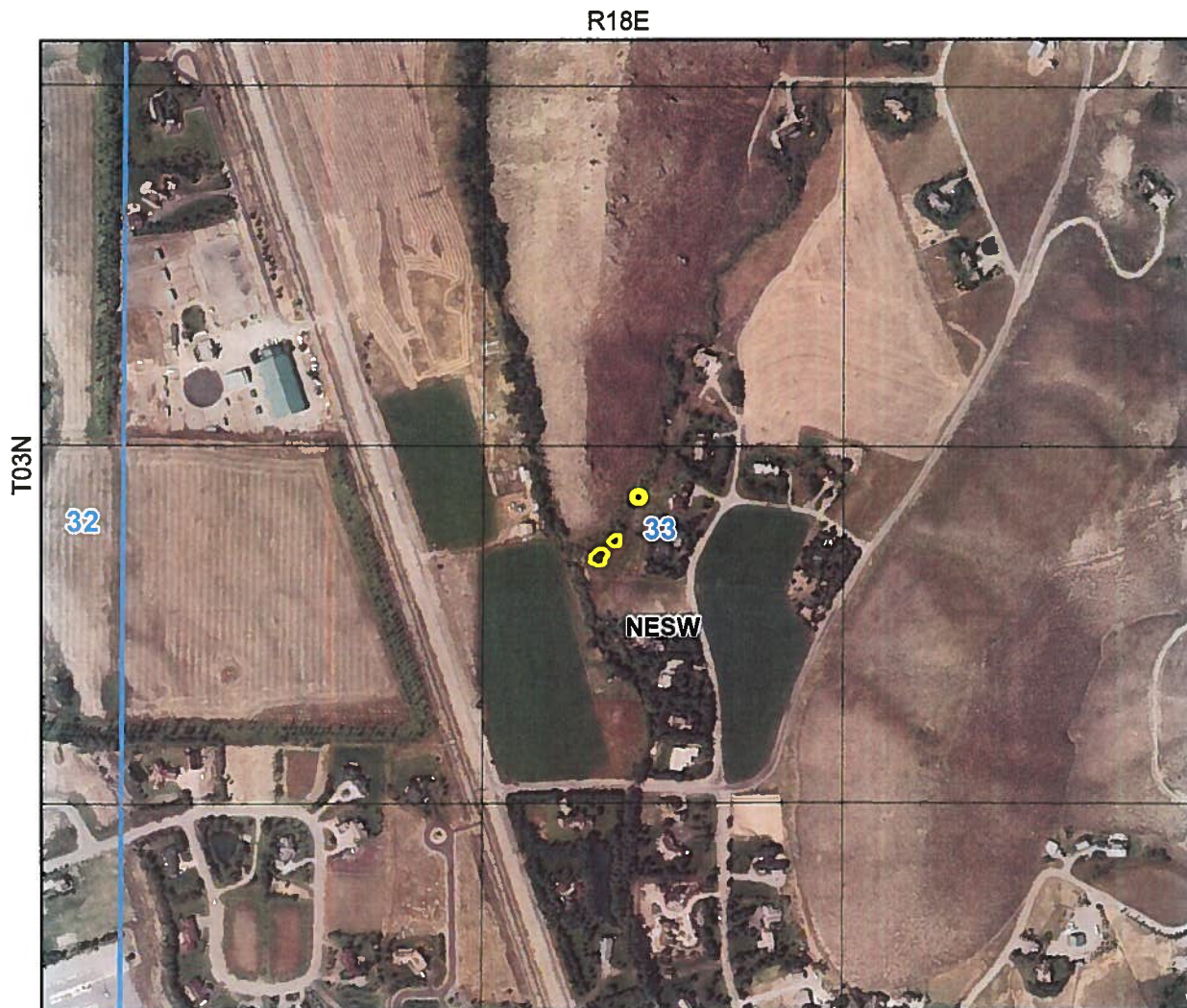
GARY SPACKMAN, Interim Director

State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-22624

This map depicts the AESTHETIC, RECREATION & WILDLIFE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles

