

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13961

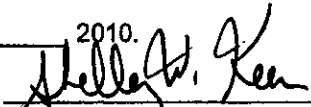
FOR DEPARTMENT USE ONLY
Preliminary check by SWK Fee = \$50.00 Received by DG # C092076 Date 11/10/10

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. 65-13961 with the following:

CONDITIONS OF APPROVAL

1. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by this water right.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. The stockwater uses under rights 65-3886 and 65-13961 when combined shall not exceed a total annual maximum diversion volume of 33.6 af at the field headgate.
4. Rights 65-3886, 65-4888, and 65-13961 when combined shall not exceed a total diversion rate of 0.14 cfs.
5. The following rights are diverted through the point of diversion described above located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, metal tag ID: A0018800: 65-3886, 65-4448, and 65-13961.
6. Commercial use is for a dairy.
7. Use of water under this right may be affected by an agreement between the protestant and the right holder.
8. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

Witness my hand this 22nd day of November 2010.

for **GARY SPACKMAN**
Interim Director

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DEPARTMENT OF
WATER RESOURCES

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Date of Priority: June 29, 2000

Maximum Diversion Rate: 0.14 CFS
Maximum Diversion Volume: 33.6 AF

Comes now TERRY A JONES
5888 SANDY AVE
EMMETT ID 83617

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. 65-13961, 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>
STOCKWATER	01/01 to 12/31	0.14 CFS	33.6 AF
COMMERCIAL	01/01 to 12/31	0.14 CFS	33.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SW1/4	Sec. 12, Twp 07N, Rge 03W, B.M.
GEM County		
GROUND WATER	SW1/4SW1/4	Sec. 12, Twp 07N, Rge 03W, B.M.
GEM County		

PLACE OF USE: STOCKWATER AND COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 03W 11													X			X	
07N 03W 12									X	X	X	X					
07N 03W 13					X												

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 19th day of NOVEMBER, 2010.

ANDREW J. WALDEKA

(Signature)

Andrew J. Waldeka / counsel for,
and on behalf
of, Applicant
Terry A. Jones