

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 65-13961

Priority: June 29, 2000

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

It is hereby certified that TERRY A JONES  
5888 SANDY AVE  
EMMETT ID 83617 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated June 29, 2000; and has  
submitted Proof of Beneficial Use on September 23, 2008. An examination indicates that the works  
have a diversion capacity of 0.14 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| 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 SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 12, Twp 07N, Rge 03W, B.M. GEM County  
GROUND WATER SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 12, Twp 07N, Rge 03W, B.M. GEM County

**PLACE OF USE:** STOCKWATER & 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  |    |    |    |    |    |    |    |    |    |        |

**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.

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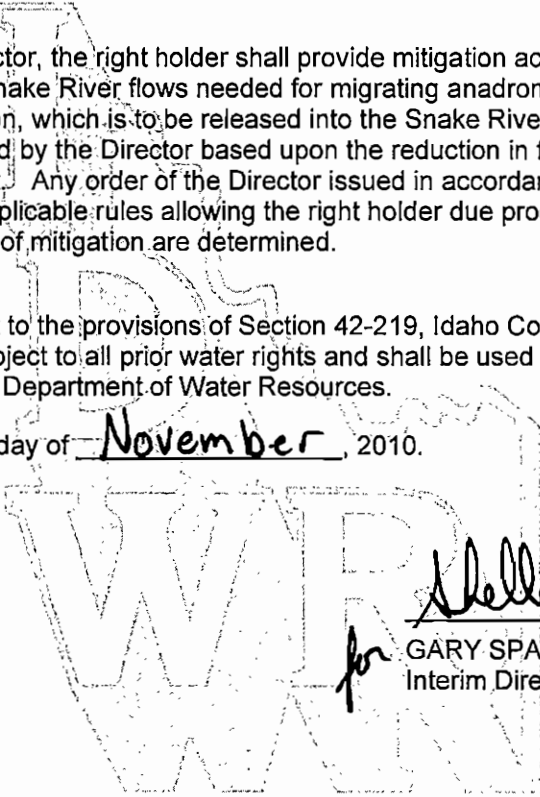
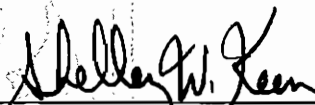
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CONDITIONS OF APPROVAL CONTINUED

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.

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 and sealed this 22<sup>nd</sup> day of November, 2010.

  
  
for GARY SPACKMAN  
Interim Director