

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)  
**WATER RIGHT NO. 21-07442**

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FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50<sup>00</sup> Received by SRF # C092034 Date 10/29/2010

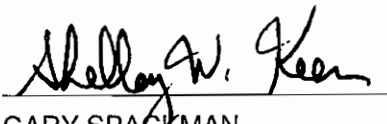
**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 21-07442 with the following:

**CONDITIONS OF APPROVAL**

1. Domestic use is for 70 homes.
2. The domestic use authorized under rights 21-7442 and 21-7583 shall not exceed 13,000 gallons per day per home.
3. Rights 21-7442 and 21-7583 when combined shall not exceed a total diversion rate of 0.28 cfs.
4. Point of diversion is located within Lot 9, Blk 3; Lot 8, Blk 5; and Lot 1, Blk 19; Buffalo River Estates Subdivision.
5. Places of use are located within Lots 1-14, Blk 1; Lots 1-11, Blk 2; Lots 1-8 & 10-28, Blk 3; Lots 1-17, Blk 4; Lots 1-7, 9-22 & 25-30, Blk 5; Lots 1-15, Blk 6; Lots 1-5, 13-19 & 55-59, Blk 7; Lots 1-5, Blk 8; Lots 3-10, Blk 13; Lots 6-15, Blk 15; Lots 2-7, Blk 16; Lots 2-8, Blk 17; and Lots 1-10 & 15-23, Blk 18; Buffalo River Estates Division Nos. 1, 2, 3 & 4.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Witness my hand this 1<sup>st</sup> day of November, 2010.

  
for GARY SPACKMAN  
Interim Director

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

**WATER RIGHT NO. 21-07442**

**Date of Priority:** August 19, 1989

Maximum Diversion Rate: 0.28 CFS

Maximum Diversion Volume: 84.0 AF

Comes now BUFFALO RIVER WATER ASSN INC  
C/O MARILYN SOMMER  
PO BOX 663  
REXBURG ID 83440

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. 21-07442, 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> |
|-----------------------|----------------------|--------------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.28 CFS                 | 84.0 AF              |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NW1/4NE1/4 Sec. 23, Twp 13N, Rge 43E, B.M. FREMONT County

GROUND WATER SW1/4NE1/4 Sec. 23, Twp 13N, Rge 43E, B.M. FREMONT County

GROUND WATER NE1/4NE1/4 Sec. 23, Twp 13N, Rge 43E, B.M. FREMONT County

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |     |    | SW |    |    |    | SE |     |    |    | Totals |
|-------------|----|----|----|----|----|----|-----|----|----|----|----|----|----|-----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW  | SW | SE |        |
| 13N 43E 23  | X  | X  | X  | X  |    |    |     | X  | X  |    |    |    |    | X   |    |    |        |
| 13N 43E 24  |    |    |    |    |    |    | X   |    |    |    |    |    |    | X   |    |    |        |
|             |    |    |    |    |    |    | L 2 |    |    |    |    |    |    | L 3 |    |    |        |

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 27 day of october, 2010.

*Marilyn Sommer*  
(Signature)