

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33400

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	16													11.0	1.9	32.0	16.0	60.9
															L 8		L 7	L 8	
04N	01E	21	13.0	11.0		0.2													24.2
			L 1	L 2		L 1													

Total Acres: 91.7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2015**.
2. Subject to all prior water rights.
3. Rights 63-31515 and 63-33400 when combined authorize the diversion of an annual total of 91.5 acre-feet to be used for the initial filling of the pond(s) and for the replacement of losses caused by evaporation from the pond(s).
4. The 17 pond(s) established by the storage of water under rights 63-33400 and 63-31515 shall not exceed a total combined capacity of 49.5 acre-feet or a total surface area of 12 acre(s).
5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. Water bearing zone to be appropriated is from 1 to 15 feet.
7. To mitigate for the depletion of water resulting from the use of water under combined rights 63-31515 and 63-33400, and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water right for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the right is being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
63-32614	Irrigation	1.58	355.5	79.0

The land that will no longer be irrigated under this right is located within the SE $\frac{1}{4}$, Section 16 and N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 21, Township 04N, Range 01E, B.M.

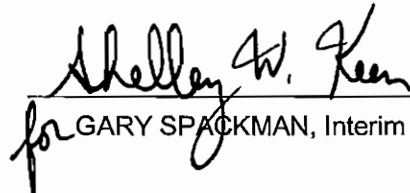
If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the right holder shall immediately implement an alternative mitigation plan approved by the department.

8. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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10. 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. 63.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. This right does not grant any right-of-way or easement across the land of another.
13. This right is limited to the irrigation of 67 acres within the authorized place of use in a single irrigation season.
14. Place of use and points of diversion are located within lots 1, 16, 23, 29, 30, 32, and 33 of block 1, lots 1 and 12 of block 2, lot 1 of block 3, lots 2, 16, and 21 of block 6, lot 2 of block 7, and lot 1 of block 9, Rivers End Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of September, 2010.


for GARY SPACKMAN, Interim Director