

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-11772

Priority: April 15, 1992

Maximum Diversion Rate: 2.19 CFS

It is hereby certified that MILLER LAND CO INC
PO BOX 59

MELBA ID 83641 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated April 15, 1992; and has submitted Proof of Beneficial Use on August 29, 2008. An examination indicates that the works have a diversion capacity of 2.19 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

2.19 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER
CANYON County

SE 1/4 NE 1/4

Sec. 21, Twp 01N, Rge 02W, B.M.

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	
01N 02W 22									39.0	37.0							76.0
01N 02W 27					10.0	39.0											49.0

Total Acres: 125

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 563 af at the field headgate for the lands above.

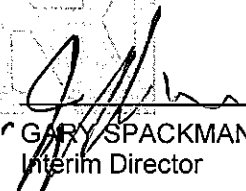
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4. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
5. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. 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.
8. Right Nos. 63-3584 and 63-11772 are limited to a total combined diversion rate of 2.19 cfs.

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 28 day of May, 2010.


For GARY SPACKMAN
Interim Director