

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32238

Priority: June 09, 2005

Maximum Diversion Rate: 10.00 CFS

This is to certify, that CHRIS L STOUT
And/Or
STEVEN L STOUT
4017 N LA MESITA WAY
BOISE ID 83702

has applied for a permit to appropriate water from:

Source: BOISE RIVER

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
RECREATION	01/01 to 12/31	10.00 CFS
WILDLIFE	01/01 to 12/31	10.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L5 (SE 1/4 NE 1/4) Sec. 31, Twp 05N, Rge 04W, B.M., CANYON County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 04W 31	X	X	X	X													
	L 1	L 10	L 4	L 5													

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 04W 31	X	X	X	X													
	L 1	L 10	L 4	L 5													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2015**.
2. Subject to all prior water rights.
3. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Boise River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.

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4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. Any obstruction in the Boise River channel for diversion of water under this right must provide for watercraft and fish passage. The right holder must bypass sufficient flows in the Boise River at the point of diversion to accommodate watercraft navigation and fisheries values in the Boise River downstream of the diversion. The quantity of the bypass flow may be established in the future by the filing of a petition with the Department to establish the bypass flows and subsequent proceeding as described in the Department's Rules of Procedure.
7. Subsequently approved permits based on earlier-in-time applications may reduce the amount of water available for appropriation under this right and may result in a reduction of the quantity found to be beneficially used at the time of licensing of this right.
8. Water diverted under this water right shall be returned to the Boise River.
9. 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.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
11. This right does not grant any right-of-way or easement across the land of another.
12. Wildlife use is for habitat improvement during the non-irrigation season.
13. This right is subordinate to future minimum instream flow water rights in the Boise River and its tributaries.
14. This right does not authorize the diversion and use of water released from Lucky Peak Reservoir for stream flow maintenance purposes in connection with Water Right 63-3618.
15. The right holder shall install or construct straight lengths of conduit or ditch that will accommodate devices for measuring the entire flow of water being diverted in connection with this right and the entire flow of water being returned to the source stream in connection with this right. If the right holder uses conduit, the straight length(s) of conduit shall be at least ten times the diameter of the conduit and shall be above ground or otherwise easily accessible.

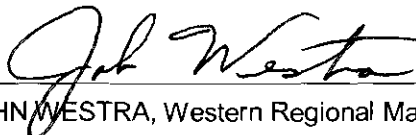
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16. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
17. Prior to construction of the diversion works, necessary authorizations must be obtained from the US Corps of Engineers.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of May, 20 10.


JOHN WESTRA, Western Regional Manager

