

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 45-14183 & 01-10572

Priority: February 17, 2009

Maximum Diversion Rate: 60.00 CFS

This is to certify, that SOUTHWEST IRRIGATION DIST
PO BOX 668
BURLEY ID 83318

has applied for a permit to appropriate water from:

Source: WASTE WATER**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>
IRRIGATION	03/15 to 11/15	60.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER L2 (SW1/4NE1/4) Sec. 20, Twp 10S, Rge 22E, B.M. CASSIA County

PLACE OF USE: See conditions of approval.**CONDITIONS OF APPROVAL**

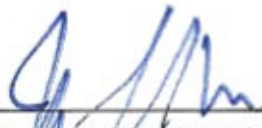
1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2015**.
2. Subject to all prior water rights.
3. Right 45-14183 is also recorded as Right 01-10572 to facilitate regulation by Water District 01 to prevent injury to senior Snake River water right holders. The duplicate records represent a single diversion and use of water.
4. The source of water diverted under this right is waste water and is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. This right does not grant any right-of-way or easement across the land of another.
6. This right is limited to use on land with valid ground water irrigation right(s) and does not authorize irrigation of land not already irrigated with ground water. The water user shall not divert water under the appurtenant ground water irrigation right(s) when receiving water for irrigation under this right.
7. 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 01. In addition, the watermaster of state water district 140, or its successor, shall be responsible for administering the requirement that this water right must be used in lieu of ground water rights in Water District 140.
8. 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 and the watermaster as part of the diverting works.
9. The right holder shall not divert and use water under this right if the natural flow in the Snake River is not sufficient to fill senior rights diverting from the Snake River as determined by the Watermaster of Water District 01 unless injury to senior water right holders is mitigated by the delivery of storage water either from (a) the right holder's shares of contracted storage water or (b) storage water rented or leased according to the Water District 01 Rental Pool procedures. Option (b) may include storage water representing return flow credits accruing to Burley Irrigation District and provided on behalf of the right holder.

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CONDITIONS OF APPROVAL CONTINUED

10. Place of use is 137,598 acres within the boundary of Southwest Irrigation District service area pursuant to Section 43-323, Idaho Code.
11. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
13. Prior to diverting and using water pursuant to this right, the right holder shall identify the land to be irrigated with water diverted pursuant to this right by submitting a land list and a representative electronic shape file or by submitting a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. In addition, the right holder shall submit a list of ground water irrigation rights that will not be used when water is being delivered pursuant to this right. Before changing the land to be irrigated pursuant to this right, the right holder shall submit a new land list, representative electronic shape file or map, and list of ground water irrigation rights to the Department prior to the irrigation season in which the change will occur.
14. When submitting proof of beneficial use for this right, the right holder shall also submit a set of detailed maps and/or electronic shape file showing the land actually irrigated with water diverted pursuant to this right in each irrigation season during the authorized development period.
15. Noncompliance with any condition of this right 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.
16. The diversion and use of water described in Right 45-14183 (Right 01-10572) is subject to additional limitations set forth in an agreement with Burley Irrigation District, A & B Irrigation District, American Falls Reservoir District # 2, Milner Irrigation District, North Side Canal Company, Twin Falls Canal Company and the Southwest Irrigation District. The agreement is dated September 1, 2009. The Department is not a party to the agreement, which may be enforceable by a court of law.
17. The diversion and use of water described in water right 45-14183 (Right 01-10572) is subject to additional limitations in a separate agreement between Burley Irrigation District and Southwest Irrigation District. The agreement is dated May 13, 2009. The Department is not a party to the agreement, which may be enforceable by a court of law.

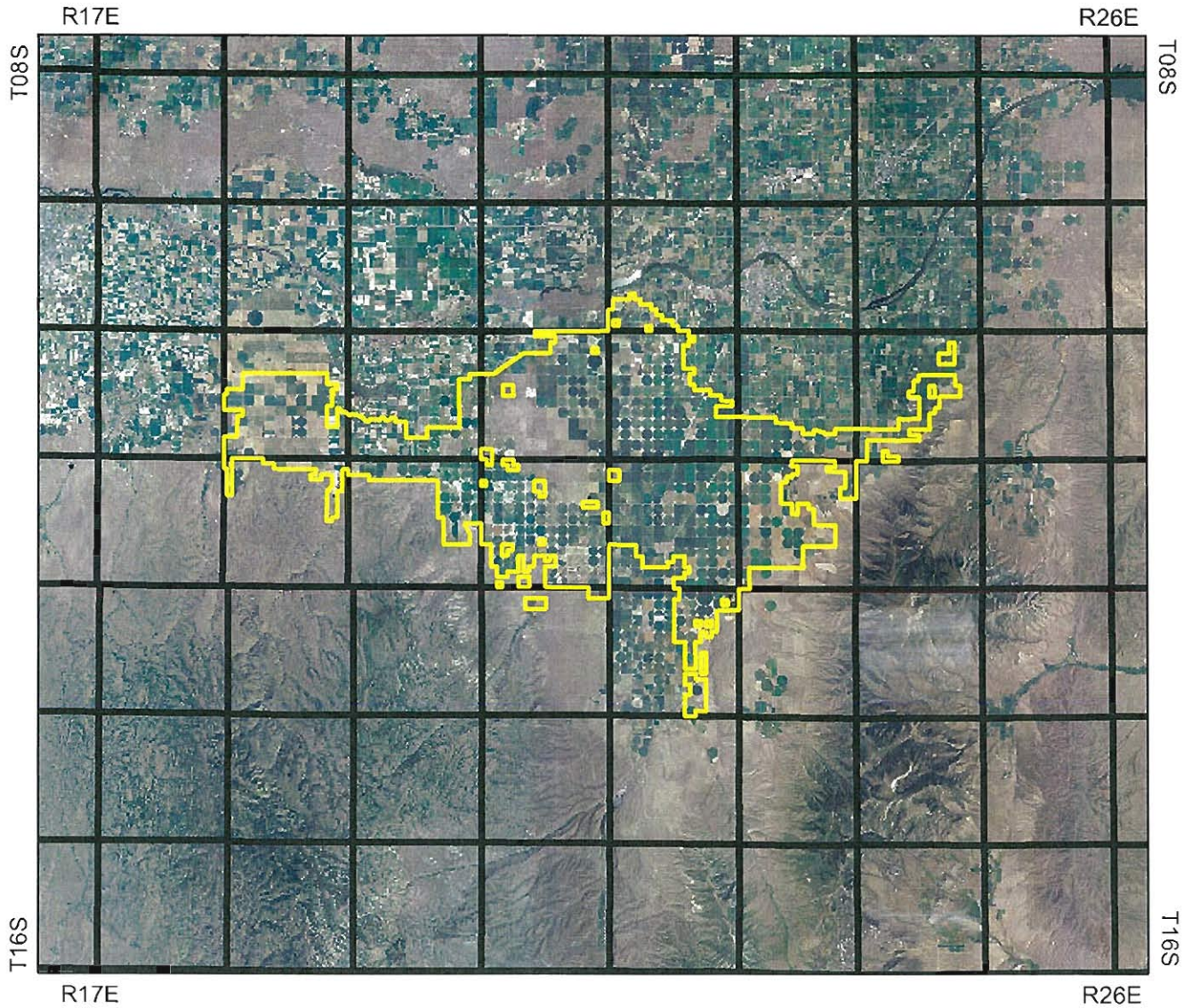
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 14th day of April, 20 10.


For GARY SPACKMAN, Interim Director

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Water Service Area Boundary for Southwest Irrigation Dist



0 5 10 20 Miles

Legend

-  Place Of Use Boundary
-  Townships

