

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-12329

Priority: March 25, 1996

Maximum Diversion Rate: 2.85 CFS

It is hereby certified that DILLER MILLER LAND COMPANY LLC
ATTN STEPHEN J MILLER
451 E GLENDALE AVE
PHOENIX AZ 85020 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated March 25, 1996; and has submitted Proof of
Beneficial Use on January 11, 2010. An examination indicates that the works have a diversion
capacity of 4.24 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

2.85 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

SE1/4SW1/4

Sec. 10, Twp 04N, Rge 05W, B.M.

CANYON County

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 05W 11													37.0	3.4		27.0	67.4
04N 05W 12								38.0	37.0								75.0

Total Acres: 142.4

CONDITIONS OF APPROVAL

1. 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.
2. 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 641 af at the field headgate for the lands above.
3. This right does not grant any right-of-way or easement across the land of another.

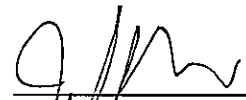
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4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released 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.
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. The right holder shall make full beneficial use of all surface water rights, including right 63-2397, 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.
7. Right Nos. 63-11698 and 63-12329 are limited to a total combined diversion rate of 4.24 cfs.
8. Right Nos. 63-2397 and 63-12329 are limited to the irrigation of a combined total of 215 acres in a single irrigation season.
9. Right Nos. 63-2397 and 63-12329 are limited to a total combined diversion rate of 4.3 cfs and to a total combined annual diversion volume of 968 AF.
10. Rights 63-2397, 63-11698 and 63-12329 when combined shall not exceed a total diversion rate of 5.8 cfs, a total annual maximum diversion volume of 1305 af at the field headgate, and the irrigation of 290 acres.

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 19th day of March, 2010.



for GARY SPACKMAN
Interim Director