

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 21-13114

Priority: October 22, 2009

Maximum Diversion Volume: 3.0 AF

This is to certify, that **EAGLE RIDGE RANCH LLC**
2880 N 55 W.
PO BOX 50305
IDAHO FALLS ID 83402

has applied for a permit to appropriate water from:

Source: SHEEP CREEK**Tributary:** ISLAND PARK RESERVOIR

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	3.0 AF

LOCATION OF POINT(S) OF DIVERSION:SHEEP CREEK SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14 Twp 13N Rge 42E, B.M. FREMONT County**PLACE OF USE:** RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	42E	14																	
											X								

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2011**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet or a total surface area of 1.34 acre(s).
4. 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. 01.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the pond and the amount of water released from the pond.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 21-13114

7. To mitigate for the depletion of water under this right and to prevent injury to senior water right holders, the right holder for right 21-4126 has agreed to cease diverting and using water as authorized by this water right for the purposes and amounts specified below during the calendar year when initial fill is occurring under this right. Moreover, the official record for the following water right will be annotated to show what diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
21-4126	Irrigation	0.07	3.0	2.7

The land that will no longer be irrigated under these rights is located within the NENE, Section 15, Township 13N, Range 42E, B.M. and is limited to a combined total of 2.7 acres and a combined total volume of 3.0 af.

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 amount of water authorized for diversion under this permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

8. The mitigation plan associated with this right provides for the initial one time fill of the pond with 3.0 acre-feet. Subsequent annual refill of the pond up to 3.0 acre-feet is authorized by this permit when deliverable in priority. To restore the pond to its maximum storage elevation because of fluctuations in the water level during periods when water is not deliverable under this permit will require the permit holder to provide a mitigation plan for the additional storage volume.

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


for GARY SPACKMAN, Interim Director