

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 11-07219

Priority: January 12, 1981

Maximum Diversion Rate: 30.00 CFS

Maximum Diversion Volume: 19,800.0 AF

It is hereby certified that GEORGETOWN IRRIGATION CO
C/O DRUE SMITH
PO BOX 8
GEORGETOWN ID 83239

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 12, 1981; and has submitted Proof of Beneficial Use on May 21, 1986. An examination indicates that the works have a diversion capacity of 48.6 cfs of water from:

SOURCE

LEFT HAND FORK GEORGETOWN CREEK Tributary: GEORGETOWN CREEK
GEORGETOWN CREEK BEAR RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
POWER	01/01 to 12/31	30.00 CFS	19,800.0 AF

LOCATION OF POINT(S) OF DIVERSION:

LEFT HAND FORK GEORGETOWN CREEK L3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 32, Twp 10S, Rge 44E, B.M.
BEAR LAKE County

GEORGETOWN CREEK SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4, Twp 11S, Rge 44E, B.M.
BEAR LAKE County

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 44E 7								X									

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Rights 11-290 and 11-7219 when combined shall not exceed a total diversion rate of 70 cfs.
3. Right 11-290 is also diverted through the point(s) of diversion described above.
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. 11.
5. At each authorized point of diversion the right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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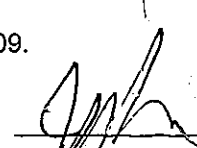
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CONDITIONS OF APPROVAL CONTINUED

6. When diverting and using water in connection with this right, the right holder shall maintain an instantaneous minimum bypass flow in the amount of 5.0 cfs past the point of diversion on Georgetown Creek. Until a fish passage structure is installed at the point of diversion on Georgetown Creek, the bypass flow shall be measured at the crested weir located within the SWNE, Section 4, T11S, R44E, B.M., approximately 150 to 200 feet downstream from the point of diversion, or at a point as close as possible to the location of the crested weir if the weir is removed or damaged, or at the location of the replacement measuring device if the crested weir is replaced. When a fish passage structure is installed at the point of diversion on Georgetown Creek, the 5.0 cfs bypass flow shall be measured in the fish passage structure from April 15 through July 15 and shall be measured in the fish passage structure or at the location of the weir or replacement measuring device as described above during the period July 16 through April 14. Deviations from the measurement locations shall be approved in advance in writing by the Department. In determining whether to authorize an alternative measurement location, the Department will consult the USDI Bureau of Land Management and/or the Idaho Department of Fish and Game as the Department deems necessary.
7. At each measurement location for the bypass flow, the right holder shall maintain a flow measuring device capable of measuring a flow of 5.0 cfs. The right holder shall also maintain a data recorder capable of continuously recording the measured bypass flow. The measuring device(s) and recording device(s) shall be of types approved by the Department.
8. By January 5 of each year, the right holder shall submit an annual report to Water District 11 documenting the instantaneous minimum bypass flow for the preceding calendar year (January 1 through December 31).
9. The rights for the use of water confirmed in this license shall be junior and subordinate to all rights for the use of water other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.
10. The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2021. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
11. This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
12. The diversion and use of water described in this right may be subject to additional limitations agreed to by the right holder and other parties under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

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 7th day of April, 2009.


for DAVID R. TUTHILL, JR.
Director