

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 25-14198

Priority: February 26, 2007

Maximum Diversion Rate: 0.85 CFS

This is to certify, that BMT INVESTMENTS
P O BOX 3093
IDAHO FALLS ID 83403

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.85 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 16	Twp 03N	Rge 38E, B.M.	BONNEVILLE County
GROUND WATER	NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 21	Twp 03N	Rge 38E, B.M.	BONNEVILLE County
GROUND WATER	NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 21	Twp 03N	Rge 38E, B.M.	BONNEVILLE County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	38E	16																	X

CONDITIONS OF APPROVAL

- Proof of application of water to beneficial use shall be submitted on or before **May 01, 2014**.
- Subject to all prior water rights.
- Place of use is located within Lots 1-6, Blk. 4; Lot 1-6, Blk 5 Lots 1-9 Blk. 1; Lots 1-10, Blk. 2; and Lots 1-22, Blk. 3; Sweet Country Estates Division No 1.
- The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
- Domestic use is for 52 home.
- The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
- Domestic use is for 1 Church and does not include lawn, garden, landscape, or other types of irrigation around the Church.
- Point(s) of diversion are located within Lot 5, Blk. 4, Sweet Country Estates Division No 1; Lot 13, Blk. 2 and Lot 13, Blk. 3, Fairview Estates Subdivision No. 1.
- 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. 120.
- Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications.

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11. Prior to any diversion and use of water under this water right, the right holder shall (1) provide evidence of participation in a mitigation plan, approved by the director, and administered by a ground water district or other recognized organization, or (2) provide individual mitigation approved by the director.
12. Noncompliance with any condition of this right, including the requirement for mitigation, 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.
13. Mitigation for the diversion of water under this right shall be implemented as follows:
 - A. The right holder shall maintain control of 39 AF of water supplied annually by the Harrison Canal Company.
 - B. Each irrigation season the right holder shall cause the 39 AF of water delivered by the Harrison Canal Company to flow into a gravel pit located in the SESW, Section 15, T3N, R38E, B.M., where it shall seep into the ground.
 - C. At the point where water is diverted from the Harrison Canal Company lateral into the gravel pit for mitigation purposes, the right holder shall install and maintain a measuring and recording device that records the total volume of water diverted into the gravel pit annually. The right holder shall make the device and/or records available to the Department for inspection at any time.
 - D. By December 31 of each year, the right holder shall report to the Department the total volume of water diverted into the gravel pit for mitigation purposes during the year. If this right comes under the jurisdiction of a water district or water measurement district, the right holder shall send a copy of the annual report to the district by December 31 of each year.
 - E. The right holder assumes all liability for implementation of the mitigation plan.
 - F. 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 irrigation of lawns and gardens under this right shall be reduced by the same proportion as the reduction to the mitigation right.
 - G. If the right holder cannot continue to implement this mitigation plan each year for any reason, the right holder shall cease diverting water for irrigation purposes under this right or the right holder shall implement an alternative mitigation plan that has been reviewed and approved by the department.
14. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
15. This right does not grant any right-of-way or easement across the land of another.

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16. 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.
17. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 25 day of March, 2009.



DAVID R. TUTHILL, JR., Director