

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-16625

Priority: October 15, 2002

Maximum Diversion Rate: 0.40 CFS
Maximum Diversion Volume: 85.3 AF

It is hereby certified that CHRISTOPHER W JAMES TRUST
CHRISTOPHER JAMES TRUSTEE
PO BOX 510
CHALLIS ID 83226

And

FIRSTFRUITS FOUNDATION
PO BOX 510

CHALLIS ID 83226 has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated October 15, 2002; and has submitted Proof of Beneficial Use on August 30, 2007. An examination indicates that the works have a diversion capacity of 0.93 cfs of water from:

SOURCE

GARDEN CREEK

Tributary: SALMON 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>
DIVERSION TO STORAGE	04/01 to 04/30	0.40 CFS	
AESTHETIC STORAGE	01/01 to 12/31		0.8 AF
AESTHETIC	04/01 to 10/31	0.20 CFS	84.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GARDEN CREEK L3 (SW¼NE¼NW¼)Sec. 2, Twp 13N, Rge 18E, B.M.

CUSTER County

GARDEN CREEK SE¼NE¼SE¼ Sec. 3, Twp 13N, Rge 18E, B.M.

CUSTER County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE	NW	SW	SE	Totals
13N 18E 2	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
	X	L 3			

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE	NW	SW	SE	Totals
13N 18E 2	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
	X	L 3			

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CONDITIONS OF APPROVAL

1. Use of water is for aesthetic purposes and aesthetic storage purposes in connection with a church camp/conference center.
2. Use of this water 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, the water rights of the applicant are within State Water District 72-B.
3. 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 all inlets and outlets into the pond, including the existing fountain feature. The devices shall be adequate to determine the rate of each diversion to and from the pond, to determine the general water balance of the pond, and to specifically quantify consumptive losses associated with the aesthetic use of water in the pond.
4. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, during those time of the irrigation season when water rights 72-106J, 72-109J, 72-4174C and 72-10486C are in priority, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record of the following water right(s) will be changed to show that diversion and use of water is not authorized because the rights, or portion(s) thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (CFS)	Mitigation Acres
72-106J	Irrigation	0.01	0.20
72-109J	Irrigation	0.01	0.20
72-4174C	Irrigation	0.01	0.20
72-10486C	Irrigation	0.01	0.20
Combined Totals:		0.04	0.20

The land that will no longer be irrigated under these rights is located within the Government Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) Section 2, Township 13 North, Range 18 East, B.M.

If the specified mitigation rights, or portions thereof, are sold, transferred, leased, or used on any place of use, 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.

5. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, during those time of the irrigation season when water rights 72-106J, 72-109J, 72-4174C and 72-10486C are not in priority, the right holder may draft the pond in such a manner, that the flow rate leaving the pond is equal to or greater than the combined total of the flow rate(s) entering the pond plus consumptive losses; provided, the pond and all measuring devices are configured in such a way that the Watermaster can confirm that the drafting of the pond is compensating for consumptive losses from the pond. Following this scenario the pond could not be refilled until the following irrigation season.

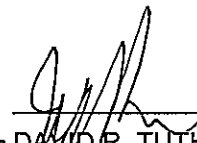
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6. During the irrigation season the right holder is not authorized to divert water to the pond when the right holder's irrigation rights are out of priority and the pond is not being operated in a manner that ensures the flow rate leaving the pond is greater than the flow rate entering the pond.
7. From November 1st through March 31st the right holder is not authorized to divert water to the pond.
8. Rights 72-16625, 72-106J, 72-109J, 72-4174C and 72-10486C when combined, shall not exceed a total diversion rate of 1.70 cfs less the combined total of all diversion rates associated with these water rights designated for mitigation. On the date license 72-16625 was issued the combined diversion rate designated for mitigation was 0.25 cfs.
9. The aesthetic use (non-storage use) authorized under this right provides for flow-through water to freshen the pond and includes 0.6 AF per year to make up losses due to evaporation from the pond.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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 24th day of February, 2009.



for DAVID R. TUTHILL, JR.
Director