

State of Idaho
Department of Water Resources

Amended

Permit to Appropriate Water

Amended

NO. 23-11387

Priority: February 27, 2008

Maximum Diversion Rate: 0.03 CFS

This is to certify, that MICHELLE ALEIXO
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

And

JEFFREY ALEIXO
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

has applied for a permit to appropriate water from:

Source: PALISADES CREEK**Tributary:** SNAKE RIVER

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.03 CFS	
AESTHETIC STORAGE	01/01 to 12/31		3.0 AF
RECREATION STORAGE	01/01 to 12/31		3.0 AF
DIVERSION TO STORAGE	04/15 to 10/15	0.03 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PALISADES CREEK SW¼NW¼ Sec. 25, Twp 01N, Rge 44E, B.M. BONNEVILLE County

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PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
01N	44E	25	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	1.5
				.1	1.4		

Total Acres: 1.5

PLACE OF USE: AESTHETIC STORAGE AND RECREATION STORAGE

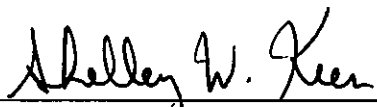
Twp	Rge	Sec	NE	NW	SW	SE	Totals
01N	44E	25	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
				X	X		

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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2011**.
2. Subject to all prior water rights.
3. 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.
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, Snake River and tributaries.
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. To divert water in connection with this right, the right holder shall use a pump that is installed outside the high water mark of Palisades Creek or installed in a shallow well or sump constructed or excavated outside the high water mark but near enough to Palisades Creek that diversions of water from it cause the flow of Palisades Creek to be diminished by at least 50% of the diversion rate within a 24 hour period. If the right holder elects to install a well or sump, prior to its construction or excavation, the right holder shall submit a report prepared by a licensed professional engineer or geologist that demonstrates the depletion requirement of this condition and shall receive written approval from the Department. If the permit holder does not employ a shallow well or sump, only a flexible pipe may extend from the pump to the water below the high water mark, and the intake for the flexible pipe shall be screened with 1/4-inch or smaller mesh to protect fish and wildlife.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. To prevent injury to senior right holders, when the 2/27/2008 priority is not being filled on either Palisades Creek or the Irwin to Heise Reach of the Snake River, the right holder shall provide storage water for the Water District #1 watermaster to release into the Irwin to Heise Reach of the Snake River equal to the daily amount being diverted. If storage is not provided to the watermaster by the right holder to mitigate for water diverted from Palisades Creek, the right holder shall not divert water under this right.
9. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
10. Aesthetic and recreation storage is for a pond with a capacity of 3 acre feet.

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


for DAVID R. WTHILL, JR., Director