

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32143

Priority: April 07, 2005

Maximum Diversion Rate: 0.08 CFS
Maximum Diversion Volume: 14.3 AF

This is to certify, that ROTH CONSTRUCTION INC
PO BOX 140677
BOISE ID 83714-0677

has applied for a permit to appropriate water from:

Source: GROUND WATER**Tributary:** BOISE 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>
AESTHETIC STORAGE	01/01 to 12/31		14.3 AF
IRRIGATION	03/01 to 11/15	0.08 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6 (SE1/4NW1/4) Sec. 23, Twp 04N, Rge 01E, B.M. ADA County

PLACE OF USE: AESTHETIC 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		
04N	01E	23																		

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	01E	23																		

Total Acres: 4

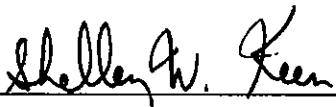
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2014**.
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.

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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. 63.
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 offset the depletion of water resulting from the use of water under this right, the right holder shall, in cooperation with the owner of Right 63-146, divert 0.09 cfs and an annual diversion volume of 20.2 af for ground water recharge as authorized by Transfer 73632. If the right holder cannot continue to implement this mitigation plan every year for any reason, the right holder shall immediately implement an alternative mitigation plan approved by the Department.
7. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. Failure of the right holder to comply with any condition of approval is cause for the Director to void this permit.
10. Aesthetic storage is for a pond and shall be limited to a total capacity of 14.3 acre-feet and a total surface area of 0.6 acres.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 19th day of December, 2008.


for DAVID R. TUTHILL, JR., Director