

State of Idaho
Department of Water Resources

AMENDED**Water Right License*****AMENDED*****WATER RIGHT NO. 23-11333****Priority:** October 12, 2005

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 70.7 AF

It is hereby certified that TOM SUMMERS
5505 JUPITER HILLS DR
IDAHO FALLS ID 83401 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated October 12, 2005; and has submitted Proof of
Beneficial Use on January 4, 2006. An examination indicates that the works have a diversion capacity of
0.22 cfs of water from:

SOURCE

LITTLE PINE CREEK

Tributary: ANTELOPE CREEK

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/15 to 10/31

DIVERSION RATE

0.20 CFS

**ANNUAL
DIVERSION VOLUME**

70.7 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE PINE CREEK SE¼NW¼SW¼ Sec. 29, Twp 03N, Rge 42E, B.M. BONNEVILLE County

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	
03N	42E	29									5.1	7.5	7.6						20.2

Total Acres: 20.2

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. When surface water is diverted under this right during times when surface flows in Little Pine Creek reach Antelope Creek such that there is continuous flowing surface water connection between Little Pine Creek and Antelope Creek, the right holder shall rent storage water in the amount of 0.4 acre-feet per day for release by the watermaster into the beginning of the Irwin to Heise Reach of the Snake River, except when the 10/12/2005 priority is being filled on the Snake River or excess water is being spilled past Milner Dam as determined by the watermaster of Water District No. 01. Mitigation is not necessary when surface water from Little Pine Creek is not running into Antelope Creek such that the two creeks are not connected. At times when the two creeks are connected, rental of storage water is required to mitigate for depletion of river flow resulting from diversion of Little Pine Creek; if rental water is unavailable for mitigation, the watermaster shall curtail diversion of water under this right during times when mitigation is required. The right holder shall not divert flows from Little Pine Creek or otherwise prevent flows of Little Pine Creek from reaching Antelope Creek except under an authorized water right.

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5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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 26th day of November, 2008.



DAVID R. TUTHILL, JR.
Director