

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-31177

RECEIVED**NOV 24 2008****DEPARTMENT OF WATER RESOURCES****Date of Priority:** March 30, 2001

Maximum Diversion Rate:

3.96 CFS

Maximum Diversion Volume:

891.0 AF

Comes now ROD & MAUREEN FRISBY FAMILY LTD PARTNERSHIP
6208 S E 8TH AVE

CALDWELL ID 83605 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 63-31177, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	3.96 CFS	891.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4NW1/4SW1/4 Sec. 24, Twp 06N, Rge 04W, B.M.

PAYETTE 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	
06N 04W 23																23.0	23.0
06N 04W 24							16.0	12.0	22.0	38.0	35.0	33.0					156.0
06N 04W 25					9.0	5.0											14.0
06N 04W 26	5.0																5.0

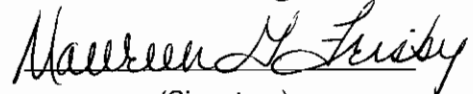
Total Acres: 198

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Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 18 day of November, 2008.


(Signature)

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FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Received by SRF # C087763 Date 11-24-08

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, DAVID R. TUTHILL, JR., of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-31177 with the following:

CONDITIONS OF APPROVAL

1. This right is for the use of ground water and is subject to administration as a water right from connected sources in the Snake River Basin in accordance with applicable law.
2. This right for the use of ground water shall be junior to, and subject to, the water rights of the United States Bureau of Reclamation heretofore appropriated, including, as authorized by applicable law, re-use of water under such water rights.
3. The diversion and use of water authorized by water right 63-31177 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. 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.
6. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

Witness my hand this 2nd day of December, 2008.


For DAVID R. TUTHILL, JR.
Director