

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-31178

Priority: March 29, 2001

Maximum Diversion Rate: 1.77 CFS
Maximum Diversion Volume: 231.0 AF

It is hereby certified that ROD & MAUREEN FRISBY FAMILY LTD PARTNERSHIP
6208 S E 8TH AVE
CALDWELL ID 83605 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 29, 2001; and has
submitted Proof of Beneficial Use on July 02, 2007. An examination indicates that the works have a
diversion capacity of 4.91 cfs of water from:

SOURCE

GROUND WATER

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>
IRRIGATION	03/01 to 11/15	1.77 CFS	231.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NW1/4 Sec. 20, Twp 06N, Rge 03W, 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 03W 19	37.0	37.0															74.0
06N 03W 20		35.0	36.0		40.0	39.0	38.0	40.0									228.0

Total Acres: 302

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 63-31178 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.

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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. This right is limited to the irrigation of 121 acres within the place of use described above in a single irrigation season.
7. Rights 63-31178, 63-31505 and 63-10785 when combined shall not exceed the irrigation of 302 acres.
8. 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.

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 12th day of November, 2008.


DAVID R. TUTHILL, JR.
Director