

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-23068

Priority: August 08, 2007

Maximum Diversion Volume: 100.0 AF

This is to certify, that SOULEN LIVESTOCK CO
1760 FAIRMONT DR
WEISER ID 83672

has applied for a permit to appropriate water from:

Source: MILL CREEK

Tributary: HARTSELL CREEK

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>
IRRIGATION FROM STORAGE	04/15 to 10/31	100.0 AF
IRRIGATION STORAGE	01/01 to 12/31	100.0 AF

LOCATION OF POINT(S) OF DIVERSION:

MILL CREEK (Rediversion)	SW1/4NE1/4	Sec. 14, Twp 17N, Rge 02E, B.M., VALLEY County
MILL CREEK	NW1/4NE1/4	Sec. 14, Twp 17N, Rge 02E, B.M., VALLEY County

PLACE OF USE: IRRIGATION FROM 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	
17N 02E 14													30.0	25.0	12.0	20.0	87.0

Total Acres: 87

PLACE OF USE: IRRIGATION 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	
17N 02E 14		X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2013**.
2. Subject to all prior water rights.

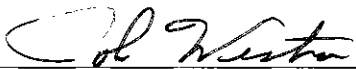
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3. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department. A dam under this right shall not exceed 25 feet in height.
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. 65, Payette River.
5. Water shall not be stored under this right in years when the Payette River Basin does not generate sufficient water to serve this storage right.
6. The right holder shall contact the watermaster by June 15 each year for authorization to impound any natural flow water entering the reservoir after June 15. The right holder shall not store water that becomes available after June 15 each year unless the watermaster authorizes continued storage and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
7. Prior to diversion and storage of water under this right, the right holder shall provide a means acceptable to the Department to measure the amount of water entering the reservoir and the amount of water released from the reservoir to provide the water master suitable control of storage and/or available natural flow water.
8. 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 outlet works of the reservoir.
9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 16th day of October, 2008.


JOHN WESTRA, Western Regional Manager