

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

RECEIVED

OCT 14 2008

WATER RESOURCES
WESTERN REGIONApplication No: 65-23068 - RevisedApplicant's Name: Soulen Livestock Company

Watermaster's Recommendation:

- a) I do not oppose approval of this application.
- b) X I do not oppose approval of this application if conditioned as follows:

 No water shall be diverted under this right after June 15* of each year without prior approval of the watermaster. New rights are curtailed each year based on the water supply (seniority system). Use of a new right can continue during water shortages if the new right is mitigated with a lease of storage water from the Watermaster.

Other conditions: Dam not to exceed 25 ft in height

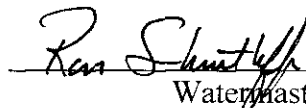
Water impoundment limited to 100 acre-feet, no flow stored after June 15 unless
authorized by the Watermaster. I further agree with the Conditions for Approval
prepared by IDWR and attached to these comments with my label (Attachment A)

- c) I oppose approval of this application for the following reasons:
- _____
- _____

- d) Additional comments: _____
- _____

Dated this 10th day of October, 2008

Water District No. 65



Watermaster's signature

*Supersedes 12/5/07
Watermaster comments
-SL*

* Watermaster provided copy of this recommendation to the applicant regarding 6/15 curtailments.

APPLICATION 65-23068

CONDITIONS OF APPROVAL

DRAFT
(Attachment A)

Approval limited to:

- 25 ft. dam
- 100 af irrigation storage all year & irrigation from storage in irrigation season
- Supplemental irrigation for 87 acres covered under natural flow right 65-11005
- Can not store any flow available after 6/15 unless mitigate.

Standard conditions: subject to all prior rights, commence development within 1 year, proof of beneficial use due September 1, 2013.

Plus –

- 1) #18B** 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.
- 2) #R05** 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.
- 3)** 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.
- 4) # 185 (modified)** 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.

5) #18C (modified) 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 watermaster suitable control of storage water and/or available natural flow water.

6) #01H (modified) 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.

7) #121 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.