

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32185

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2013**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall conduct a pump test of at least twenty-four hours for each well used as a point of diversion in connection with this water right. The pump test shall be designed and conducted by a qualified professional, such as a hydrologist, geologist, or engineer, and shall be approved by the Department before being conducted. The pump test shall measure all standard parameters associated with pump tests for the right holder's well(s) being tested and for any observation well(s) used for the pump test. The right holder shall keep records of the data collected during the pump test and shall make it available to the Department upon request. This condition is waived if the right holder provides written notification to the Department documenting unsuccessful attempts to obtain permission for pump test activities from owners of wells located within a one-half mile radius from any point of diversion developed under this right.
7. If the right holder is notified by the Department and/or by another well owner that use under this right has allegedly injured a well that was constructed and used prior to approval of this right, the right holder shall cease pumping and shall notify the Department in writing. The Department shall require pump testing by the right holder to determine if the use of this right has injured senior right holders. Pumping under this right shall not resume until the Department has issued written notification to the right holder that either (a) the right holder has demonstrated injury has not occurred, or (b) the right holder has demonstrated injury has occurred but the diversion and use under this right have not caused the injury, or (c) the right holder has demonstrated injury has occurred and that the right holder will mitigate the injury. A mitigation plan shall be approved by the Department prior to any mitigation activity.
8. In accordance with sections 42-1710 through 42-1721, Idaho code, a dam or artificial barrier, together with appurtenant works, which is or will be ten (10) feet or more in height or will have an impounding capacity at maximum storage elevation of fifty (50) acre-feet or more, shall be subject to regulation by the Department of Water Resources.
9. After specific notification by the Department, the right holder shall install a suitable measuring device(s) or shall enter into an agreement with the Department to use power records to determine the amount of water diverted from all authorized points of diversion under this approval and shall annually report the information to the Department.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-32185

10. Wildlife use is for the Roswell Marsh Wildlife Habitat Area.
11. 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 27th day of October, 2008.


JOHN WESTRA, Western Regional Manager