

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 33-07179

Priority: December 12, 1985

Maximum Diversion Rate: 1.23 CFS
Maximum Diversion Volume: 216.0 AF

It is hereby certified that BIRCH CREEK RANCHES LLC
5203 S 11TH E
IDAHO FALLS ID 83404 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 12, 1985; and has
submitted Proof of Beneficial Use on January 26, 1994. An examination indicates that the works have a
diversion capacity of 16.52 cfs of water from:

SOURCE

BLACK CREEK

Tributary: LITTLE LOST RIVER

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	04/15 to 10/31	1.23 CFS	216.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BLACK CREEK SE¼SW¼ Sec. 10, Twp 10N, Rge 27E, B.M. BUTTE 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	
10N 27E 20									10.8	25.8							36.6
10N 27E 29							37.9										37.9
10N 27E 30	2.2																2.2

Total Acres: 76.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 61.7 acres within the place of use described above in a single irrigation season.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
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. 33.

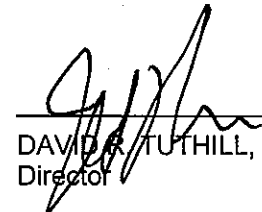
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5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. Right 33-2034 is also diverted through the point(s) of diversion described above.
8. Rights 33-87, 33-02034 and 33-07179 when combined shall not exceed a total diversion rate of 1.60 cfs, a total annual maximum diversion volume of 268.5 af at the field headgate, and the irrigation of 76.7 acres.
9. Rights 33-87, 33-2034, 33-2141, and 33-7179 when combined shall not exceed a total diversion rate of 3.34 cfs, a total annual maximum diversion volume of 585 af at the field headgate, and the irrigation of 167.2 acres.
10. Rights 33-87, 33-2034, 33-2106, 33-2141, 33-7179, and 33-11002 when combined shall not exceed a total diversion rate of 8.0 cfs, a total annual maximum diversion volume of 1075 af at the field headgate, and the irrigation of 307.1 acres.

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 26th day of June, 2008.

for 
DAVID R. TUTHILL, JR.
Director