

Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-31261

FOR DEPARTMENT USE ONLY

Preliminary check by MLW Fee = \$50 Received by MLW # C086687 Date 5-15-08

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, DAVID R. TUTHILL, JR., of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-31261 with the following:

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1759.5 af at the field headgate for irrigation of the lands above.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. The irrigation components of rights 65-13933 and 63-31261 when combined shall not exceed a total diversion rate of 7.82 cfs, a total annual maximum diversion volume of 1759.5 af at the field headgate, and the irrigation of 391 acres.
5. A portion of the groundwater designated for irrigation use under this license is supplemental to existing surface water. In the area of overlap between groundwater rights associated with this license and existing surface water rights, the right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. A portion of the groundwater designated for irrigation use under this license is supplemental to existing surface water. In the area of overlap between groundwater rights associated with this license and existing surface water rights, if the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

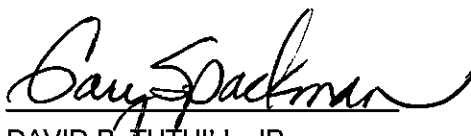
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7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released 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.
8. 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.
9. Commercial use is for dust abatement and shall not exceed a total annual volume of 3.4 af.

Witness my hand this 16th day of May, 2008.


f81 DAVID R. TUTHILL, JR.
Director