

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 22-13709

CONDITIONS OF APPROVAL CONTINUED

5. Ground water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. The right holder shall not divert surface water from the unnamed stream when water rights with a priority date of June 19, 1920, are curtailed in the Teton River drainage.
7. To prevent injury to senior surface water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portions thereof, are being dedicated to mitigation purposes.

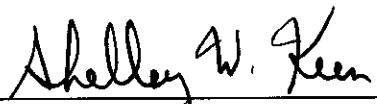
Mitigation Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Acres
22-13247	Irrigation	0.10	5

The land that will no longer be irrigated under this right is located within the NWSE, Section 33, Township 05N, Range 45E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion from the unnamed stream under this right shall be reduced by the same proportion as the reduction to the mitigation rights.

8. If the right holder cannot continue to implement this mitigation plan every year for any reason, the right holder shall cease diverting water from the unnamed stream under this right or shall implement an alternative mitigation plan that has been reviewed and approved by the department.
9. 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. 01.
10. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works from the unnamed stream.
11. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 5th day of March, 2008.


for DAVID R. TUTHILL, JR., Director