

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-13670

Date of Priority: July 15, 1987

Maximum Diversion Rate: 2.18 CFS

Comes now BEVAN JEPPESEN
1282 S SECOND E
REXBURG ID 83440

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-13670, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	2.18 CFS

LOCATION OF POINT(S) OF DIVERSION:

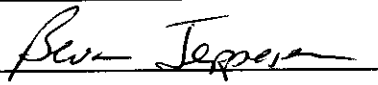
GROUND WATER	SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 5,	Twp 04N, Rge 41E, B.M.	MADISON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 5,	Twp 04N, Rge 41E, B.M.	MADISON County
(Rediversion)				
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 5,	Twp 04N, Rge 41E, B.M.	MADISON County
(Injection)				

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	
04N 41E 5						39.0	30.0		34.0	40.0	39.0	39.0					221.0
						L 4											
04N 41E 6	39.0			31.0									33.0			32.0	135.0
	L 1																
04N 41E 7	22.0																22.0

Total Acres: 378.0

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 15 day of Jan, 2008.


(Signature)

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FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$50.00 Receipted by AMB# C085724 Date 1.17.08

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. 22-13670 with the following:

CONDITIONS OF APPROVAL

1. Ground water diverted under this right is injected into Lyons Creek and diverted from Lyons Creek at the point of redirection to irrigate the place of use. Water shall not be diverted from Lyons Creek unless ground water is simultaneously being injected into Lyons Creek at an equal rate.
2. Injection and redirection of water from Lyons Creek 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.
3. The following rights are diverted through the point of redirection described above: 22-7091, 22-7115, 22-13454, and 22-13670.
4. The right holder shall make full beneficial use of all surface water rights, 22-7091, 22-7115, and 22-13454, 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.
5. 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 without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
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. This right shall not exceed an annual maximum diversion volume of 925.3 af at the field headgate for the lands above.
8. Claims 22-7091, 22-7115, and 22-13454 have been recommended in the Snake River Basin Adjudication with places of use that partially overlap the place of use for this right. If these claims are decreed as recommended, this right shall not exceed the irrigation of 378 acres when combined.
9. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Witness my hand this 21st day of January, 2008.


For DAVID R. TUTHILL, JR.
Director