

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 23-11333

Priority: October 12, 2005

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 70.7 AF

It is hereby certified that TOM SUMMERS
5505 JUPITER HILLS DR
IDAHO FALLS ID 83401 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated October 12, 2005; and has submitted Proof of
Beneficial Use on January 04, 2006. An examination indicates that the works have a diversion capacity
of 0.22 cfs of water from:

SOURCE

LITTLE PINE CREEK

Tributary: ANTELOPE CREEK

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	0.20 CFS	70.7 AF

LOCATION OF POINT(S) OF DIVERSION:

LITTLE PINE CREEK SE¼NW¼SW¼ Sec. 29, Twp 03N, Rge 42E, B.M. BONNEVILLE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 42E 29									5.1	7.5	7.6						20.2

Total Acres: 20.2

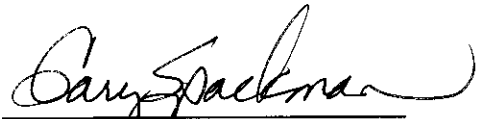
CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. Prior to diversion of water each year, the right holder shall obtain the expressed written certification of the Water District No. 01 watermaster that the right holder has rented and assigned stored water for release by the watermaster into the Snake River or a tributary to mitigate for depletion of river flow resulting from diversion of Little Pine Creek under this right. The amount of stored water required for mitigation shall be determined by the department based on the anticipated consumptive use for the year. Diversion and use of water without the written certification of the watermaster shall be a violation of Section 42-351, Idaho Code.
5. 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.

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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 3rd day of December, 2007.


for DAVID R. TUTHILL, JR.
Director