

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-12470

Priority: September 9, 1998

Maximum Diversion Rate: 8.99 CFS

This is to certify, that CITY OF BOISE
PUBLIC WORKS DEPT
PO BOX 500
BOISE ID 83701-0500

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.19 CFS
IRRIGATION	03/01 to 11/15	8.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SE¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼SW¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SW¼NE¼ Sec. 34, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NE¼NW¼ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼NW¼ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NE¼NE¼ Sec. 36, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼SW¼ Sec. 23, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SW¼SW¼ Sec. 24, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼NW¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼SW¼ Sec. 27, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER SE¼NE¼ Sec. 33, Twp 01N, Rge 01E, B.M. ADA County
GROUND WATER NW¼NW¼ Sec. 34, Twp 01N, Rge 01E, B.M. ADA 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	
01N 01E 24					38.0	38.0	38.0	38.0									152.0
01N 01E 35									40.0	40.0	39.0	39.0	40.0	40.0	25.0	25.0	288.0

Total Acres: 440

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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2010**.
2. Subject to all prior water rights.
3. The right holder shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. To mitigate for the depletion of water resulting from the use of water under this right and right 63-12470 and to prevent injury to senior 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 portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
2-2268B	Irrigation	9.8	2317.6	579

The land that will no longer be irrigated under this right is located within the W $\frac{1}{2}$, NE, W $\frac{1}{2}$, SE, and SW $\frac{1}{4}$, Section 20 and W $\frac{1}{2}$ NE, N $\frac{1}{2}$ SW, and NW $\frac{1}{4}$, Section 29, Township 07S, Range 13E, 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 under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

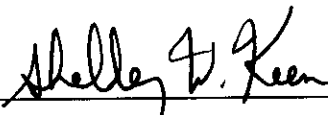
7. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
8. The department retains jurisdiction until proof of beneficial use is submitted or the proof of beneficial use date as listed in the permit or as subsequently extended by action of the department, whichever date occurs first, to modify the conditions of approval relative to the mitigation plan. The modified conditions may provide for additional acreage to be irrigated and more water to be diverted within the limits of the applications as filed if the right holder provides additional mitigation or the need for mitigation is found to be unnecessary in whole or part.
9. The permit holder is not authorized to assign ownership of this permit or the water right used for mitigation without prior written approval of the department. In its consideration of a request for assignment, the department will review the permit holder's diligence in the development of a water right and the extent of development performed under terms of the permit.

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10. The right holder shall install suitable measuring devices 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. Annual reporting shall include documentation that Bell Rapids' diversion rate and volume have been reduced and the acreage associated with the right holder's purchased portion of the right has not been irrigated and other expansion of acreage under Bell Rapids' right has not occurred.
11. Failure to comply with the mitigation plan requirements or conditions of this approval is cause for the department to cancel this permit.
12. Water bearing zone to be appropriated is 300 to 600 feet.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of December, 2007.


for DAVID R. TUTHILL, JR., Director