

NO. 45-07745

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 25.7 AF

has applied for a permit to appropriate water from:

Source: BENNETT SPRING	Tributary: HOWELL CREEK
POMERELLE SPRING	HOWELL CREEK
UNNAMED STREAM	HOWELL CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	10/15 to 12/31	0.06 CFS	
COMMERCIAL STORAGE	01/01 to 12/31		22.6 AF
COMMERCIAL FROM STORAGE	10/15 to 12/31		16.3 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.06 CFS	

BENNETT SPRING NW¼NE¼NW¼ Sec. 1, Twp 13S, Rge 24E, B M. CASSIA County
UNNAMED STREAM NW¼SE¼ Sec 2, Twp 13S, Rge 24E, B.M. CASSIA County
UNNAMED STREAM NE¼NE¼ Sec 11, Twp 13S, Rge 24E, B M. CASSIA County
UNNAMED STREAM SE¼SW¼ Sec 2, Twp 13S, Rge 24E, B M. CASSIA County
POMERELLE SPRING NW¼NE¼NE¼ Sec 11, Twp 13S, Rge 24E, B M. CASSIA County

[illegible]

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 45-07745

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 1, 2012**.
2. Subject to all prior water rights.
3. Commercial use is for snow making at Pomerelle Ski Resort
4. 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. 45-F.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir from Pomerelle Springs and the amount of water released from the reservoir.
7. Project construction shall commence within one year from the date of permit issuance and 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.
8. 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 at Bennett Springs.
9. The source for unnamed streams is surface runoff.
10. During the irrigation season, any water flowing into an upstream reservoir from Pomerelle Spring must be measured and passed through the reservoir to the Howell Creek channel unless the watermaster expressly approves storage of the surface water flows.
11. Prior to diverting water during the irrigation season under this water right, the water right holder and its agents/operators shall inquire of and obtain express approval from the watermaster that water can be diverted under this water right.
12. Water will be stored for commercial use in 3 ponds limited to a total capacity of 16.3 acre-feet and a total surface area of 2 acres. This right authorizes additional storage in the amount of 6.3 afa to make up losses from evaporation.
13. All constructed ponds must be lined with impervious liners. The impervious liners must be maintained to prevent seepage of stored water into the ground.

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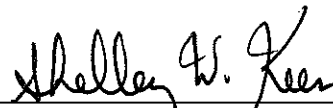
- 14 To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, 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 Acres
45-0311	Irrigation	0.06	2.8

Prior to diversion of water under this right, the right holder must identify, in writing, 2.8 acres of the place of use for water right no. 45-0311 that will not be irrigated.

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 permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of August, 2007.


for DAVID R. TUTHILL, JR., Director