

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-21742

Priority: April 17, 2006

Maximum Diversion Rate: 0.80 CFS

This is to certify, that BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY ID 83333

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
IRRIGATION	04/15 to 10/31	0.80 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE¼ NW¼ NE¼ Sec. 27, Twp 01S, Rge 21E, B.M. BLAINE 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	
01S 21E 27	4.0	6.4	7.0	2.6													20.0
Total Acres: 20																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2012**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. 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. 130.
6. Prior to the diversion and use of water under Right 37-21742, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion, in accordance with Department specifications.
7. 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.
8. The right holder shall make full beneficial use of all surface water rights 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.

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Department of Water Resources**Permit to Appropriate Water**

NO. 37-21742

9. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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.
10. 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 Volume (AF)	Mitigation Acres
37-2657B	Irrigation	0.30	70.0	20.0

The land that will no longer be irrigated under this right is located within the SWSW, Section 03, Township 02S, Range 21E (6 ac); NWNW, Sec. 10, Township 02S, Range 21E (10 ac); SWNW, Section 10 Township 02S, Range 21E (4 ac), 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 shall be reduced by the same proportion as the reduction to the mitigation rights.

11. Prior to the diversion of water under this permit, the applicant shall file a change of water right ownership for the portion of Right 37-2657B being used for mitigation.
12. Irrigation under Right 37-21742 is limited to the following schedule of allowed diversion volume. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Year 2006 the right is limited to 35.0 afa.

Year 2007 the right is limited to 52.5 afa.

Year 2008 and beyond, the right is limited to 70.0 afa.

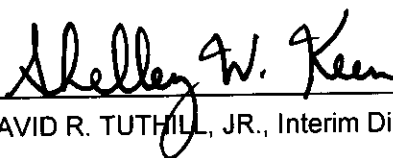
13. At any time when the point of diversion for Right 37-2657B is providing water to the Simpson property in Sections 3 and 10, Twp. 2S, Rge. 21E, the 20 mitigation acres described above shall not be irrigated under any water right appurtenant to said property on the date of this approval. Prior to using this well for irrigation of the Simpson property, the current owner or operator shall notify the watermaster of Water District 130 that this diversion will occur.
14. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-21742

15. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of February, 2007.


for DAVID R. TUTHILL, JR., Interim Director