

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 81-11981

Priority: August 22, 2005

Maximum Diversion Rate: 0.12 CFS

This is to certify, that FRANK CAPITO
PO BOX 2545
COEUR D ALENE ID 83816

has applied for a permit to appropriate water from:

Source: MIDDLE FORK CLEARWATER RIVER **Tributary:** CLEARWATER RIVER

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	03/15 to 11/15	0.12 CFS

LOCATION OF POINT(S) OF DIVERSION:

MIDDLE FORK CLEARWATER RIVER L7 (SW¼NE¼) Sec. 6, Twp 32N, Rge 05E, B.M. IDAHO 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	
32N	05E	6			6.0														6.0
					L7														

Total Acres: 6

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 1, 2008**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
6. 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.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
9. Water shall not be diverted under this right when flows in the Clearwater River, Middle Fork, are below established minimum flow amounts.

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CONDITIONS OF APPROVAL CONTINUED

10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 28th day of June, 2006.

Shelley W. Keen
FOR KARL J DREHER, Director