

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 32-07261

RECEIVED

MAY - 8 2006

DEPARTMENT OF WATER RESOURCES

Date of Priority: January 28, 2000

Maximum Diversion Rate: 1.40 CFS

Comes now BIRCH CREEK RANCHES LLC
5203 S 11TH E

IDAHO FALLS ID 83404 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 32-07261, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	1.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

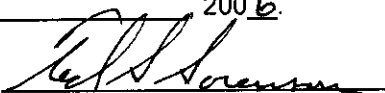
GROUND WATER	NW1/4SW1/4NE1/4	Sec. 32, Twp 09N, Rge 33E, B.M.
CLARK County		
GROUND WATER	SW1/4NW1/4SW1/4	Sec. 36, Twp 09N, Rge 32E, B.M.
CLARK County		
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 31, Twp 09N, Rge 33E, B.M.
CLARK County		

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	
08N	32E	1	34.0	34.0	40.0	40.0	11.0			9.0									168.0
			L 1	L 2			L 3												
09N	32E	36							40.0	40.0	40.0	40.0	39.0	38.0					237.0
													L 4	L 3					

Total Acres: 405

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 4 day of May 2006.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 32-07261

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50.00 Received by CB # C081168 Date 5.8.06

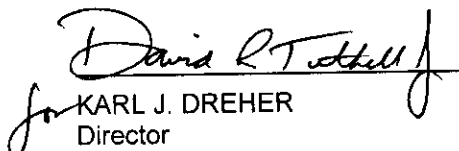
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 32-07261 with the following:

CONDITIONS OF APPROVAL

1. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. 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.
3. 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. 110.
4. The right holder shall comply with the measuring device requirements of Transfer No. 72204 and Water District 110.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Rights 32-7025, 32-7261, and 32-10127 when combined shall not exceed the irrigation of 405 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1417.5 af at the field headgate for the lands above.
8. 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.
9. Rights 32-7025, 32-10127, 32-13219, and 32-13220 are also diverted through the point(s) of diversion described above.

Witness my hand this 10th day of May, 2006.


for **KARL J. DREHER**
Director