

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 23-11333

Priority: October 12, 2005

Maximum Diversion Rate: 0.20 CFS

This is to certify, that TOM SUMMERS
5505 JUPITER HILLS DR
IDAHO FALLS ID 83401

has applied for a permit to appropriate water from:

Source: LITTLE PINE CREEK **Tributary:** ANTELOPE 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>
IRRIGATION	04/15 to 10/31	0.20 CFS

LOCATION OF POINT OF DIVERSION:

LITTLE PINE CREEK SE¼ NW¼ SW¼ Sec. 29, Twp 03N, Rge 42E, B.M. BONNEVILLE 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	
03N 42E 29									6.0	7.4	6.8						20.2

Total Acres: 20.2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2006**.
2. Subject to all prior water rights.
3. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
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. 01.
5. 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 the watermaster suitable control of the diversion.

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6. By March 1 each year the right holder shall obtain the expressed written certification of the Water District No. 01 watermaster that the right holder has rented and assigned stored water for release by the watermaster into the Snake River or a tributary to mitigate for depletion of river flow resulting from diversion of Little Pine Creek under this right. The amount of stored water required for mitigation shall be determined by the department based on the anticipated consumptive use for the year. Diversion and use of water without the written certification of the watermaster shall be a violation of Section 42-351, Idaho Code.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 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 26th day of December, 2005.


for KARL J DREHER, Director