

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 22-13426

Priority: August 25, 2005

Maximum Diversion Volume: 21.5 AF

This is to certify, that BLACKFOOT FARMS LLC
500 HUNTSMAN WAY
SALT LAKE CITY UT 84108

has applied for a permit to appropriate water from:

Source: SPRING**Tributary:** SINKS

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	21.5 AF
WILDLIFE STORAGE	01/01 to 12/31	21.5 AF

LOCATION OF POINT OF DIVERSION:

SPRINGS SE¼ SW¼ Sec. 27, Twp 05N, Rge 45E, B.M. TETON County

PLACE OF USE: RECREATION STORAGE and WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 45E 27												X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2010**.
2. Subject to all prior water rights.
3. 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.
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.

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5. 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
22-00153	Irrigation	0.06	2.8

The land that will no longer be irrigated under this right is located within the NENE, Section 27, Township 5N, Range 46E, 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 permit approval shall be reduced by the same proportion as the reduction to the mitigation rights.

6. If the right holder cannot continue to implement this mitigation plan each year for any reason, the right holder shall cease diverting water under this right or the right holder shall implement an alternative mitigation plan that has been reviewed and approved by the department.
7. Wildlife and recreation storage uses are for a pond.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of December, 2005.


FOR KARL J DREHER, Director