

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-21486

Priority: July 11, 2005

Maximum Diversion Rate: 2.76 CFS
Maximum Diversion Volume: 25.0 AF

This is to certify, that SIMMS CREDIT SHELTER TRUST
BARBARA SIMMS TRUSTEE
17816 HWY 30
BLISS ID 83314

And

CLIFFORD J SIMMS JR FAMILY TRUST
BARBARA J SIMMS TRUSTEE
17816 HWY 30
BLISS ID 83314

have applied for a permit to appropriate water from:

Source: WASTE WATER

Tributary: MALAD 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>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		25.0 AF
IRRIGATION	03/15 to 11/15	2.76 CFS	
IRRIGATION FROM STORAGE	01/01 to 12/31		25.0 AF

LOCATION OF POINT OF DIVERSION:

WASTE WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 06S, Rge 13E, B.M., GOODING County

PLACE OF USE: IRRIGATION 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	
06S 13E 35			X					X	X								

PLACE OF USE: IRRIGATION & IRRIGATION FROM 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	
06S 13E 34	15.0			40.0									35.0				90.0
06S 13E 35					4.9	20.0			23.0								47.9

Total Acres: 137.9

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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2008**.
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. Permits 37-21456 and 37-21486 when combined shall not exceed a total annual maximum storage volume of 25.0 af.
5. This right authorizes the irrigation of land previously irrigated under Rt. 37-0797.
6. Right 37-0797 and 37-21486 when combined shall not exceed a total diversion rate of 2.76 cfs, a total maximum diversion volume of 551.6 af at the field headgate, and the irrigation of 137.9 acres.
7. The source of water being diverted is waste water subject to the rights of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
8. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 1st day of December, 2005.



FOR KARL J DREHER, Director