

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 45-13969

Priority: July 19, 2005

Maximum Diversion Volume: 4.0 AF

This is to certify, that KEF PROPERTIES LLC
121 E 1900 N
CENTERVILLE UT 84014

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **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>
AESTHETIC STORAGE	01/01 to 12/31	4.0 AF
RECREATION STORAGE	01/01 to 12/31	4.0 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM NE¼SW¼ Sec. 35, Twp 12S, Rge 23E, B.M., CASSIA County

PLACE OF USE: AESTHETIC STORAGE & RECREATION 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	
12S	23E	35									X					X			

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2006**.
2. Subject to all prior water rights.
3. 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 rights will be changed to show that diversion and use of water is not authorized because the rights, or portions thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate	Mitigation Acres
45-10017B	Irrigation	0.04	1
45-13813	Irrigation from Storage		1

The land that will no longer be irrigated under these rights is located within the NESW, Section 35, Township 12S, Range 23E, B.M.

If the specified mitigation rights, or portions thereof, are sold, transferred, leased, used on any place of use, or are 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.

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4. Aesthetic storage and recreation storage uses are associated with an existing pond not to exceed 1.0 acre in surface area.
5. 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.
6. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of October, 2005.


FOR KARL J DREHER, Director