

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-21177

Priority: November 17, 2003

Maximum Diversion Rate: 0.08 CFS

This is to certify, that BLAINE COUNTY SCHOOL DISTRICT #61
118 W BULLION ST
HAILEY ID 83333

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	0.08 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, Twp 02N, Rge 18E, B.M., BLAINE 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	
02N 18E 23			7.0														7.0
Total Acres: 7																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right is limited to the irrigation of 2 acres within the place of use described above in a single irrigation season.
6. 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. 37.
7. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
8. 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.

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9. In the event that Claim 37-21114 (portion of water right 37-0577) is not confirmed in the Snake River Basin Adjudication, the right holder shall provide an alternate source of mitigation water or shall cease diverting water under this right.
10. 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(s) will be changed to show that diversion and use of water is not authorized because the rights, or portion(s) thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate	Mitigation Volume	Mitigation Acres
37-21114	Irrigation	0.08 cfs		2

The land that will no longer be irrigated under this right is located within the SENW, Section 10, Twp. 2N, Rge. 18E, B.M.

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

11. The portion of Right 37-21114 (portion of water right no. 37-0577) committed to mitigation for the diversion of water right 37-21177 shall be managed as a surface water diversion, and the pump for permit 37-21177 shall be the regulating structure for management. When the pump is on, the mitigating portion of 37-21114 (portion of water right no. 37-0577) shall be considered as a constant diversion from the Big Wood River. The point of diversion for Right 37-21114 (portion of water right no. 37-0577) from the Big Wood River shall be changed from the point of diversion for the Hiawatha Canal in the SWNW, Section 20, Twp. 3N, Rge. 18E, B.M. to the location on the river closest to the point of diversion for permit 37-21177 determined to be within the NESESE, Section 22, Twp. 2N, Rge. 18E, B.M.
12. The portion of Right 37-21114 (portion of water right no. 37-0577) used for mitigation purposes shall be listed as a consumptive right in the water district decree book for the Big Wood River above Magic Reservoir. The mitigating flow amount of Right 37-21114 (portion of water right no. 37-0577) shall be administered as a Big Wood River surface right, with the point of diversion considered as the location on the river closest to the point of diversion for permit 37-21177, as described in the permit. The right shall be considered delivered, or on, when the pump for permit 37-21177 is in use.
13. 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.
14. 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 14th day of July, 2005.


for KARL J DREHER, Director