

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-07116

Priority: January 12, 1984

Maximum Diversion Rate: 6.00 CFS
Maximum Diversion Volume: 4,340.0 AF

It is hereby certified that SIMMS CREDIT SHELTER TRUST
BARBARA SIMMS TRUSTEE
17816 HWY 30
BLISS ID 83314

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 15, 1971; and has submitted Proof of Beneficial Use on January 12, 1984. An examination indicates that the works have a diversion capacity of 7.5 cfs of water from:

SOURCE

BIRCH CREEK

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
FISH PROPAGATION	01/01 to 12/31	6.00 CFS	4,340.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BIRCH CREEK	SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 06S, Rge 13E, B.M.	GOODING County
BIRCH CREEK	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 06S, Rge 13E, B.M.	GOODING County

PLACE OF USE: FISH PROPAGATION

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													X				
06S 13E 35									X		X						

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. This right authorizes the simultaneous diversion and use of up to 6.00 cfs of water from Birch Creek at each of the two authorized points of diversion.
3. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
4. Rights 37-797 and 37-799 are also diverted through the point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, T6S, R13E, B.M., described above.
5. Rights 37-797, 37-799 and 37-7116 when combined shall not exceed a total diversion rate of 6.00 cfs.

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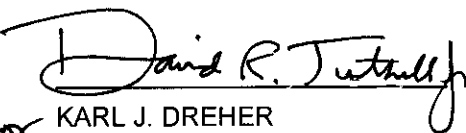
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CONDITIONS OF APPROVAL CONTINUED

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. 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. 130.
8. The agreement dated March 30, 1972, among Vernon J. Huff, E. Bud Jensen and Paul Fleming, is a part of this right for purposes of delivering water between the parties or their successors in interest, as long as their rights to divert and use water from Birch Creek are confirmed in the Snake River Basin Adjudication.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 7th day of July, 2005.


for **KARL J. DREHER**
Director