

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-07116

RECEIVED
JUN 24 2005
DEPARTMENT OF
WATER RESOURCES

Date of Priority: January 12, 1984

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

Comes now SIMMS CREDIT SHELTER TRUST
BARBARA SIMMS TRUSTEE
17816 HWY 30

BLISS ID 83314 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-07116, and requests that the permit be changed as follows:

Source: BIRCH CREEK**Tributary:** SNAKE RIVER

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

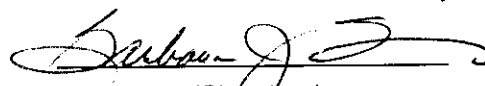
LOCATION OF POINT(S) OF DIVERSION:

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						

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 22nd day of June, 2005.


(Signature)

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FOR DEPARTMENT USE ONLY
Preliminary check by SWK Fee = \$50.00 Received by M # C078426 Date 6-29-05

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-07116 with the following:

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.
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.

Witness my hand this 7 day of July, 2005.

Karl J. Dreher
for **KARL J. DREHER**
Director