

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 13-07649

Priority: February 20, 2004

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 258.7 AF

This is to certify, that J 7 LLC
1900 N 4000 W
DAYTON ID 83232

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	1.00 CFS	258.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NW¼ Sec. 11, Twp 15S, Rge 38E, B.M. FRANKLIN 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	
15S 38E 11		25.0	34.2		39.5	9.2	4.6	36.0									148.5

Total Acres: 148.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 1, 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 right for the purposes and amounts specified below. Moreover, the official record for the following water right 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 Volume	Mitigation Acres
13-2164	Irrigation	0.76 cfs	280.0	80

The land that will no longer be irrigated under this right is located within the W1/2NE1/4; SE1/4NE1/4, Section 1, Township 15 South, Range 38 East, 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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CONDITIONS OF APPROVAL CONTINUED

4. Failure to comply with these conditions of approval is cause for the Director to void the permit.
5. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
6. The right holder shall maintain control of 20 shares of water in the West Cache Irrigation Company for mitigation purposes and shall comply with the terms of mitigation as the terms may be determined in the future by the department.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. This right is limited to the irrigation of 73.9 acres within the place of use described above in a single irrigation season.
9. Rights 13-7629 and 13-7649 when combined shall not exceed the irrigation of 148.5 acres.
10. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of May, 2005.


FOR KARL J DREHER, Director