

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 22-13285

Priority: March 30, 2004

Maximum Diversion Rate: 0.45 CFS
Maximum Diversion Volume: 12.0 AF

This is to certify, that ROBERT G KIRK
PO BOX 4779
JACKSON WY 83001

has applied for a permit to appropriate water from:

Source: DICK CREEK

Tributary: TETON RIVER

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>
DIVERSION TO STORAGE	01/01 to 12/31	0.45 CFS	
WILDLIFE STORAGE	01/01 to 12/31		12.0 AF

LOCATION OF POINT OF DIVERSION:

DICK CREEK SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, Twp 04N, Rge 45E, B.M., TETON County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 45E 9						X											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2005**.
2. Subject to all prior water rights.
3. 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. 01.
4. 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.
5. Mitigation for consumptive use of water under this right shall be provided by Right 22-13283 as approved by Transfer 71085.
6. The reservoir established by the storage of water under this right shall not exceed a total capacity of 12 acre feet or a total surface area of 8 acres.
7. This right does not grant any right-of-way or easement across the land of another.

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8. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of December, 2004.


FOR KARL J DREHER, Director