

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07675

RECEIVED
DEC - 7 2004
DEPARTMENT OF
WATER RESOURCES

Date of Priority: June 12, 1990

Maximum Diversion Rate: 6.12 CFS
Maximum Diversion Volume: 2,598.0 AF

Comes now GARTH SUTTON
1295 E 10000 S

REXBURG ID 83440 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. 22-07675, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	6.12 CFS	2,598.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼ NW¼ SE¼ Sec. 31, Twp 05N, Rge 41E, B.M. MADISON 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	
04N 41E 4		22.0			33.0	34.0	39.0	27.0	40.0	40.0	35.0	22.0		2.0			294.0
		L 2			L 3	L 4											
04N 41E 5	28.0			17.0									32.0			14.0	91.0
	L 1																
05N 41E 32	16.0			38.0									25.0	31.0		27.0	137.0
05N 41E 33					12.0	31.0	39.0	33.0	22.0	39.0	39.0	32.0			14.0		261.0

Total Acres: 783

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 2nd day of December, 2004

Garth Sutton
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07675

FOR DEPARTMENT USE ONLY

Preliminary check by MM Fee = 500.00 Received by MM # C0712059 Date 12-7-04

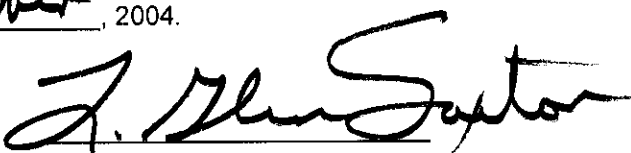
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07675 with the following:

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. 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.
3. 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.

Witness my hand this 10th day of December, 2004.


for **KARL J. DREHER**
Director