

**State of Idaho**  
**Department of Water Resources**  
**Permit to Appropriate Water**  
**No. 61-12314**

**Priority:** March 03, 2017

**Maximum Diversion Rate:** 200 CFS

This is to certify that

ELMORE COUNTY BOARD OF COMMISSIONERS  
 ELMORE COUNTY COURTHOUSE  
 150 S 4TH E STE 3  
 MOUNTAIN HOME, ID 83647

has applied for a permit to appropriate water from:

**Source :** CANYON CREEK

**Tributary:** SNAKE RIVER

and a permit is APPROVED for development of water as follows:

|                              |                             |                                 |
|------------------------------|-----------------------------|---------------------------------|
| <u><b>Beneficial Use</b></u> | <u><b>Period of Use</b></u> | <u><b>Rate of Diversion</b></u> |
| GROUND WATER RECHARGE        | 01/01 to 12/31              | 200 CFS                         |

**Location of Point(s) of Diversion**

|              |  |               |
|--------------|--|---------------|
| CANYON CREEK | SW¼ NE¼, Sec. 10, Twp 03S, Rge 06E, B.M. | ELMORE County |
| CANYON CREEK | SW¼ SW¼, Sec. 2, Twp 03S, Rge 06E, B.M.  | ELMORE County |
| CANYON CREEK | NE¼ NE¼, Sec. 10, Twp 03S, Rge 06E, B.M. | ELMORE County |
| CANYON CREEK | SE¼ NW¼, Sec. 10, Twp 03S, Rge 06E, B.M. | ELMORE County |

**Place of Use:** GROUND WATER RECHARGE

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |  |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|--|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |  |
| 03S | 06E | 2   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |  |
| 03S | 06E | 10  | X  |    |    | X  |    |    |    |    |    |    | X  |    |    |    |    | X  |        |  |
| 03S | 06E | 11  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |  |

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2024**.
2. Subject to all prior water rights.
3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
4. Use of water under this right may 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. 61A.
5. Pursuant to Idaho Code § 42-234(3), the Director may reduce the amount of water that may be diverted for recharge purposes under this right even though there is sufficient water to supply the entire amount authorized for appropriation under this right.
6. This right is not an authorization for the described recharge effort to be used as mitigation or credit for

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any other purpose. The sufficiency of the recharge effort authorized under this right for mitigation or credit for some other purpose may be determined by the Department upon proper submission of a mitigation plan pursuant to the Department's Rules of Conjunctive Management of Surface and Ground Water Resources, a mitigation plan to offset depletion in association with a water right application, a Management Program pursuant to Idaho Code Idaho Code § 42-1416B, or any other proposal to utilize credit for the recharge effort.

7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
8. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31 consistent with IDAPA 37.03.08.030.
9. This right does not grant any right-of-way or easement across the land of another.
10. Pursuant to Idaho Code § 42-234(4), to ensure that other water rights are not injured by the operations of the recharge project authorized by this right, the Director has authority to approve, disapprove, or require alterations in the methods employed to achieve ground water recharge.
11. This approval does not constitute approval by the Idaho Water Resource Board, which may also be required pursuant to Idaho Code § 42-1737.
12. The right holder shall record the daily quantity of water diverted for ground water recharge and shall report the diversion data for the prior calendar year to the Department by February 1 each year. Reporting shall occur in the manner specified by the Department, consistent with Idaho Code § 42-701. To facilitate this reporting requirement, the right holder shall install and maintain a totalizing measuring device approved by the Department at each point of diversion and at each point where water is delivered from the conveyance system into a designated recharge site.
13. Prior to diversion and use of water on federal land under this approval, the right holder shall obtain Bureau of Land Management authorization necessary to access the point of diversion or place of use or to convey water across federal land.
14. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
15. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
16. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 9<sup>th</sup> day of May, 2019.

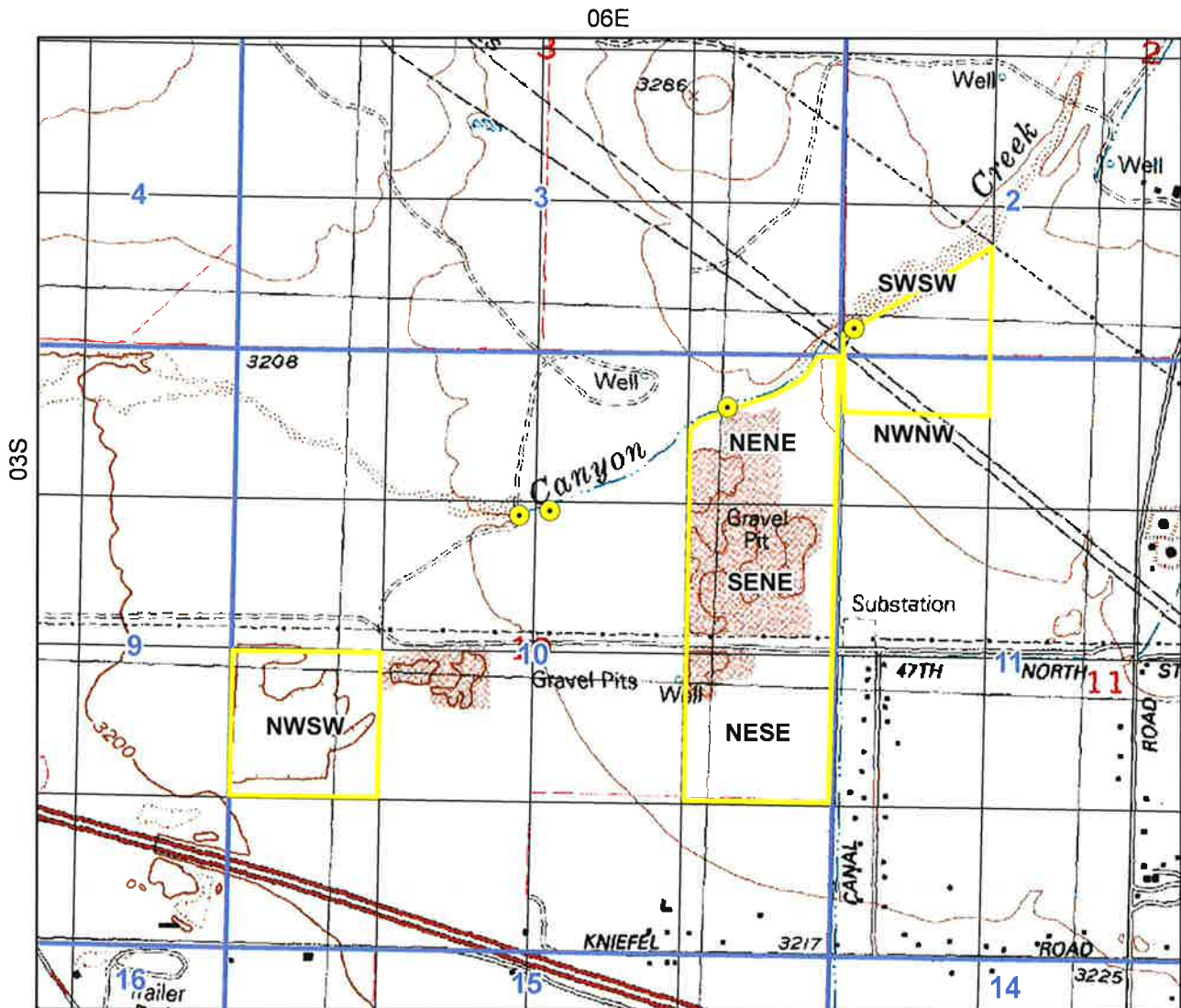







NICK MILLER  
Engineer, Manager 2



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Department of Water Resources  
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March 18, 2019



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

