Permit to Appropriate Water

No. 63-34348

Priority: March 03, 2017

Maximum Diversion Rate: 200.00 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: SOUTH FORK BOISE RIVER

Tributary: BOISE RIVER

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

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
GROUND WATER RECHARGE	01/01 to 12/31		10,000.0 AF
STORAGE			
IRRIGATION	03/15 to 11/15	100,00 CFS	
IRRIGATION STORAGE	01/01 to 12/31		5,000.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		5,000.0 AF
GROUND WATER RECHARGE	01/01 to 12/31	100.00 CFS	
GROUND WATER RECHARGE	01/01 to 12/31		10,000.0 AF
FROM STORAGE			
DIVERSION TO STORAGE	01/01 to 12/31	200.00 CFS	

Location of Point(s) of Diversion

SOUTH FORK BOISE RIVER L1 (NW1/4 NW1/4), Sec. 7, Twp 01S, Rge 09E, B.M. ELMORE County

Place of Use: IRRIGATION

T	Dan	0		N	ΙE			N\	Ν			SI	Ν			S	E			Totals
wp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	No QQ	
02S	06E	35													40.0			40.0		80.0
028	06E	36									40.0	40.0	40.0	40.0						160.0
03S	06E	1					0.1 L3	40.0 L4												40.1
035	06E	2	40.0 L1	40.0 L2	40.0						0.4		40.0	40.0		40.0	40.0			280.4
03S	06E	9	40.0	40.0	40.0	40.0	40.0			40.0	40.0				40.0	40.0	40.0	40.0		440.0
038	06E	10							0.6	0.2	40.0	40.0	40.0	40.0	0.2	40.0	40.0	40.0		281.0
03S	06E	11		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		560.0
035	06E	12									40.0	40.0	40.0	40.0						160.0
035	06E	13					40.0	40.0												80.0
03S	06E	14					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
035	06E	15	40.0	40.0	40.0	40.0	40.0	0.3	0.3	40.0					40.0	40.0	40.0	40.0		400.6
03S		22	0.5	0.4																0.9
038		23			40.0		40.0	40.0	39.0	40.0	40.0		0.3	40.0		40.0	40.0	40.0		399.3
03S	06E	24											40.0	40.0			40.0	40.0		160.0
038		25	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		640.0
03S	06E	26	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	0.1	0.1	40.0	40.0	40.0	40.0	40.0		560.2
038	-	27	0.3			0.1														0.4
	06E	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		640.0

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03S	07E	19					0.1					40.0 L3	40.0 L4	40.0					120.1
038	07E	30					40.0	41.0 L1	41.0 L2	40.0	40.0	41.0 L3	41.0 L4	40.0			40.0		364.0
03S	07E	31		40.0	40.0		40.0	42.0 L1	42.0 L2	40.0	40.0	43.0 L3	43.0 L4	40.0	40.0	40.0	40.0	40.0	570.0
048	06E	1	40.0 L1	40.0 L2	40.0	40.0	40.0 L3	40.0 L4	40.0	40.0	40.0	40.0	0.5	40.0	40.0	40.0	40.0	40.0	600.5
04S	06E	11	0.3																0.3
04S	06E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	0.7	0.5		0.3	40.0	40.0	40.0	40.0	481.5
048	06E	13	0.9	0.4															1.3
04S	06E	24	0.1	0.2											0.3				0.6
04S	06E	25	0.5			0.6									0.7			0.8	2.6
045	07E	5											40.0	0.1					40.1
04S	07E	6	39.0 L1	40.0 L2	40.0	40.0	40.0 L3	43.0 L4	42.0 L5	39.0	39.0	42.0 L6	41.0 L7	39.0	40.0	41.0	41.0	41.0	647.0
048	07E	7	40.0	40.0	40.0	40.0	39.0	41.0 L1	41.0 L2	39.0	40.0	41.0 L3	41.0 L4	40.0	41.0	41.0	40.0	41,0	645.0
045	07E	8					39.0	40.0	40.0	39.0	40.0	41.0	41.0	39.0			39.0		358.0
04S	07E	16							39.0	38.0	40.0	40.0	40.0	40.0		39.0	40.0		316.0
04S	07E	17	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	639.0
048	07E	18	40.0	40.0	40.0	40.0	40.0	41.0 L1	41.0 L2	40.0	0.7	0.7 L3		0.2	40.0	0.6	39.0	40.0	443.2
04S	07E	19	40.0	40.0	40.0	40.0	40.0	40.0 L1	40.0 L2	40.0	40.0	40.0 L3	1.5 L4	40.0	40.0	40.0	40.0	40.0	601.5
048	07E	20	1.4	1.0			40.0	40.0	40.0	40.0	41.0	41.0	41.0	41.0		39.0	40.0		405.4
048	07E	21		40.0	0.6		40.0	40.0	1.0	0.8									122.4
048	07E	28					6.9	39.0	40.0	28.0						0.3			114.2
048	07E	29	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	0.2	0.1	0.3	0.3			398.9
048	07E	30	40.0	40.0	40.0	40.0	40.0	40.0 L1	40.0 L2	40.0	40.0	40.0 L3	40.0 L4	40.0	40.0	40.0	40.0	38.0	638.0
04S	07E	31	0.1	0.1															0.2

Right Acre Limit:7,420.2 Total Acres: 12,712.7

Place of Use: IRRIGATION FROM STORAGE

F	Dog	Caa		N	IE			N\	Ν			SI	Ν			S	E			Totals
wp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	No QQ	
028	06E	35													40.0			40.0		80.0
02S	06E	36									40.0	40.0	40.0	40.0						160.0
03S	06E	1					0.1 L3	40.0 L4												40.1
03S	06E	2	40.0 L1	40.0 L2	40.0						0.4		40.0	40.0		40.0	40.0			280.4
03S	06E	9	40.0	40.0	40.0	40.0	40.0			40.0	40.0				40.0	40.0	40.0	40.0		440.0
03S	06E	10							0.6	0.2	40.0	40.0	40.0	40.0	0.2	40.0	40.0	40.0		281.0
03S	06E	11		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		560.0
035	06E	12									40.0	40.0	40.0	40.0						160.0
03S	06E	13					40.0	40.0												80.0
038	06E	14					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0
03S	06E	15	40.0	40.0	40.0	40.0	40.0	0.3	0.3	40.0					40.0	40.0	40.0	40.0		400.6
03S	06E	22	0.5	0.4																0.9
038	06E	23			40.0		40.0	40.0	39.0	40.0	40.0		0.3	40.0		40.0	40.0	40.0		399.3
035	06E	24											40.0	40.0			40.0	40.0		160.0
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03S	06E	26	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	0.1	0.1	40.0	40.0	40.0	40.0	40.0		560.2
038	06E	27	0.3			0.1														0.4
035	06E	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		640.0

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03S	07E	19									0.1	40.0 L3	40.0 L4	40.0					120.1
03S	07E	30					40.0	41.0 L1	41.0 L2	40.0	40.0	41.0 L3	41.0 L4	40.0			40.0		364.0
03S	07E	31		40.0	40.0		40.0	42.0 L1	42.0 L2	40.0	40.0	43.0 L3	43.0 L4	40.0	40.0	40.0	40.0	40.0	570.0
04S	06E	1	40.0 L1	40.0 L2	40.0	40.0	40.0 L3	40.0 L4	40.0	40.0	40.0	40.0	0.5	40.0	40.0	40.0	40.0	40.0	600.5
048	06E	11	0.3																0.3
04S	06E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	0.7	0.5		0.3	40.0	40.0	40.0	40.0	481.5
045	06E	13	0.9	0.4															1.3
04S	06E	24	0.1			0.2									0.3				0.6
04S	06E	25	0.5			0.6									0.7			0.8	2.6
04S	07E	5											40.0	0.1					40.1
04S	07E	6	39.0 L1	40.0 L2	40.0	40.0	40.0 L3	43.0 L4	42.0 L5	39.0	39.0	42.0 L6	41.0 L7	39.0	40.0	41.0	41.0	41.0	647.0
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045	07E	16							39.0	38.0	40.0	40.0	40.0	40.0		39.0	40.0		316.0
048	07E	17	38.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	638.0
04S	07E	18	40.0	40.0	40.0	40.0	40.0	41.0 L1	41.0 L2	40.0	0.7	0.7 L3		0.2	40.0	0.6	39.0	40.0	443.2
048	07E	19	40.0	40.0	40.0	40.0	40.0	40.0 L1	40.0 L2	40.0	40.0	40.0 L3	1.5 L4	40.0	40.0	40.0	40.0	40.0	601.5
045	07E	20	1.4	1.0			40.0	40.0	40.0	40.0	41.0	41.0	41.0	41.0		39.0	40.0		405.4
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)4S	07E	28					6.9	39.0	40.0	28.0		0.3							114.2
045	07E	29	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	0.2	0.1	0.3	0.3			398.9
04S	07E	30	40.0	40.0	40.0	40.0	40.0	40.0 L1	40.0 L2	40.0	40.0	40.0 L3	40.0 L4	40.0	40.0	40.0	40.0	38.0	638.0
048	07E	31	0.1	0.1															0.2

Right Acre Limit:7,420.2 Total Acres: 12,712.7

Place of Use: GROUND WATER RECHARGE

Twp Rng	Dna	Sec		N	E			N\	Ν			SV	Ν			S	E			Totals
ıwp	Kilg	Sec	NE	NW	SW	SE	No QQ													
03S	06E	2											Х							
03S	06E	10	X			Х														
03S	06E	11						Х												

Place of Use: GROUND WATER RECHARGE FROM STORAGE

Twn	Dna	Sec		N	E			N\	Ν			SV	٧			S	E			Totals
IWP	Rng	360	NE	NW	SW	SE	No QQ													
03S	06E	2											Х							
03S	06E	10	X			Х														
03S	06E	11						X												

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Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before April 01, 2024.

Subject to all prior water rights.

- 3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
- 4. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
- 5. Rights 61-263, 61-264, 61-266, 61-363, 61-10417, 61-10419, 61-10421, 63-19893, 63-2188, 63-2214, 63-20139 and 63-34348 when combined shall not exceed the irrigation of 7,420.2 acres within the boundaries of the Mountain Home Irrigation District.
- 6. In any given year, water diverted for irrigation from storage and irrigation shall not exceed 50 percent of the total volume of water diverted for all uses described by the right.
- 7. The storage of water under this right occurs in the storage facilities for the Mountain Home Irrigation District: Little Camas Reservoir, Long Tom Reservoir, and Mountain Home Reservoir.
- 8. In any given year, this right may only be used for irrigation from storage and irrigation on the same lands irrigated within the Mountain Home Irrigation District service area with Rights 61-263, 61-264, 61-266, 61-363, 61-10417, 61-10419, 61-10421, 63-19893, 63-2188, 63-2214, 63-20139 and 63-34348.
- 9. Water shall only be used for irrigation from storage and irrigation to supplement existing rights 61-263, 61-264, 61-266, 61-363, 61-10417, 61-10419, 61-10421, 63-19893, 63-2188, 63-2214, 63-20139 and 63-34348.
- 10. Diversion 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, the source of water and point of diversion for this right is within Water District No. 63.
- 11. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion
- 12. Prior to diversion of water under this right, the right holder shall develop a plan acceptable to the watermaster(s) and the Department that includes the installation of measuring devices as necessary to understand and monitor water use under this right. The Department may require modification of the plan, now and in the future, as required.
- 13. The watermasters of Water Districts 63, 63C, and 61A shall coordinate administration of this right to ensure beneficial use occurs in a manner consistent with the limitations and conditions of the right.
- 14. This right is subordinated to the capture and retention of water in existing on-stream storage reservoirs operated for storage and flood control purposes during and following flood control operations until the date of allocation.
- 15. The right holder must mitigate for diversions out of Anderson Ranch Reservoir that occur when water is not being released for flood control purposes as authorized by this right.
- 16. If measured or calculated Boise River flows immediately downstream of the New York Canal diversion are less than 240 cfs during the period beginning June 16 and ending February 29, water shall not be diverted pursuant to this right. If measured or calculated Boise River flows immediately downstream of the New York Canal diversion are less than 1,100 cfs during the period beginning March 1 and ending May 31, water shall not be diverted pursuant to this water right. If the benchmark stream maintenance flows of 240 cfs (from June 16 to February 29) and 1,100 cfs (From March 1 to May 31) subsequently change, then the diversion of South Fork Boise River flows under this right will be limited to provide for the new benchmark flows.
- 17. If measured or calculated South Fork Boise River flows downstream from Anderson Ranch Dam are less than 800 cfs, water shall not be diverted pursuant to this right.
- 18. The right holder shall exercise this right only when authorized by the District 63 watermaster when the

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Boise River is on flood release below Anderson Ranch dam/outlet and when the Boise River is on flood release below Lucky Peak dam. Flood releases shall be determined based upon the Memorandum of Agreement between the Department of Army and the Department of Interior for Flood Control Operations of Boise River Reservoirs, dated November 20, 1953, contracts with Reclamation contract holders in the Boise River Reservoirs, the Water Control Manual for Boise River Reservoirs, dated April 1985, and any modifications adopted pursuant to the procedures required in these documents and federal laws. The right holder shall not seek, directly or indirectly, any change to the flood control operations of the 1985 Water Control Manual for Boise River reservoirs. This water right may not be used to divert water released from storage to augment lower Snake River flows during the migration of Snake River salmon as authorized under Idaho law.

- 19. 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.
- 20. 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.
- 21. This approval does not constitute approval by the Idaho Water Resource Board, which may also be required pursuant to Idaho Code § 42-1737.
- 22. This right is not an authorization for the described recharge effort to be used as mitigation or credit for 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.
- 23. This right does not grant any right-of-way or easement across the land of another.
- 24. 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.
- 25. Prior to diversion and use of water under this approval, the right holder shall obtain authorization from United States agencies necessary to access the point of diversion or place of use or to convey water across federal land.
- 26. 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.
- 27. 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.

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

Signed this 13th day of August , 2019

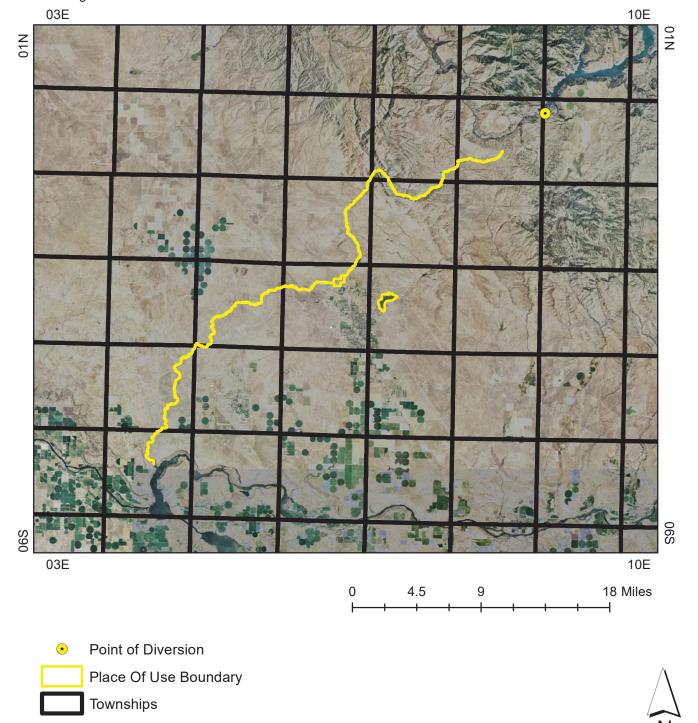
GARY SPACKMAN

Director

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GROUND WATER RECHARGE

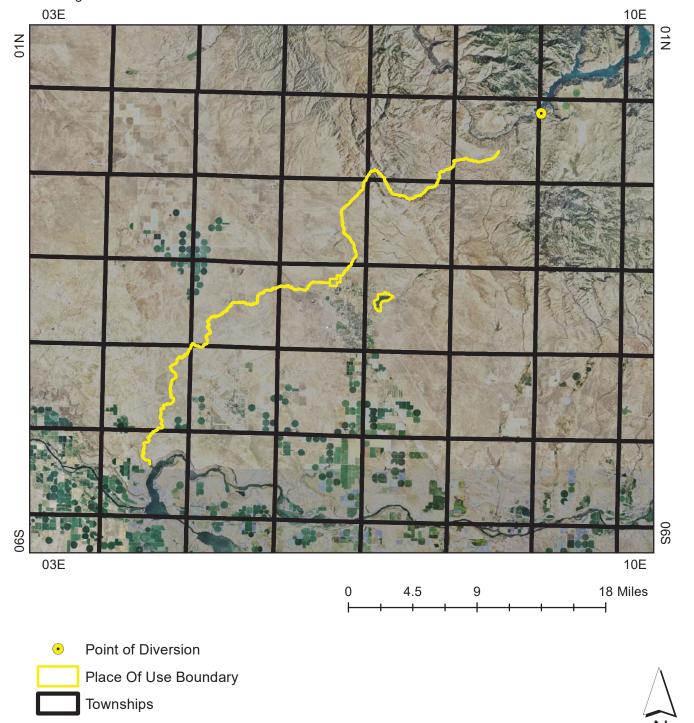
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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GROUND WATER RECHARGE FROM STORAGE

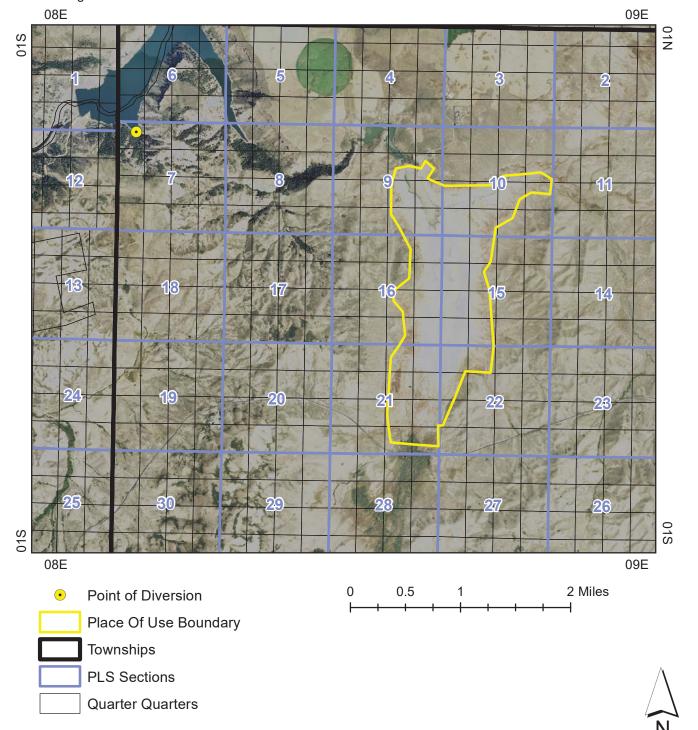
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GROUND WATER RECHARGE STORAGE

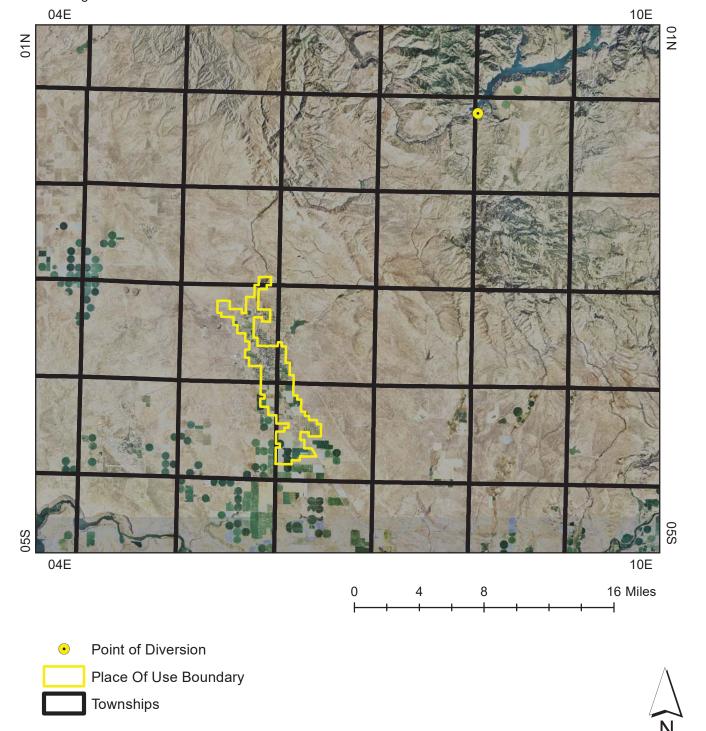
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IRRIGATION

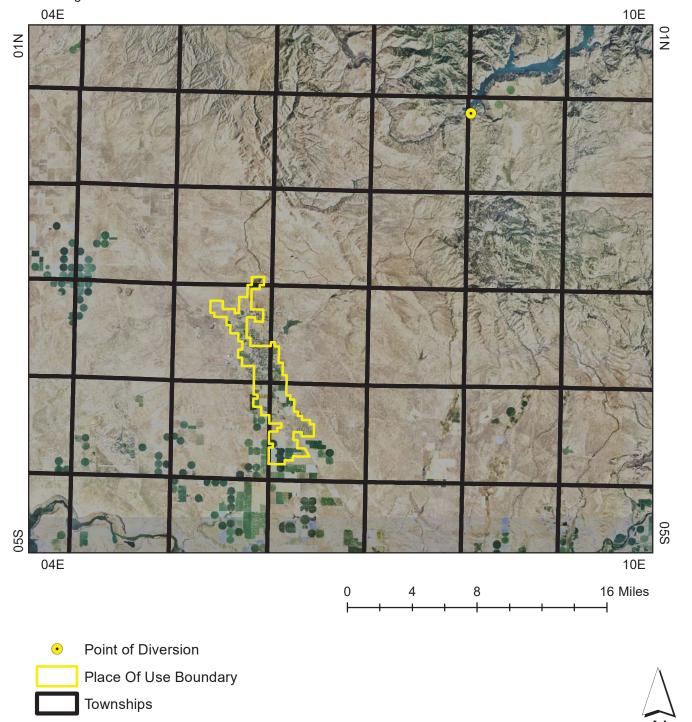
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IRRIGATION FROM STORAGE

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IRRIGATION STORAGE

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