

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 1-10609

Priority: March 20, 1998

Maximum Diversion Rate: 3,738.00 CFS

This is to certify, that STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

has applied for a permit to appropriate water from:

Source: SNAKE RIVER**Tributary:** COLUMBIA RIVER

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

BENEFICIAL USE

GROUND WATER RECHARGE

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

3,738.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER	SW1/4NE1/4	Sec. 20, Twp 10S, Rge 22E, B.M.	CASSIA County
SNAKE RIVER	L7 (SW1/4SW1/4)	Sec. 31, Twp 08S, Rge 26E, B.M.	BLAINE County
SNAKE RIVER	SE1/4SW1/4	Sec. 1, Twp 09S, Rge 25E, B.M.	CASSIA County
SNAKE RIVER	L2 (SW1/4SW1/4)	Sec. 24, Twp 10S, Rge 21E, B.M.	JEROME County
SNAKE RIVER	L5 (SW1/4NW1/4)	Sec. 28, Twp 10S, Rge 21E, B.M.	JEROME County
SNAKE RIVER	L8 (NE1/4SE1/4)	Sec. 29, Twp 10S, Rge 21E, B.M.	TWIN FALLS County

PLACE OF USE: GROUND WATER RECHARGE

See condition 3.

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2022**.
2. Subject to all prior water rights.
3. The place of use for this right -- described by government lot or quarter-quarter, section, township, and range of the Public Land Survey System -- is on a digital document called "Place of Use for 1-10609" which is hereby incorporated into this approval document by reference and is available among the Department's digital records for this right. The place of use is generally within the service area of Southwest Irrigation District, Burley Irrigation District, Minidoka Irrigation District, A & B Irrigation District, Twin Falls Canal Company, American Falls Reservoir District No. 2, and Milner Irrigation District.
4. This right does not grant any right-of-way or easement across the land of another.
5. Places of use for groundwater recharge describing federal public lands within the canal and discharges outside of the canals onto federal public land are not authorized, unless specifically authorized in writing by the United States.
6. Prior to diversion and use of water 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.
7. 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 of Water Resources (IDWR) is not a party. Because the Department of Water Resources is not a party, IDWR 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.

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8. 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. 01.
9. 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.
10. Pursuant to Section 42-234(4), Idaho Code, 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. Pursuant to Section 42-234(3), Idaho Code, 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.
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 Section 42-701, Idaho Code. 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. The right holder shall record the daily quantity of return flows discharged via the surface water delivery system into the original water source or a tributary of the original water source and shall report the return flow data for the prior calendar year to the Department by February 1 each year. Reporting shall occur in the manner specified by the Department. To facilitate this requirement, the right holder shall install and maintain a totalizing measuring device at each point of return flow discharge.
14. Consistent with Section 42-234(5), Idaho Code, seepage from canals incidental to or coincident with delivery of irrigation water shall not be considered ground water recharge under this right. Canal seepage will be considered to be ground water recharge only when the canals are not conveying water for irrigation or other beneficial uses.
15. 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 Section 42-1416B, or any other proposal to utilize credit for the recharge effort.
16. 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.

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

Signed this 21st day of July, 2017.



SHELLEY W. KEEN

Water Rights Section Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 24, 2017

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: Permit No. 1-10609

Dear Permit Holder:

I have enclosed an order granting your petition for reconsideration and modifying a preliminary order of the issuance of Permit 01-10609. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have any questions, please call me at (208) 287-4951.

Sincerely,

Pam Skaggs
Water Rights Supervisor

Enclosure(s)

c: STATE OF IDAHO OFFICE OF THE ATTORNEY GENERAL

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2017, I mailed a certified true and correct copy, postage prepaid, of the foregoing **ORDER GRANTING A PETITION FOR RECONSIDERATION and MODIFYING A PRELIMINARY ORDER** to the person (s) listed below:

RE: PERMIT NO 1-10609

**STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098**

**STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ANN Y VONDE
DEPUTY ATTORNEY GENERAL
PO BOX 83720
BOISE ID 83720-0010**



**Jean Hersley
Technical Records Specialist II**