

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 13-07784

Priority: March 15, 2011

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 800.0 AF

This is to certify, that MILLER FAMILY REAL ESTATE, L.L.C.
9350 SOUTH 150 EAST SUITE 100
SALT LAKE CITY UT 84070

has applied for a permit to appropriate water from:

Source: CURRENT CREEK STOCKTON CREEK COTTONWOOD CREEK	Tributary: STOCKTON CREEK OXFORD SLOUGH BEAR RIVER
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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>
RECREATION STORAGE	01/01 to 12/31		800.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	5.00 CFS	
AESTHETIC STORAGE	01/01 to 12/31		800.0 AF

LOCATION OF POINT(S) OF DIVERSION:

COTTONWOOD CREEK	SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 8	Twp 12S	Rge 39E, B.M.	BANNOCK County
COTTONWOOD CREEK	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 33	Twp 12S	Rge 39E, B.M.	BANNOCK County (Injection)
CURRENT CREEK	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 33	Twp 12S	Rge 39E, B.M.	BANNOCK County
STOCKTON CREEK	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 33	Twp 12S	Rge 39E, B.M.	BANNOCK County
COTTONWOOD CREEK	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 33	Twp 12S	Rge 39E, B.M.	BANNOCK County (Rediversion)

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	39E	33																	
13S	39E	4			X														

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	39E	33																	
13S	39E	4			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, 2014**.
2. Subject to all prior water rights.
3. Rights 13-7127 and 13-7784 are limited to a combined total storage volume of 800 acre-feet.
4. The season of use for diversion of water from Cottonwood Creek under this water right shall be limited to April 1 to October 31.
5. To mitigate for losses associated with the storage reservoir, the permit holder shall dry up a combined total of 9.3 irrigated acres under water rights 13-885A, 13-886A, 13-887A, and 13-889C. The permit holder shall then change the beneficial use for the remaining portions of these four rights from irrigation to storage through a transfer application.
6. 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. 13M.
7. Prior to diversion of water under this right, the right holder shall install and maintain measuring devices and lockable controlling works of a type acceptable to the Department at the points of diversion, injection, and redirection.
8. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
9. The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestants and the right holder under separate agreements to which the Department is not a party and which may be enforceable by a court of law.
10. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 4th day of March, 20 13.


for GARY SPACKMAN, Director