

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO.      02-10303

Priority: December 20, 2005

Maximum Diversion Rate: 0.08 CFS  
Maximum Diversion Volume: 11.3 AF

It is hereby certified that M GARLAND SMITH And/Or ZOLA SMITH  
And/Or GARLAND SMITH TRUST  
5476 MARKET RD  
MARSING ID 83639 have complied with the terms and conditions of the  
permit, issued pursuant to Application for Permit dated December 20, 2005; and have submitted Proof of  
Beneficial Use on August 22, 2008. An examination confirms water is diverted from:

**SOURCE**

SNAKE RIVER

Tributary: COLUMBIA RIVER

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| IRRIGATION                   | 03/01 to 11/15              | 0.08 CFS                     | 11.3 AF                                   |

**LOCATION OF POINT OF DIVERSION:**

SNAKE RIVER L7 (NW1/4SE1/4) Sec. 18, Twp 03N, Rge 04W, B.M., OWYHEE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec      | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |     |     |    |        |     |
|------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|----|--------|-----|
|                  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW  | SW  | SE | Totals |     |
| 03N 04W 18       |    |    |    |    |    |    |    |    |    |    |    |    |    | 2.2 | .3  |    |        | 2.5 |
|                  |    |    |    |    |    |    |    |    |    |    |    |    |    | L 7 | L 7 |    |        |     |
| Total Acres: 2.5 |    |    |    |    |    |    |    |    |    |    |    |    |    |     |     |    |        |     |

**CONDITIONS OF APPROVAL**

1. Rights 02-10303 and 02-10304 when combined shall not exceed a total diversion rate of 0.10 cfs.
2. The following rights are diverted through point of diversion described above: 02-10303 & 02-10304
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Water shall not be diverted under this right when flows in the Snake River are below established minimum flow amounts at any of the following locations: Weiser, 4750 cfs; Johnson Bar, 5000 cfs; Lime Point 13,000 cfs.

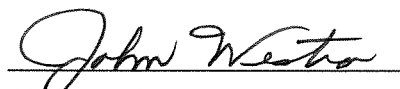
State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 02-10303

6. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 16<sup>th</sup> day of October, 2012.

  
JOHN WESTRA  
Western Regional Manager

