

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-13912

Priority: December 17, 2008

Maximum Diversion Volume: 6.3 AF

It is hereby certified that MARK HARRINGTON
PO BOX 300
DRIGGS ID 83422 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated December 17, 2008; and has submitted Proof of
Beneficial Use on June 07, 2010; and a water right has been established as follows:

SOURCE

UNNAMED STREAM

Tributary: ELLIOTT CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31		6.3 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 15	Twp 04N	Rge 45E, B.M.	TETON County
UNNAMED STREAM	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 15	Twp 04N	Rge 45E, B.M.	TETON County
UNNAMED STREAM	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 15	Twp 04N	Rge 45E, B.M.	TETON County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 45E 15											X	X					

CONDITIONS OF APPROVAL

1. The original, approved mitigation plan associated with this right provided for the initial fill of the three on-stream ponds by drying up three acres under water right 22-12784 for the 2010 irrigation season. Subsequent annual refill of the ponds, up to 6.3 acre feet, is authorized by this water right when deliverable in priority. To restore the ponds to their maximum storage elevation during periods when water is not deliverable under this water right will require the water right holder to provide a new mitigation plan for the additional storage volume.
2. 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. 01.
3. 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 pond(s) and the amount of water released from the pond(s).
4. The three ponds established by the storage of water under this right shall not exceed a total capacity of 6.3 acre-feet or a total surface area of 3.15 acres.
5. Evaporative losses from the three ponds established under this right are offset by the removal of riparian vegetation.

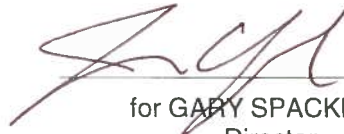
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-13912

6. Diversion of water under water right 22-13912 is subject to the terms stated in the Settlement Agreement for water right 22-13912, recorded in Teton County on 02/10/2010 as Instrument # 209721.
7. This right does not grant any right-of-way or easement across the land of another.

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 5th day of September, 2012.


for GARY SPACKMAN
Director