

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-22594

Priority: February 02, 2011

Maximum Diversion Rate: 1.45 CFS
Maximum Diversion Volume: 5.0 AF

This is to certify, that COTTONWOOD CREEK HOMEOWNERS ASSOCIATION
C/O ROBIN TAYLOR SEC
PO BOX 2840
KETCHUM ID 83340

has applied for a permit to appropriate water from:

Source: BIG WOOD RIVER

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>
DIVERSION TO STORAGE	04/15 to 10/31	1.45 CFS	
RECREATION STORAGE	01/01 to 12/31		5.0 AF
AESTHETIC STORAGE	01/01 to 12/31		5.0 AF
WILDLIFE STORAGE	01/01 to 12/31		5.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SW1/4NE1/4	Sec. 29, Twp 03N, Rge 18E, B.M.
BLAINE County		

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	
03N 18E 29			X												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	
03N 18E 29			X												X		

PLACE OF USE: WILDLIFE 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	
03N 18E 29			X												X		

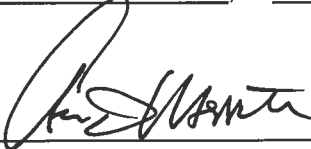
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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2012**.
2. Subject to all prior water rights.
3. Use of water under this right shall be non-consumptive.
4. Aesthetic storage, recreation storage, wildlife storage and diversion to storage is for the initial one-time fill and ongoing storage of water in a lined pond system having a surface area of 1.5 acres and a storage capacity of 5.0 acre-feet.
5. The ponds (approximately 12) established by the storage of water under this right shall not exceed a total capacity of 5.0 acre-feet or a total surface area of 1.5 acres.
6. Rights 37-577CG and 37-657E provide water for the evaporative losses associated with the ponds that are part of the conveyance system shared by this right.
7. The initial filling of the storage use under this right shall be mitigated during the 2012 irrigation season by reducing the amount of irrigation allowed by rights 37-577CG and 37-657E by 3.0 acres.
8. If the pond system is ever emptied, it shall not be refilled without the approval of a mitigation plan by the Department.
9. Rights 37-577CG, 37-657E and 37-22594 when combined shall not exceed a total diversion rate of 1.45 cfs.
10. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
11. 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.37.
12. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
13. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from the Big Wood River and its tributaries, including ground water, for consumptive uses, except that this right shall not be subordinate to future water rights for similar wildlife, recreation and/or aesthetic uses.
14. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of October, 20 11.

FOR


GARY SPACKMAN, Interim Director

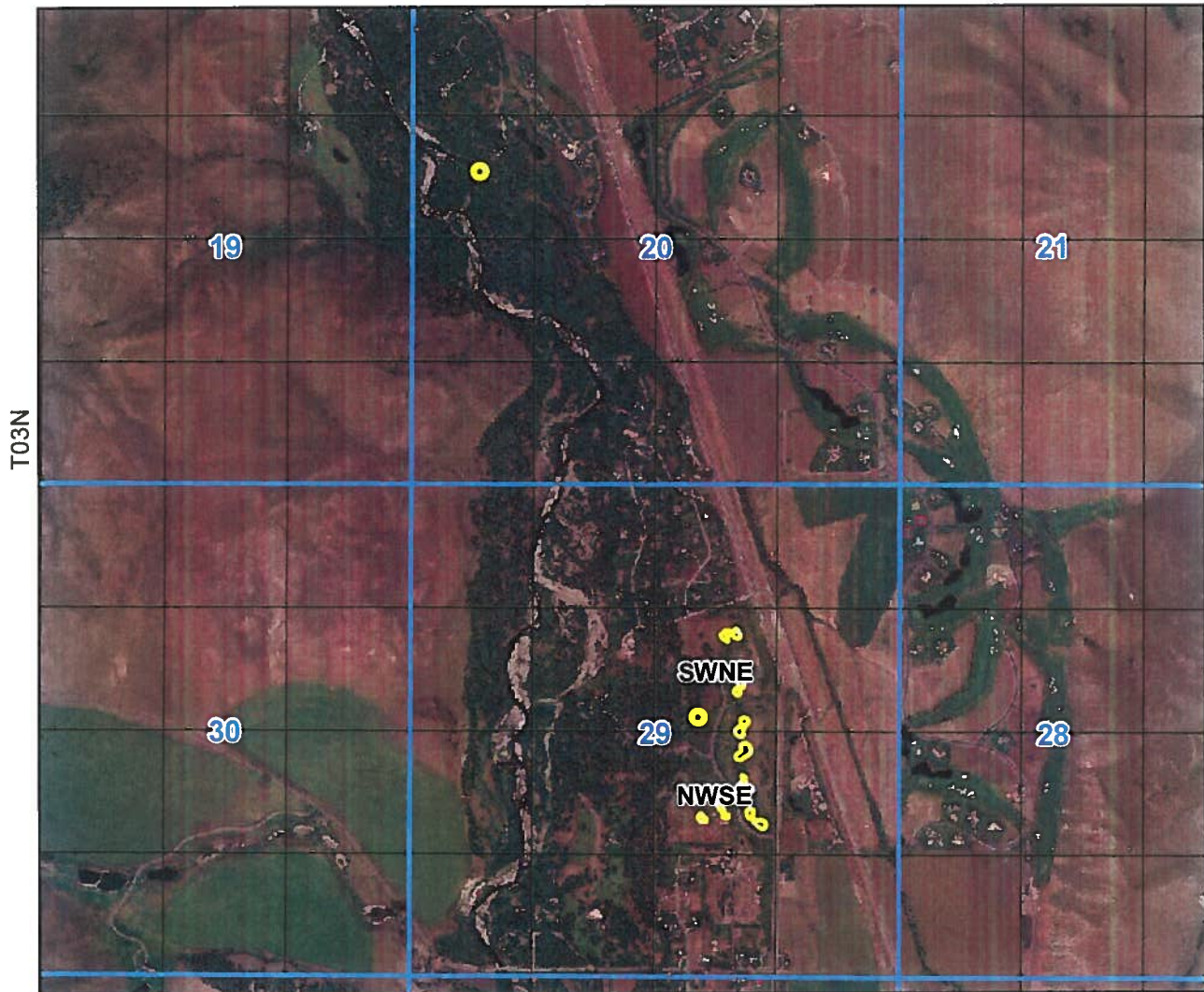
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Attachment To Permit to Appropriate Water

37-22594

This map depicts the RECREATION STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R18E



0 0.25 0.5 1 Miles

Legend

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

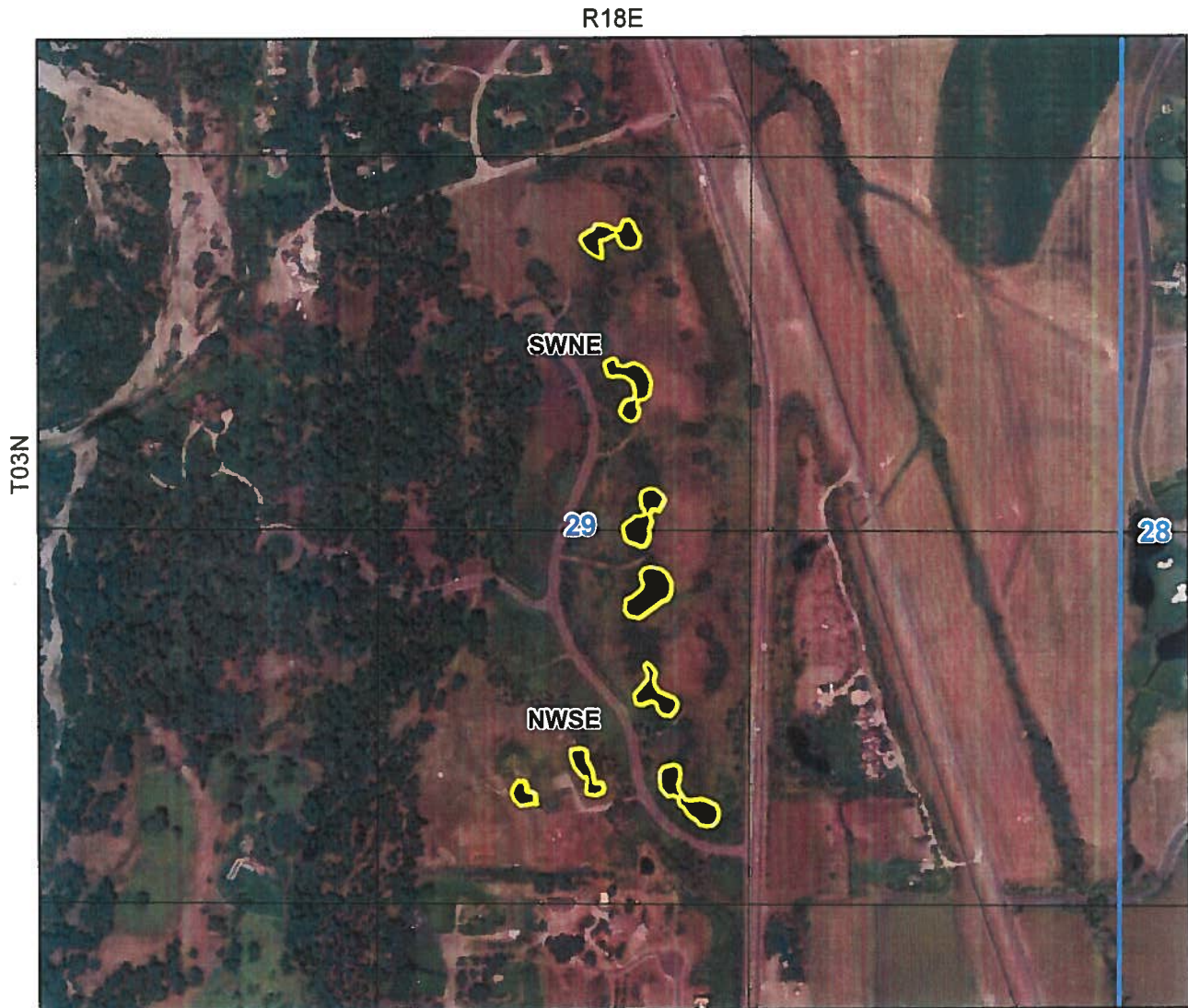


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Water Service Area Boundary for Cottonwood Creek Homeowners Association



0 0.05 0.1 0.2 Miles

Legend

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

