

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20743

Priority: February 17, 2011

Maximum Diversion Rate: 0.051 CFS
Maximum Storage Volume: 3.5 AF

This is to certify, that **BRIAN L SMITH**
PO BOX 629
BELLEVUE ID 83313

DIANE STEFFEY SMITH
PO BOX 629
BELLEVUE ID 83313

has applied for a permit to appropriate water from:

Source: BIG WOOD RIVER
GROUND WATER

Tributary: MALAD 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>
AESTHETIC STORAGE	01/01 to 12/31		3.5 AF
DIVERSION TO STORAGE	04/15 to 10/31	0.051 CFS	3.5 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		3.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER BLAINE County	NE1/4SW1/4NW1/4	Sec. 36, Twp 02N, Rge 18E, B.M.
GROUND WATER BLAINE County	NW1/4SE1/4SW1/4	Sec. 7, Twp 01N, Rge 19E, B.M.

PLACE OF USE: AESTHETIC STORAGE and FIRE PROTECTION STORAGE

[illegible]

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-20743
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2012**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 1.2 acre-feet or a total surface area of 0.23 acre.
4. The annual storage volume limit of 3.5 af under this right provides for the annual filling of the pond (1.2 af) and the annual evaporative losses in the pond (0.4 af) and refresh volume (1.9 af) all to be determined at the site of the pond.

This right is limited to 0.02 cfs at the site of the pond. This right includes conveyance loss to the site of the pond.

5. Diversion and use of surface water under this right is limited when combined with rights 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708 from the Big Wood River to no more than 0.416 cfs and diversion and use of ground water under this right is limited when combined with right 37-21665 from ground water to no more than 0.16 cfs.
6. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
37-21665	Irrigation	0.02	3.5	1.0
37-21672	Irrigation	0.016		1.0
37-21681	Irrigation	0.001		1.0
37-21690	Irrigation	0.01		1.0
37-21699	Irrigation	0.001		1.0
37-21708	Irrigation	0.023		1.0
Total/Limit		0.051	*3.5	1.0

*At field headgate

The land that will no longer be irrigated under these rights totals 1.0 acres and is located within the SWSE, Section 07, Township 01N, Range 19E, B.M.

The unchanged portions of the above listed water rights shall hereafter authorize irrigation of a total of 7.1 acres in the Place of Use. In addition the unchanged portions of these rights used for irrigation when combined shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate.

This right is deliverable out of priority to the extent to which it is being mitigated. If the specified mitigation rights, or portions thereof, are sold, transferred, leased, used on any place of use, or are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right shall be reduced by the same proportion as the reduction to the mitigation rights.

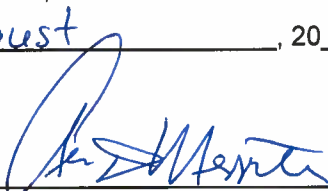
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CONDITIONS OF APPROVAL (Continued)

7. The right holder shall make full beneficial use of water from the Big Wood River authorized under this right subject to the limitation described above prior to diversion of ground water authorized under this right.
8. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
9. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
10. 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 diversion(s).
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. Diversion and use of water under this right from the Big Wood River is delivered via the District No. 45 Canal operated by the Wood River Valley Irrigation District No. 45 and subject to their assessment and control.
13. 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 11th day of August, 20 11.

FOR


GARY SPACKMAN, Interim Director

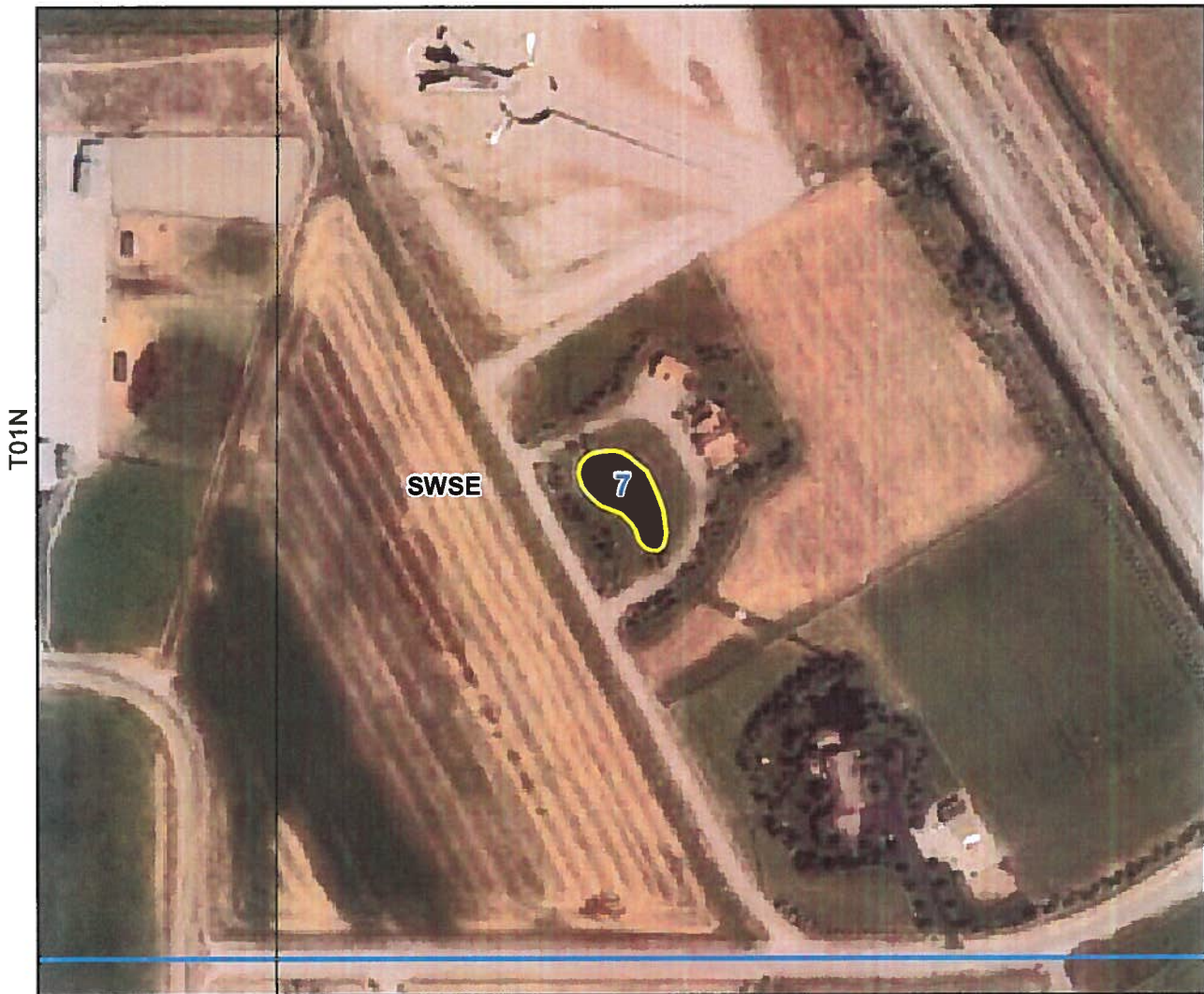
State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-20743

This map depicts the AESTHETIC 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.

R19E



0 0.03 0.06 0.12 Miles

Legend

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

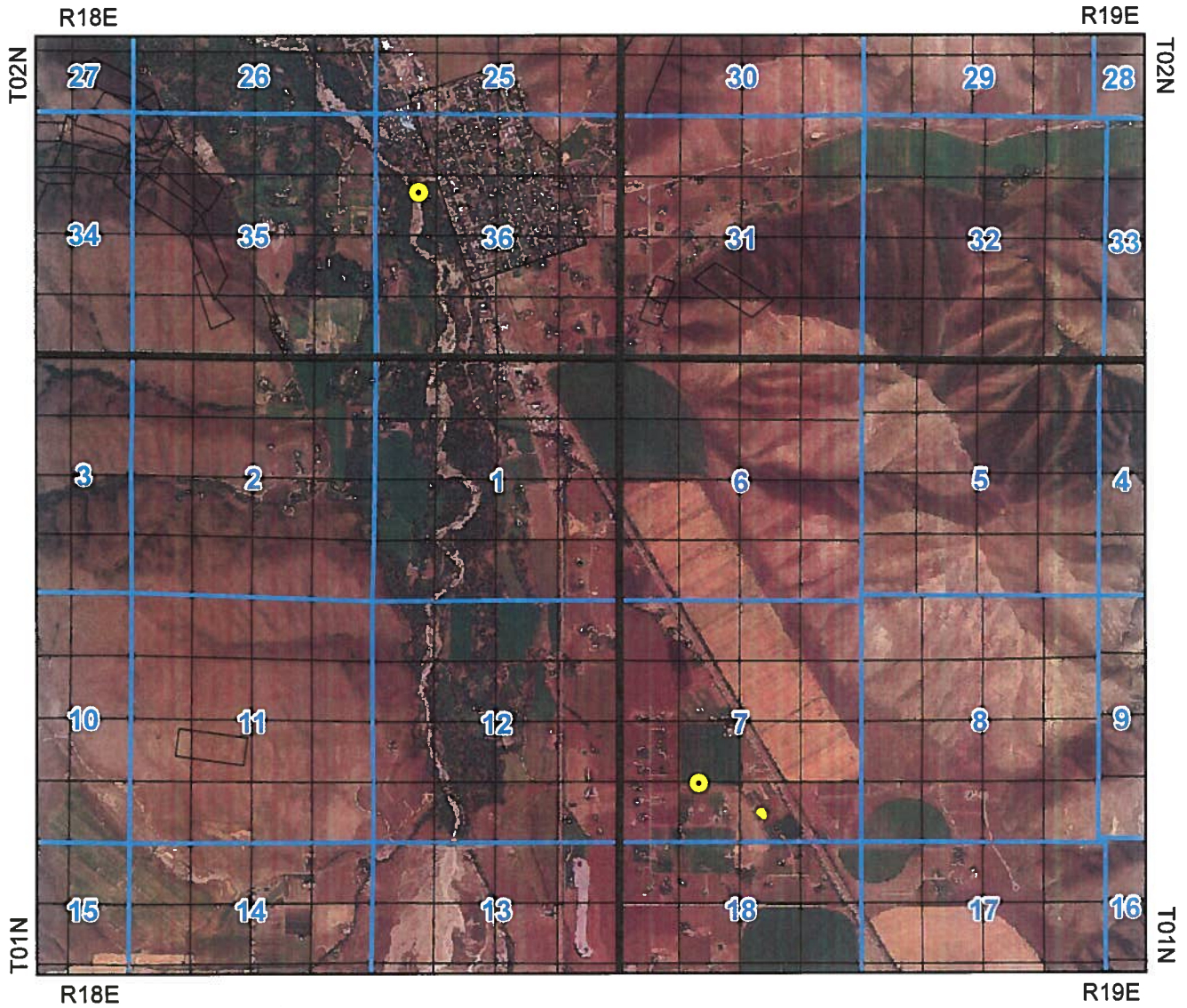


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This map depicts the AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

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

