

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 36-16868

Priority: July 19, 2010

Maximum Diversion Rate: 6.00 CFS

This is to certify, that BILLINGSLEY CREEK RANCH IDAHO LLC
501 RIVERSIDE AVE STE 500
JACKSONVILLE FL 32202-4936

has applied for a permit to appropriate water from:

Source: WASTE WATER**Tributary:** BILLINGSLEY CREEK

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>
WILDLIFE	01/01 to 12/31	6.00 CFS
FISH PROPAGATION	01/01 to 12/31	6.00 CFS
AESTHETIC	01/01 to 12/31	6.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER NW1/4SE1/4NW1/4 Sec. 24, Twp 07S, Rge 13E, B.M.
GOODING County

PLACE OF USE: WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	24														X			

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	24													X		X		

PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	24													X				

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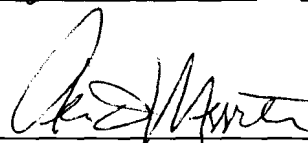
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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2011**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. Use of water under this right shall be non-consumptive.
6. This right shall be junior and subordinate to future water rights authorizing the diversion and use of water from Big Springs, its tributaries including ground water and waste water from the use of Big Springs, for consumptive uses, except that this right shall not be subordinate to future water rights for similar fish propagation, wildlife, and/or aesthetic uses.
7. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
8. 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. 36A.
9. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
11. 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 30th day of November, 2010.

FOR



GARY SPACKMAN, Interim Director