

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14758

Priority: July 27, 2006

Maximum Diversion Rate: 0.20 CFS

This is to certify, that SMA LAND & CATTLE LLC
1519 BRISTOL AVE
STOCKTON CA 95204

has applied for a permit to appropriate water from:

Source: SPRING
UNNAMED STREAM

Tributary: RUSH CREEK
RUSH 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>	<u>ANNUAL VOLUME</u>
RECREATION	01/01 to 12/31	0.20 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	
RECREATION STORAGE	01/01 to 12/31		1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp 15N, Rge 03W, B.M. WASHINGTON County
UNNAMED STREAM SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp 15N, Rge 03W, B.M. WASHINGTON County
UNNAMED STREAM SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp 15N, Rge 03W, B.M. WASHINGTON County
SPRING SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, Twp 15N, Rge 03W, B.M. WASHINGTON County

PLACE OF USE: RECREATION, RECREATION STORAGE AND STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	3			X	X													

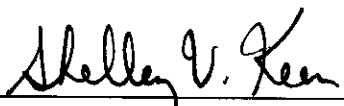
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2012**.
2. Subject to all prior water rights.
3. 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. 67.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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5. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
6. 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.
7. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.
8. Recreation storage is for up to two fish ponds and for watering stock that in total shall not exceed a storage volume of 1.5 acre feet.
9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of December, 2007.


for DAVID R. TUTHILL, JR., Director