

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08329

Priority: June 02, 1987

Maximum Diversion Rate: 1.50 CFS
Maximum Diversion Volume: 79.2 AF

It is hereby certified that CLEAR LAKE RANCH P U D MASTER ASSN INC
313 CLEAR LAKE LN
BUHL ID 83316 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 02, 1987; and has
submitted Proof of Beneficial Use on July 31, 2001. An examination confirms that water is diverted from:

SOURCE

SPRINGS

Tributary: CLEAR LAKE

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.70 CFS	51.0 AF
COMMERCIAL	01/01 to 12/31	0.12 CFS	28.2 AF
FIRE PROTECTION	01/01 to 12/31	1.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS L5 (SE1/4NE1/4) Sec. 2, Twp 09S, Rge 14E, B.M.
GOODING County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 14E 1								X	X	X	X						
								L 13	L 13	L 12	L 15						
09S 14E 2													X				X
													L 9				L 9
09S 14E 11	X																
	L 5																

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 14E 1									X								
									L 13								
09S 14E 2															X	X	
															L 7	L 9	

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 14E 1								X	X	X	X						
								L 13	L 13	L 12	L 15						
09S 14E 2													X		X	X	
													L 9		L 7	L 9	
09S 14E 11	X																
	L 5																

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08329

CONDITIONS OF APPROVAL

1. Rights 36-16236 and 36-8329 when combined shall not exceed a total diversion rate of 2.12 cfs, and a total annual maximum diversion volume of 79.2 af.
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.130.
3. 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).
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. The following rights are diverted through point(s) of diversion described above: 36-16236 and 36-8329.
7. Domestic use is for 85 homes and does not include lawn, garden, landscape, or other types of irrigation.
8. Commercial use is for a club house, two restrooms, a maintenance building, and 17 campsites at the Clear Lake Country Club.
9. Place of use is located within Lots 1-13, Block 1, Phase I; Lots 1-11, Block 2, Phase 1; Lots 25-41, Block 1, Phase 2; Lots 47-54, Block 4, Phase 2; Lots 42-46, Block 5, Phase 2; Lots 55-61, Block 8, Phase 2; Lots 62-65, Block 10, Phase 2; Lots 66-69, Block 11, Phase 2; Clear Lake PUD.

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 30th day of September, 2015.

For

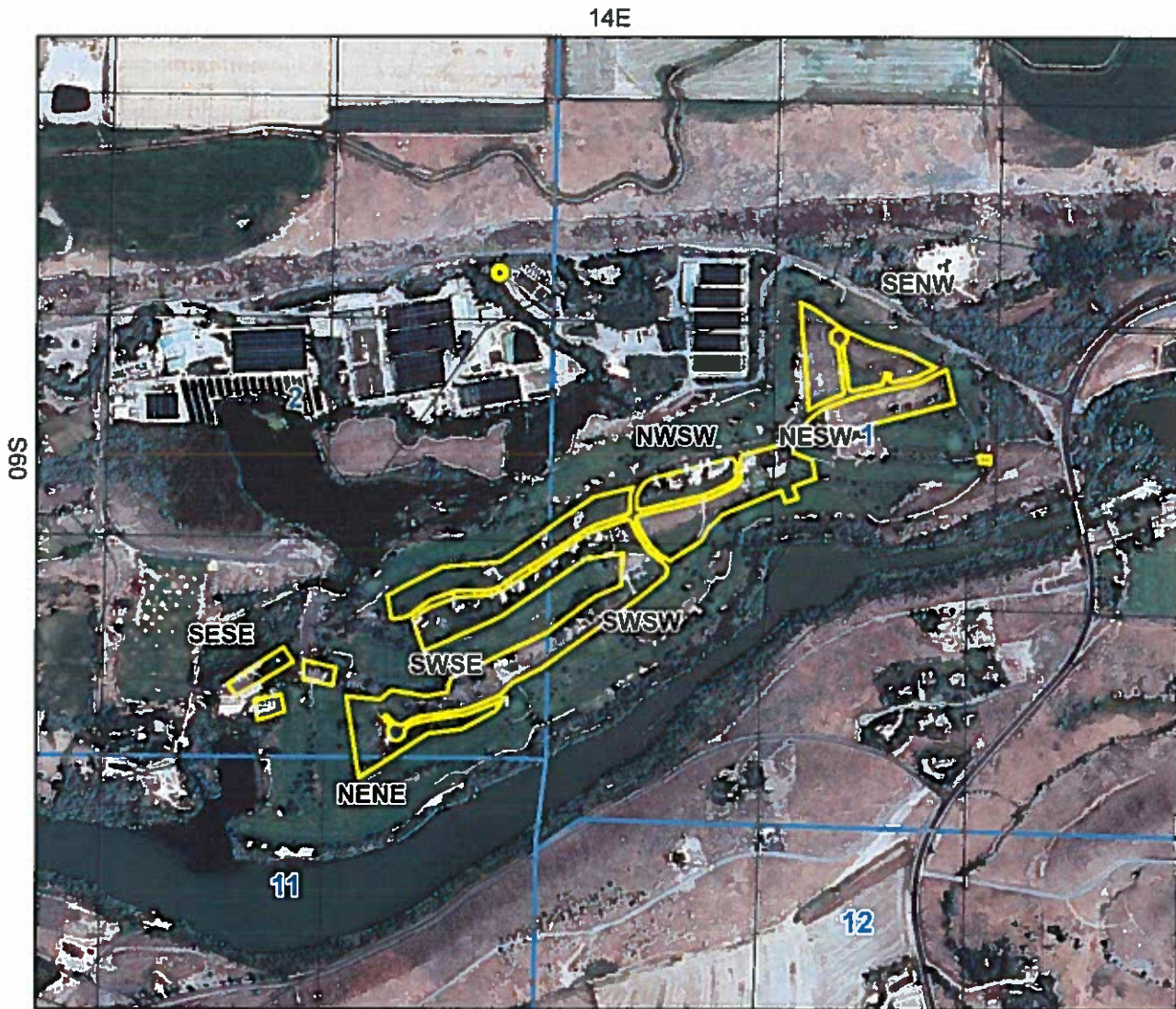


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License 36-8329

This map depicts the FIRE PROTECTION 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.



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

0 0.125 0.25 0.5 Miles

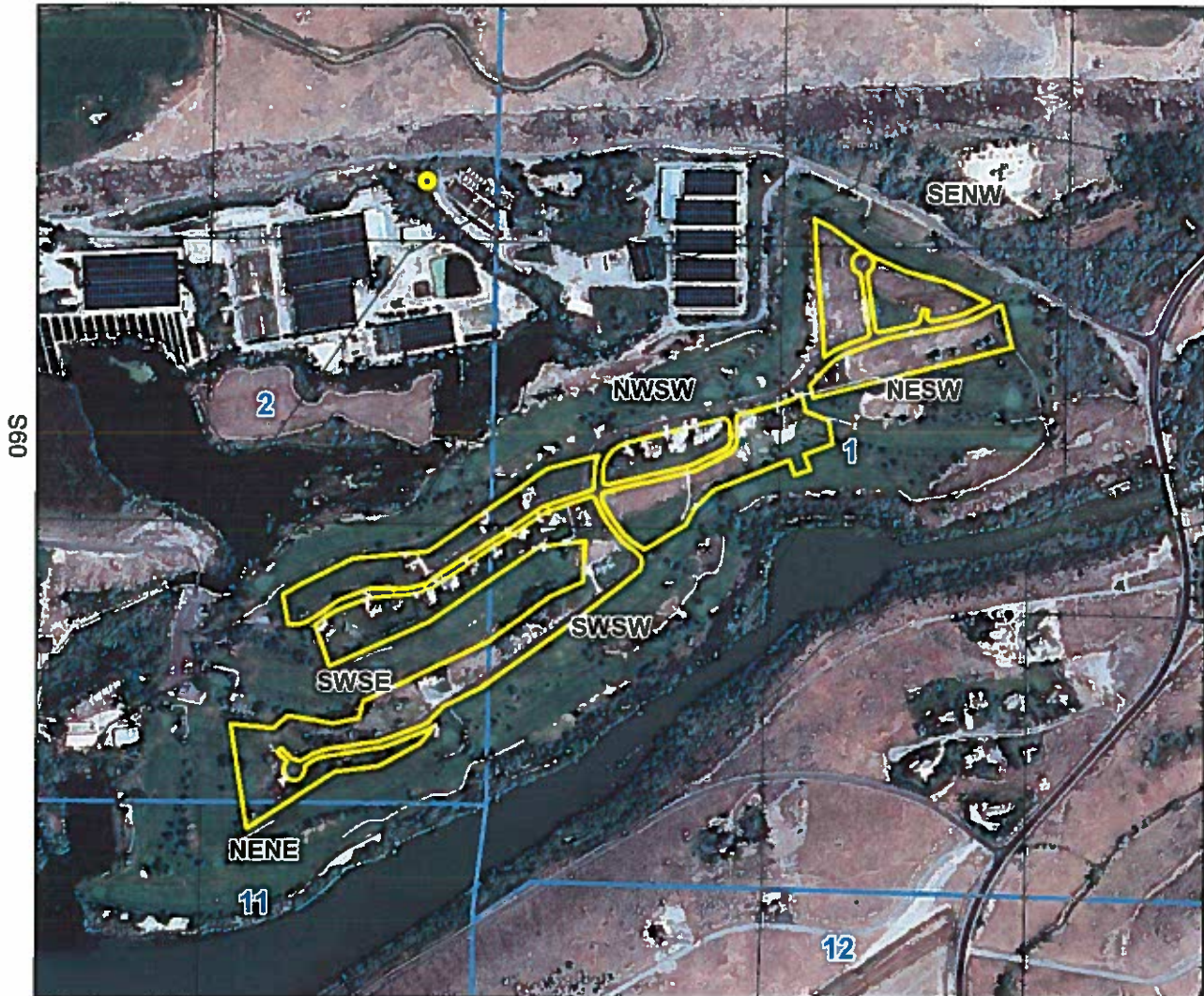


State of Idaho
Department of Water Resources

Attachment To Water Right License 36-8329

This map depicts the DOMESTIC 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.

14E



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

0 0.1 0.2 0.4 Miles



State of Idaho
Department of Water Resources

Attachment To Water Right License 36-8329

This map depicts the COMMERCIAL 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.



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

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 1, 2015

CLEAR LAKE RANCH P U D MASTER ASSN INC
313 CLEAR LAKE LN
BUHL ID 83316

RE: License No. 36-8329

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt".

Allen Merritt
Southern Region Manager

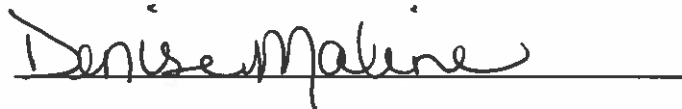
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 36-8329

**CLEAR LAKE RANCH P U D MASTER ASSN INC
313 CLEAR LAKE LN
BUHL ID 83316**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

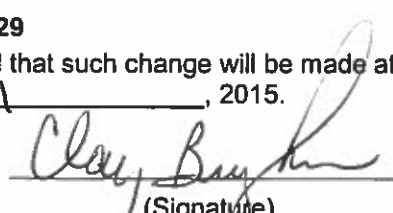
The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 36-08329

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 25th day of April, 2015.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08329

FOR DEPARTMENT USE ONLY 3034663 4-2-15

Preliminary check by _____ Fee = \$100 Received by DM # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 36-08329 with the following:

CONDITIONS OF APPROVAL

1. Rights 36-16236 and 36-8329 when combined shall not exceed a total diversion rate of 2.12 cfs, and a total annual maximum diversion volume of 79.2 af.
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.130.
3. 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).
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. The following rights are diverted through point(s) of diversion described above: 36-16236 and 36-8329.
7. Domestic use is for 85 homes and does not include lawn, garden, landscape, or other types of irrigation.
8. Commercial use is for a club house, two restrooms, a maintenance building, and 17 campsites at the Clear Lake Country Club.
9. Place of use is located within Lots 1-13, Block 1, Phase I; Lots 1-11, Block 2, Phase 1; Lots 25-41, Block 1, Phase 2; Lots 47-54, Block 4, Phase 2; Lots 42-46, Block 5, Phase 2; Lots 55-61, Block 8, Phase 2; Lots 62-65, Block 10, Phase 2; Lots 66-69, Block 11, Phase 2; Clear Lake PUD.

Witness my hand this _____ day of _____, 2015.

GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 21, 2015

Clay Bingham, President
Clear Lake Ranch PUD Master Assn., Inc.
319 Clear Lake Lane
Buhl, ID 83316

RE: Second Amendment of Permit 36-08329

Dear Clay:

In the continuing effort to license permit 36-8329, I have enclosed the 2nd Amendment of Permit for your review and signature. The Places of Use and Point of Diversion have not changed with the second Amendment, but you will notice increases in the flow rate for both the domestic and commercial portions, as well as increased volumes for both. This change will bring the flow rate for the domestic portion of the permit up to the permitted amount, which is the maximum rate possible when licensing a permit. I also reworked the commercial portion with the data which you provided to me on the 10th of this month.

There have also been some minor changes to the conditions with the recalculation of the flow rates and volume. The conditions could change slightly when the permit is reviewed and hopefully approved by Allen Merritt, our regional manager. The fee for the Amendment of Permit has already been paid by the Clear Lake Ranch Master Association, so you will not need to pay an additional fee.

If you have any questions or concerns don't hesitate to give me a call or email.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Bitzenburg'.

Jim Bitzenburg
Water Resource Agent

Enclosure

1st Application for Amendment

Department of Water Resources

APR 01 2015

(For Licensing Purposes)

WATER RIGHT NO. 36-08329

Maximum Diversion Rate: 1.50 CFS

Maximum Diversion Volume: 52.0 AF

313 CLEAR LAKE LN

BUHL ID 83316 and represents to the Director of the Idaho Department

of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-08329, and requests that the permit be changed as follows:

Tributary: CLEAR LAKE

DOMESTIC	01/01 to 12/31	0.36 CFS	39.0 AF
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COMMERCIAL	01/01 to 12/31	0.07 CFS	13.0 AF
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FIRE PROTECTION	01/01 to 12/31	1.50 CFS
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SPRINGS L5 (SE1/4NE1/4) Sec. 2, Twp 09S, Rge 14E, B.M.

GOODING County

[illegible]

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
09S	14E	1									X L 13								
09S	14E	2														X L 7	X L 9		

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	14E	1								X		X	X	X					
09S	14E	2								L 13	L 13	L 12	L 15						
09S	14E	11	X																
			L 5																
															X		X	X	
															L 9		L 7	L 9	

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 36-08329

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 1st day of April, 2015

Clay Bingham
(Signature)
President



DC
ENGINEERING

ENGINEERING
CONSULTANTS

Clay Bingham
cbingham@dcengineering.net

621 N. College Rd. Ste. 102
Twin Falls, Idaho 83301
www.dcengineering.net

phone 208-941-3910
fax 208-288-2182
direct 208-493-0007

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 36-08329

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = ~~\$100~~ - Received by DM # 3034663 Date 4-2-2015

ACTION OF THE DEPARTMENT OF WATER RESOURCES

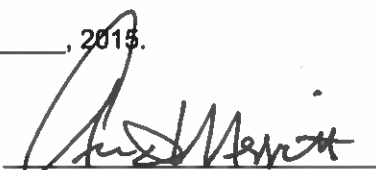
I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 36-08329 with the following:

CONDITIONS OF APPROVAL

1. Rights 36-16236 and 36-8329 when combined shall not exceed a total diversion rate of 2.12 cfs, and a total annual maximum diversion volume of 52 af.
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.130.
3. 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).
4. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
6. The following rights are diverted through point(s) of diversion described above: 36-16236 and 36-8329.
7. Domestic use is for 65 homes and does not include lawn, garden, landscape, or other types of irrigation.
8. Place of use is located within Lots 1-13, Block 1, Phase I; Lots 1-11, Block 2, Phase 1; Lots 25-41, Block 1, Phase 2; Lots 47-54, Block 4, Phase 2; Lots 42-46, Block 5, Phase 2; Lots 55-61, Block 8, Phase 2; Lots 62-65, Block 10, Phase 2; Lots 66-69, Block 11, Phase 2; Clear Lake PUD.

Witness my hand this 30th day of September, 2015.

For

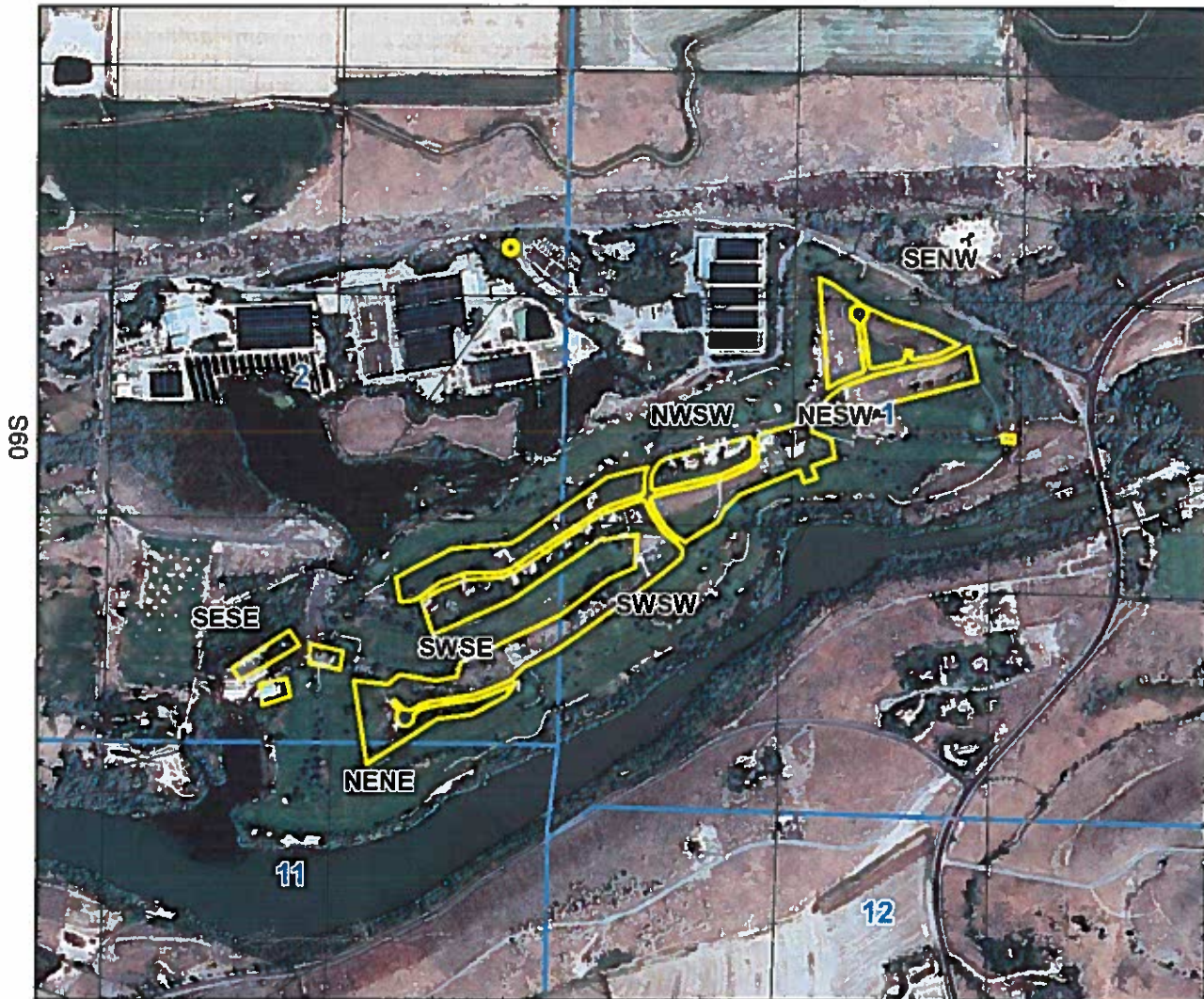

GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License 36-8329

This map depicts the FIRE PROTECTION 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.

14E



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

0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License 36-8329

This map depicts the COMMERCIAL 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.

14E



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

0 0.125 0.25 0.5 Miles

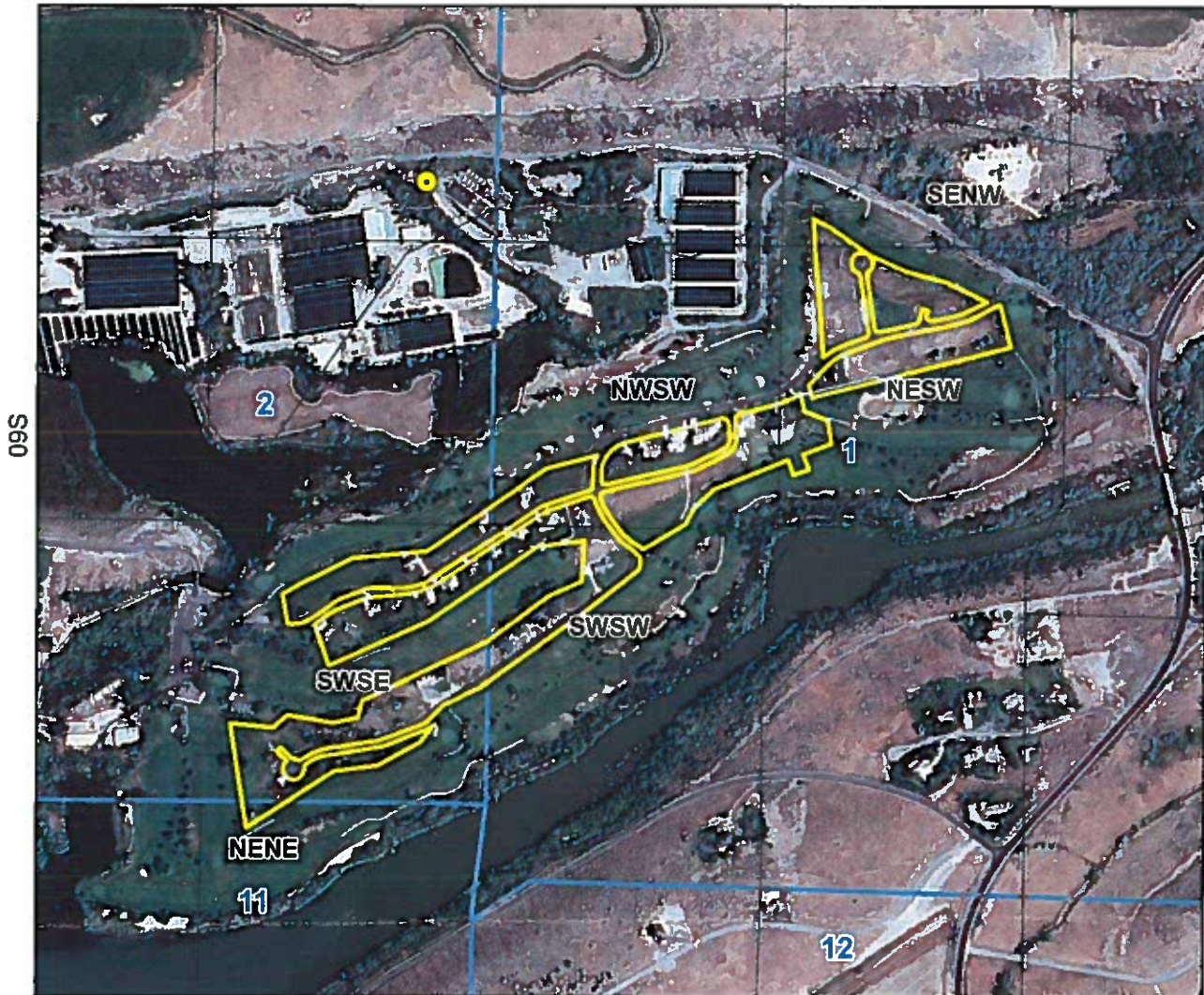


State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License 36-8329

This map depicts the DOMESTIC 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.

14E



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

0 0.1 0.2 0.4 Miles



No. C 90369	Due no later than Sep 30, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. CLEAR LAKE RANCH P.U.D. MASTER ASSOCIATION, INC. MIKE COWEN 223 CLEAR LAKE LN BUHL ID 83316 USA		DAVID BRUSH 307 CLEAR LAKE LANE BUHL ID 83316			
			3. <u>New</u> Registered Agent Signature:*			
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
VICE PRESIDENT	JOE GELLINGS	128 RIVERSIDE LN	BUHL	ID	USA	83316
DIRECTOR	STEVE KAATZ	213 CLEAR LAKE LANE	BUHL	ID	USA	83316
SECRETARY	MIKE COWAN	223 CLEAR LAKE LANE	BUHL	ID	USA	83316
DIRECTOR	DAVE SNELSON	323 CLEAR LAKE LN	BUHL	ID	USA	83316
DIRECTOR	MICK BOYD	315 CLEAR LAKE LN	BUHL	ID	USA	83316
PRESIDENT	CLAY BINGHAM	319 CLEAR LAKE LN	BUHL	ID	USA	83316
SECRETARY	NANCY PATTESON	205 CLEAR LAKE LN	BUHL	ID	USA	83316
DIRECTOR	JERRY LUND	221 CLEAR LAKE LN	BUHL	ID	USA	83316
DIRECTOR	RALPH HATCH	301 CLEAR LAKE LN	BUHL	ID	USA	83316
5. Organized Under the Laws of: ID C 90369		6. Annual Report must be signed.* Signature: Clay Bingham Name (type or print): Clay Bingham Date: 08/27/2014 Title: President				
Processed 08/27/2014		* Electronically provided signatures are accepted as original signatures.				

36-8329



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

03/16/2015

CLEAR LAKE RANCH P U D MASTER ASSN INC
313 CLEAR LAKE LN
BUHL ID 83316

RE: Water Right Permit No. 36-08329

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 X Place(s) of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 736-3033

Sincerely,

Jim Bitzenburg
Water Resource Agent

Enclosures