

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 63-11540**

RECEIVED

NOV 01 2010

DEPARTMENT OF  
WATER RESOURCES

Date of Priority: May 28, 1991

Maximum Diversion Rate: 3.10 CFS

Maximum Diversion Volume: 1,291.5 AF

Comes now DUKE PROPERTIES BLACKS CREEK LLC  
1401 N SHORELINE DR STE #2

BOISE ID 83702 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. 63-11540, and requests that the permit be changed as follows:

Source: GROUND WATER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15       | 3.10 CFS                 | 1,291.5 AF           |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (NW¼NW¼) Sec. 4, Twp 01N, Rge 03E, B.M. ADA County

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |    |      |      | SW |    |    |    | SE |    |    |    | Totals |
|-------------|------|------|------|------|------|----|------|------|----|----|----|----|----|----|----|----|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW | SW   | SE   | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01N 03E 3   |      |      |      |      |      |    | 30.0 | 31.0 |    |    |    |    |    |    |    |    | 61.0   |
| 01N 03E 4   | 36.0 | 37.0 | 31.0 | 32.0 | 33.0 |    | 24.0 | 33.0 |    |    |    |    |    |    |    |    | 226.0  |
|             | L1   | L2   |      |      | L3   |    |      |      |    |    |    |    |    |    |    |    |        |

Total Acres: 287

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 28<sup>th</sup> day of October, 2010.

*William Lynn Schwab*  
(Signature)

Attorney-in-Fact for  
T. Brad Duke, Member

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FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$50 Received by DB # W033869 Date 2/21/06

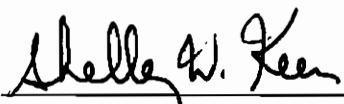
**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-11540 with the following:

**CONDITIONS OF APPROVAL**

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.

Witness my hand this 1<sup>st</sup> day of November, 2010.

  
for GARY SPACKMAN  
Interim Director