

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 95-09045

Priority: April 12, 2000

Maximum Diversion Rate: 2.50 CFS
Maximum Diversion Volume: 1,215.0 AF

It is hereby certified that BLACK ROCK UTILITIES INC
KYLE CAPPS, CGCS
PO BOX 3070
COEUR D ALENE ID 83816 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated April 28, 2008; and has
submitted Proof of Beneficial Use on August 20, 2010. An examination indicates that the works have a
diversion capacity of 2.5 cfs of water from:

SOURCE

COEUR D ALENE LAKE

Tributary: SPOKANE RIVER

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>
MUNICIPAL	01/01 to 12/31	2.50 CFS	1,215.0 AF

LOCATION OF POINT(S) OF DIVERSION:COEUR D ALENE LAKE L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 16, Twp 48N, Rge 04W, B.M. KOOTENAI County**CONDITIONS OF APPROVAL**

1. Irrigation shall be limited to not more than 545 acres within the service area of the water right holder. The service area encompasses Sections 4, 5, 8, 9, 16, and 17, Township 48 North, Range 4 West, Kootenai County.
2. The owner of this right shall meter and record its diversions from Lake Coeur d'Alene under this right and its diversions out of each water storage unit and shall report annually to IDWR on or before January 10 of each year the total annual diversions from the lake and from storage. Such reports shall be matters of public record.
3. The owner of this right shall install or require to be installed a meter for each of its customers served by this right. The meter shall measure and record the quantity of water delivered to that customer.
4. The right holder shall install and maintain a fish screen at the point of diversion with $\frac{1}{4}$ inch or smaller screen mesh.
5. Total annual refill volume for seepage, evaporation, and depletions from the ponds for irrigation shall not exceed 246 acre feet.
6. The right holder shall install and maintain impervious liners on the ponds authorized under this right unless the right holder can show that the strata underlying a pond is sufficiently impervious that it will mimic the flow impedance of an impervious liner.

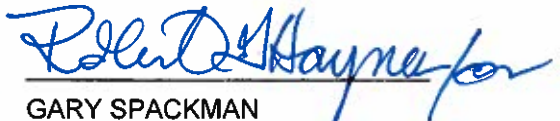
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7. Municipal use is for irrigation, diversion to storage, aesthetic storage, irrigation storage, irrigation from storage, and fire protection.
8. The total annual volume for all storage and storage uses shall not exceed 369 acre feet.
9. Aesthetic and irrigation storage is within the service area of the water right holder.
10. The right holder shall comply with all water quality statutes and rules administered by the Idaho Department of Environmental Quality.
11. Total physical storage is limited to 123 acre feet.
12. Direct flow use and diversions from storage under this right are limited to irrigation of 545 acres of turf and landscaping and for fire protection. In addition, water diverted under this right may be used for dust suppression and related construction purposes during the initial development and build-out of the project. In this condition, the phrase "direct flow use" will be narrowly interpreted to apply only to the immediate uses of water directly diverted from Lake Coeur d'Alene unrelated to storage, primarily irrigation use.
13. Water may only be diverted and used for irrigation from March 15 through November 15.

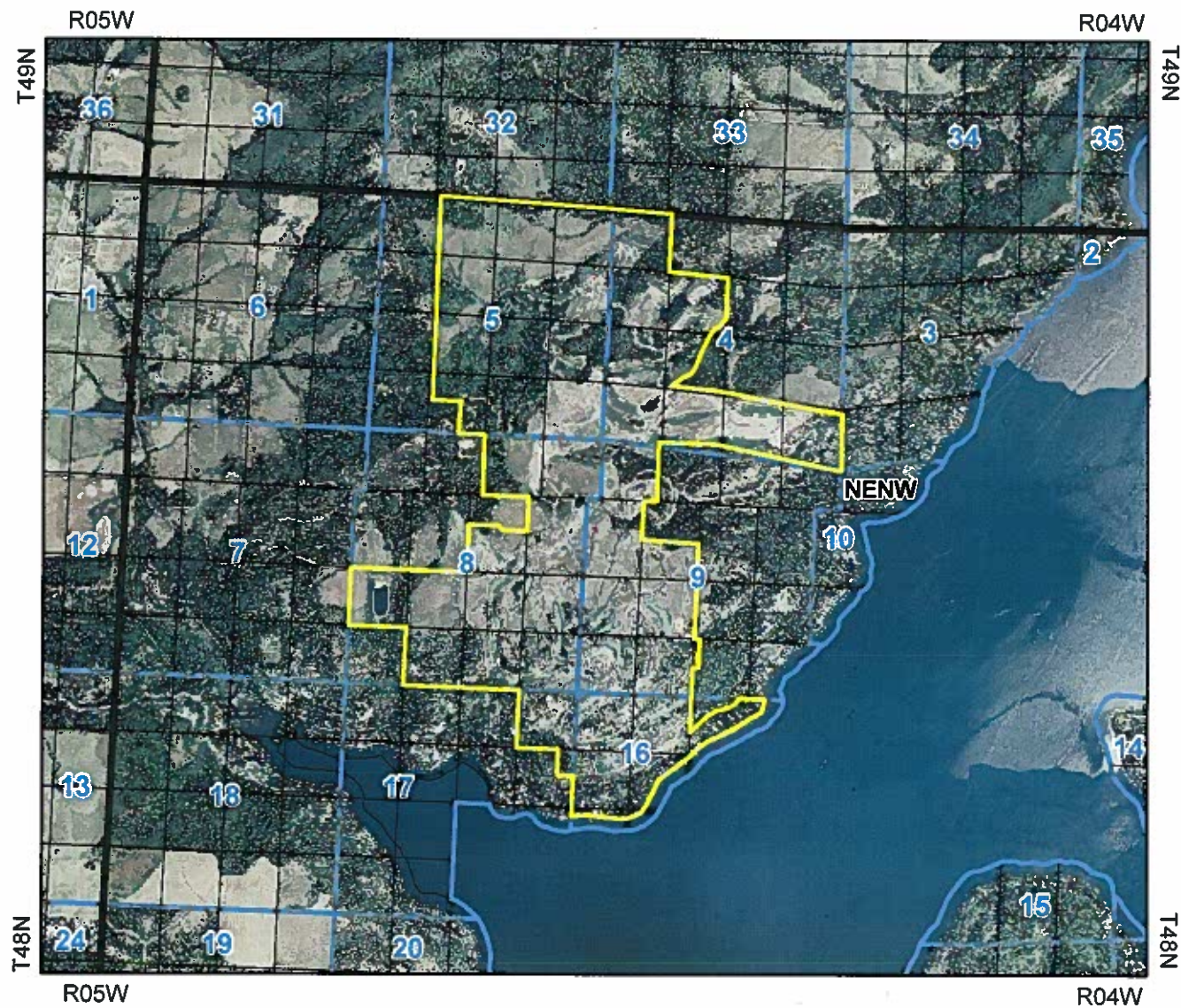
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 25th day of October, 2010.


GARY SPACKMAN
Interim Director

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Water Service Area Boundary for Black Rock Utilities Inc



Legend

- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters

