

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 63-31829

**Priority:** December 19, 2003

Maximum Diversion Rate: 0.70 CFS  
Maximum Diversion Volume: 10.0 AF

It is hereby certified that TOUCHMARK OF THE TREASURE VALLEY LLC  
5150 SW GRIFFITH DR  
BEAVERTON OR 97005 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated December 19, 2003; and has  
submitted Proof of Beneficial Use on March 19, 2009. An examination indicates that the works have a  
diversion capacity of 0.70 cfs of water from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| DIVERSION TO STORAGE         | 01/01 to 12/31              | 0.70 CFS                     |                                           |
| AESTHETIC STORAGE            | 01/01 to 12/31              |                              | 10.0 AF                                   |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NW¼NE¼NW¼ Sec. 16, Twp 03N, Rge 01E, B.M. ADA County

**PLACE OF USE:** AESTHETIC STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03N 01E 16  |    | X  | X  |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. 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.
2. The following rights are diverted through point(s) of diversion described above: 63-31383, 63-31829.
3. Rights 63-31383 and 63-31829 when combined shall not exceed a total diversion rate of 0.70 cfs.
4. Point of diversion is located within Lot 14, Blk 1, Touchmark Center Subdivision No. 1.
5. The surface area of the pond maintained in connection with this right shall not exceed 1.5 acres.
6. This right authorizes the continued storage of up to 9.0 acre-feet of water and the diversion of up to 6.4 acre-feet of water each year to replace losses from the pond, up to a combined annual total of 10.0 acre-feet. If the pond is depleted for maintenance or other reasons to the extent that 6.4 acre-feet of water is not sufficient to replenish it, the right holder shall seek a separate authorization, such as a Water Supply Bank rental, to fill the pond.

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7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
8. Water right 63-32045 was permanently abandoned by the right holder to mitigate for the consumption of water under this right.
9. Water bearing zone to be appropriated is from 420 to 471 feet.

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 20<sup>th</sup> day of October, 2009.

  
GARY SPACKMAN  
Interim Director

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 63-31829**

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FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$50 Received by SR# # C088437 Date 04/09/2009

**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. 63-31829 with the following:

**CONDITIONS OF APPROVAL**

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8. Water right 63-32045 was permanently abandoned by the right holder to mitigate for the consumption of water under this right.
9. Water bearing zone to be appropriated is from 420 to 471 feet.

Witness my hand this 20<sup>th</sup> day of October, 2009.

  
\_\_\_\_\_  
GARY SPACKMAN  
Interim Director

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DEPARTMENT OF  
WATER RESOURCES

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Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 63-31829**

Date of Priority: December 19, 2003

Maximum Diversion Rate: 0.70 CFS  
Maximum Diversion Volume: 10.0 AF

Comes now TOUCHMARK OF THE TREASURE VALLEY LLC  
5150 SW GRIFFITH DR  
BEAVERTON OR 97005 and represents to the Director of the Idaho Department  
of Water Resources that they are the owner and holder of Permit to Appropriate the Public Waters of the  
State of Idaho No. 63-31829, 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> |
|-----------------------|----------------------|--------------------------|----------------------|
| DIVERSION TO STORAGE  | 01/01 to 12/31       | 0.70 CFS                 |                      |
| AESTHETIC STORAGE     | 01/01 to 12/31       |                          | 10.0 AF              |

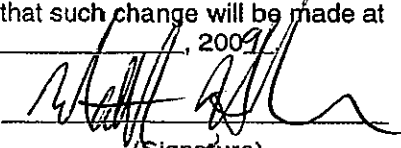
LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NE¼NW¼ Sec. 16, Twp 03N, Rge 01E, B.M. ADA County

PLACE OF USE: AESTHETIC STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N 01E 16  |    | X  | X  |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

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 6<sup>th</sup> day of APRIL, 2009.

  
(Signature)