

State of Idaho
Department of Water Resources

Amended

Permit to Appropriate Water

Amended

NO. 95-09323

Priority: December 27, 2005

Maximum Diversion Rate: 0.19 CFS

Maximum Diversion Volume: 44.8 AF

This is to certify, that FERNAN ESTATES CORPORATION
PO BOX 2581
COEUR D ALENE ID 83816

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
MUNICIPAL	01/01 to 12/31	0.19 CFS	44.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	KOOTENAI County	SW1/4NW1/4	Sec. 16,	Twp 50N,	Rge 03W, B.M.
GROUND WATER	KOOTENAI County	L1 (SE1/4NW1/4)	Sec. 16,	Twp 50N,	Rge 03W, B.M.
GROUND WATER	KOOTENAI County	SW1/4NW1/4	Sec. 16,	Twp 50N,	Rge 03W, B.M.

CONDITIONS OF APPROVAL

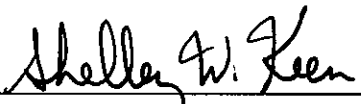
1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2013**.
2. Subject to all prior water rights.
3. Municipal use is for 40 homes and a 4-acre common area.
4. The average daily diversion volume (based on annual usage) for this municipal right shall not exceed 100 gallons for the common area and 900 gallons per home that has been constructed.
5. Place of use is within the area served by the public water supply system of Fernan Estates Corporation. The place of use is generally located within Section 16, Township 50N, Range 3W. B.M.
6. Prior to or in connection with the proof of beneficial use statement to be submitted for municipal water use under this right, the right holder shall provide the department with documentation showing that the water supply system is being regulated by the Idaho Department of Environmental Quality as a public water supply and that it has been issued a public water supply number.
7. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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9. 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.
10. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
11. The right holder shall record the quantity of water diverted and annually report before October 15 of each year, diversions of water and/or other pertinent hydrologic and system information.
12. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 7th day of October, 2009.


for GARY SPACKMAN, Interim Director