

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32601

Priority: February 9, 2007

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 75.0 AF

This is to certify, that THE ORCHARDS AT EAGLE LLC
802 W BANNOCK STE 801
BOISE ID 83702

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>
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
AESTHETIC STORAGE	01/01 to 12/31		75.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE¼SE¼	Sec. 11, Twp 04N, Rge 01W, B.M.	ADA County
GROUND WATER	SE¼SE¼	Sec. 11, Twp 04N, Rge 01W, B.M.	ADA County
GROUND WATER	L1 (NE¼NE¼)	Sec. 14, Twp 04N, Rge 01W, B.M.	ADA County
GROUND WATER	L1 (NE¼NE¼)	Sec. 14, Twp 04N, Rge 01W, 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	
04N 01W 14	X																
	L1																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2013**.
2. Subject to all prior water rights.
3. 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.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. The ponds established by the storage of water under this right shall not exceed a total capacity of 75 af or a total surface area of 3.7 acres.

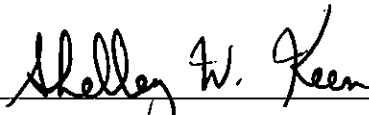
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32601

7. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall divert 13.0 af into the pond(s) pursuant to water right 63-32789 and Transfer 73833 each year. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on another place of use, or is not deliverable due to a shortage of water, a priority call, or for any other reason, the right holder shall immediately implement an alternative mitigation plan acceptable to the department, such as rental of water from the Water Supply Bank or the Boise River Rental Pool, or acquisition and transfer of private rights, or the right holder shall fill in the ponds to halt depletion of ground water.
8. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
9. Water bearing zone to be appropriated is from 0 to 200 feet.
10. Aesthetic storage is for 3 excavated ponds.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of December, 2008.


for DAVID R. TUTHILL, JR., Director