

JUN 23 2005

Department of Water Resources

**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

Applicant Tuscany Development Corp. Phone 888-9946
Address P.O. Box 344
City Meridian State ID Zip Code 83680

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water groundwater
which is tributary to NA
2. Maximum volume of water sought 16.8 AF
3. Maximum rate of diversion 0.20 cfs

B. DESCRIPTION OF USE PROPOSED

1. Nature of use aesthetic storage (initial pond fill permit 63-32052)
2. Location of point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 29,
Township 3N, Range 1E, B.M. Ada County
3. Season of use: From January 1 to December 31
4. Description of diverting works:
Pump HP 5 Lift 100 feet Pump type submersible
Canal name, if appropriate _____
5. Place of use:
a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

Excavated ponds accumulate groundwater and are kept full
with a well The ponds will function as an aesthetic amenity for
future residential development. Permit 63-32052 requires 16.8
acre feet of water rental to offset initial pond fill.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

63-32052

Who owns the property at the point of diversion?

Applicant

7. Who owns the property at the place of use?

Applicant

8. Are you seeking a rental for more than one (1) year? No

If so, how many years? _____

9. Remarks: See attached permit 63-32052 condition No. 8

6/16/05
Date

[Signature]
Signature of Applicant President

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

RECEIVED
JUN 23 2005
Department of Water Resources

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 63-32052

Priority: November 12, 2004

Maximum Diversion Rate: 0.20 CFS

This is to certify, that TUSCANY DEVELOPMENT INC
PO BOX 344
MERIDIAN ID 83680

has applied for a permit to appropriate water from:

Source: GROUND WATER **Tributary:** BOISE RIVER
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		16.8 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NE 1/4 NW 1/4	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE 1/4 NW 1/4	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
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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 29					X	X	X	X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2010**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Water bearing zone to be appropriated is from 0 to 250 feet.
6. The well to be developed under this right shall be cased to a depth of at least 150 feet.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32052

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 cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below.

Right No.	Use Changed to Mitigation	Mitigation Rate	Mitigation Volume	Mitigation Acres
63-7194	Irrigation	0.05 cfs	12.6 af	2.8

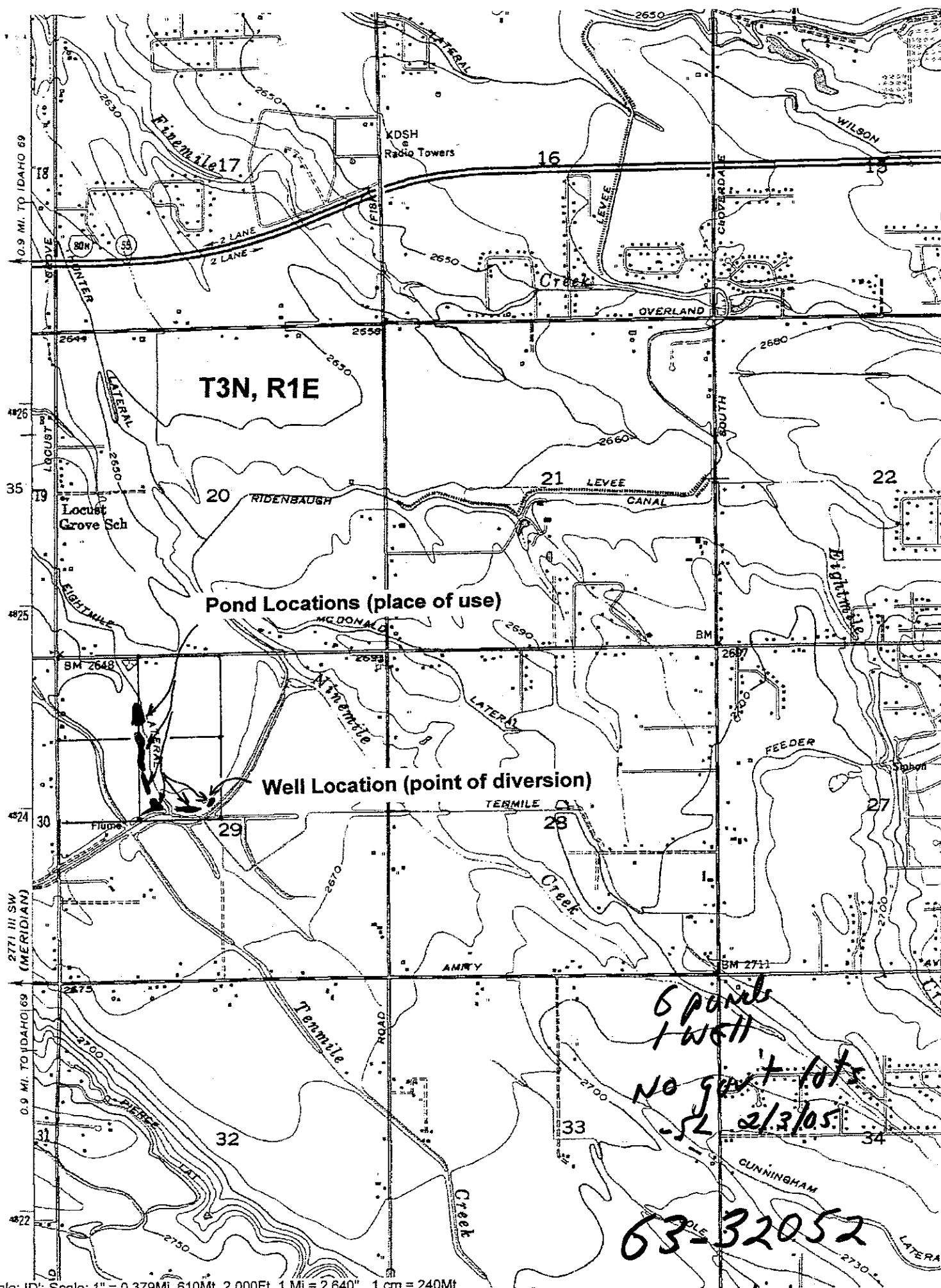
The land that will no longer be irrigated under this right is located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, S21, Twp 01N, Rge 01W

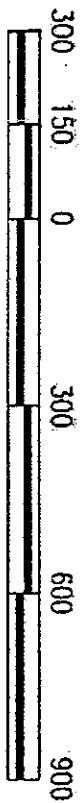
Prior to the diversion and use of water under this right, the right holder shall demonstrate ownership of the mitigation right to the Department pursuant to Idaho Code Section 42-248. When the ownership change is complete, the official record for the mitigation water right will be changed to show that diversion and use of water is not authorized because the right, or portion thereof, is being dedicated to mitigation purposes. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right shall be reduced by the same proportion as the reduction to the mitigation right.

8. Water for the initial filling of the ponds under this right shall be provided through the rental of 16.8 acre feet of water from the State Water Supply Bank or from some other source of water authorized by the Department.
9. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
10. 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.
11. Place of use under this right is also known as Tuscany Subdivision.
12. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of June, 2005.


KARL J DREHER, Director



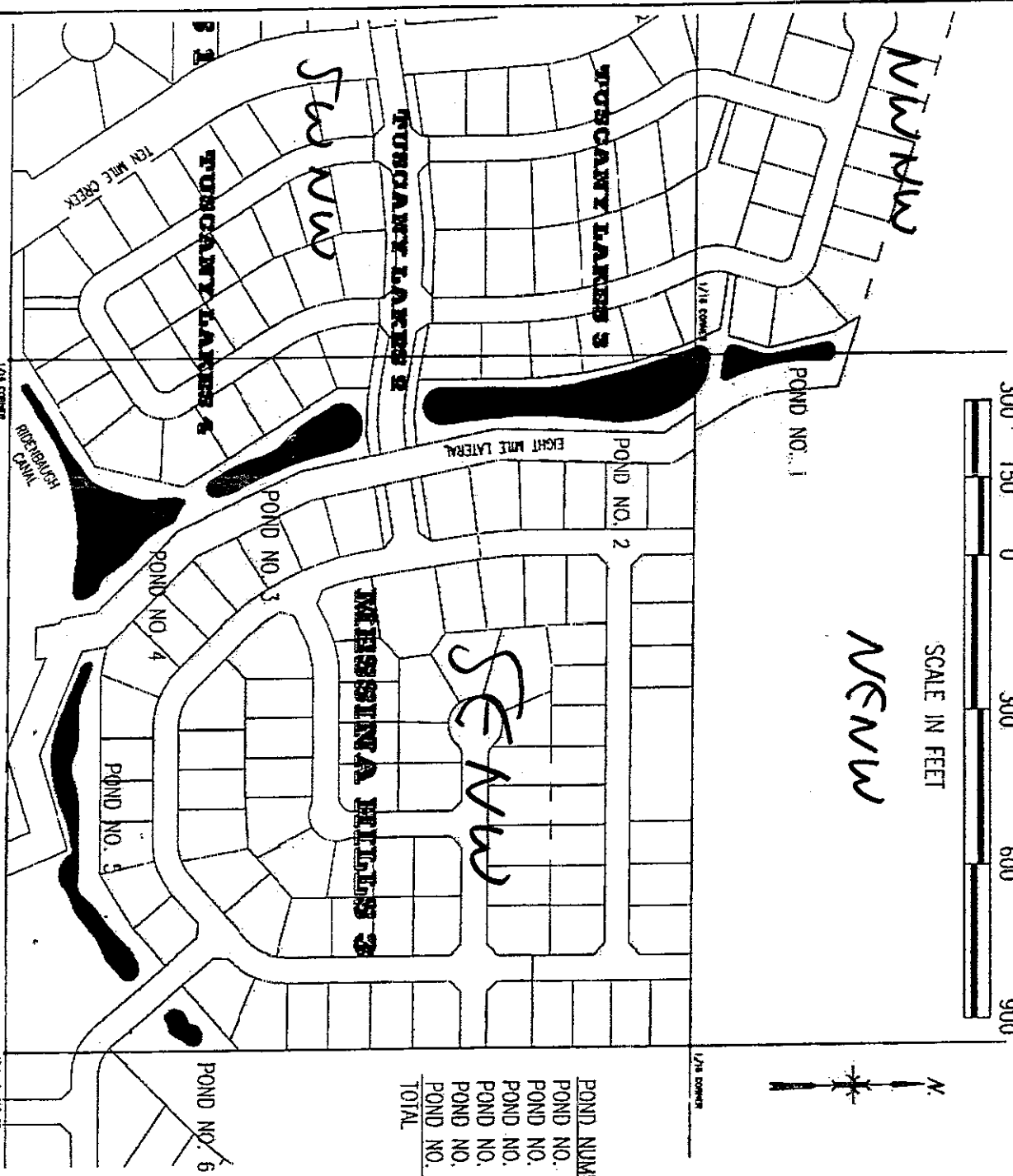


SCALE IN FEET

NENW



63-32052



POND NUMBER	AREA (SF)
POND NO. 1	7,510
POND NO. 2	41,306
POND NO. 3	17,407
POND NO. 4	29,515
POND NO. 5	21,332
POND NO. 6	3085
TOTAL	120,155

OK per topo: 5 pond center SE NW

1 " " " " NW NW
1 wet 1 SE NW (by pond #6)

~ 82 2/3/05

TUSCANY SUBDIVISION

POND EXHIBIT

BRIGGS ENGINEERING, INC.



ENGINEERS: PLANNERS: SURVEYORS
1800 W. OVERLAND ROAD • BOSE, IDAHO 83705 • (208)344-9700

These drawings, or any portion thereof, shall not be used on any Project or extensions of this Project except by written agreement from Briggs Engineering, Inc.

REVISION : BY:

SHEET : 1 OF 1

EXHIBIT

21109\PONDEXHIBIT.DWG

DWG DATE:
06/21/04 BPT

DWG NO.
21109

SCALE:
1" = 300'