

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 25-14194

Priority: November 30, 2007

Maximum Diversion Rate: 0.70 CFS

This is to certify, that TIMBERVIEW PROPERTIES LLC
HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

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>
DOMESTIC	01/01 to 12/31	0.70 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, Twp 03N, Rge 38E, B.M. BONNEVILLE County
GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, Twp 03N, Rge 38E, B.M. BONNEVILLE County
GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, Twp 03N, Rge 38E, B.M. BONNEVILLE County

PLACE OF USE: DOMESTIC

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 38E 21			X	X													

CONDITIONS OF APPROVAL

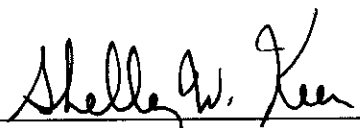
1. Proof of application of water to beneficial use shall be submitted on or before **December 1, 2012**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the 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. Domestic use is for 42 homes.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
8. Points of diversion is located within Lot 4 Blk. 2, Timberline Estates Division 1; Lot 13, Blk 2 and Lot 13 Blk 3; Fairview Estates Subdivision No 1.

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CONDITIONS OF APPROVAL CONTINUED

9. Place of use is located within Timberline Estates Division No 2, Lots 9 - 11, Blk. 3; Lots 7 - 12, Blk 5; Lots 6 - 7, 9 - 10, Blk 1; Lots 1-6, Blk 6; and within Timberline Estates Division No 3, Lots 6 - 16, Blk 1; Lots 9 - 12 Blk 4; Lots 7 - 14 Blk 6; all in Timberline Estates Subdivision.
10. 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. 120.
11. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications.
12. The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
13. Prior to any diversion and use of water under this water right, the right holder shall (1) provide evidence of participation in a mitigation plan approved by the director and administered by a ground water district or other recognized organization, or (2) provide individual mitigation approved by the director.
14. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
15. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 30th day of November, 2007.


for DAVID R. TUTHILL, JR., Director