

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 65-23089

Priority: October 6, 2006

Maximum Diversion Rate: 2.00 CFS

This is to certify, that EAGLE SPRINGS RANCH LLC
519 W FRONT ST
BOISE ID 83702

has applied for an amendment of a permit and the amendment is APPROVED for development
of water as follows:

Source: GROUND WATER**Tributary:** SOUTH FORK PAYETTE RIVER**BENEFICIAL USE****PERIOD OF USE****RATE OF DIVERSION**

MUNICIPAL

01/01 to 12/31

2.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 34, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 09N, Rge 04E, B.M. BOISE County
GROUND WATER NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, Twp 09N, Rge 04E, B.M. BOISE County

- 1 Proof of application of water to beneficial use shall be submitted on or before **June 1, 2012**.
- 2 Subject to all prior water rights
- 3 Water bearing zone to be appropriated is from 50 to 300 feet
- 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 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
- 6 Place of use is within the area served by the public water supply system of Eagle Springs Ranch, LLC. The place of use is generally located within Sections 27, 28, 34 and 35, Township 9N, Range 4E

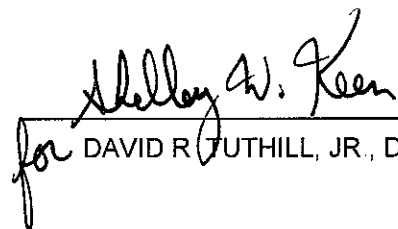
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CONDITIONS OF APPROVAL

7. 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.
8. 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.
9. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right. The department may also waive these watermaster contact and authorization requirements for any constructed well authorized under this permit if the permit holder demonstrates that withdrawal of ground water from the well will not reduce flows in the Payette River.
10. This right does not grant any right-of-way or easement across the land of another.
11. 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. 65.
12. 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.
13. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
14. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

This amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of July, 2007.

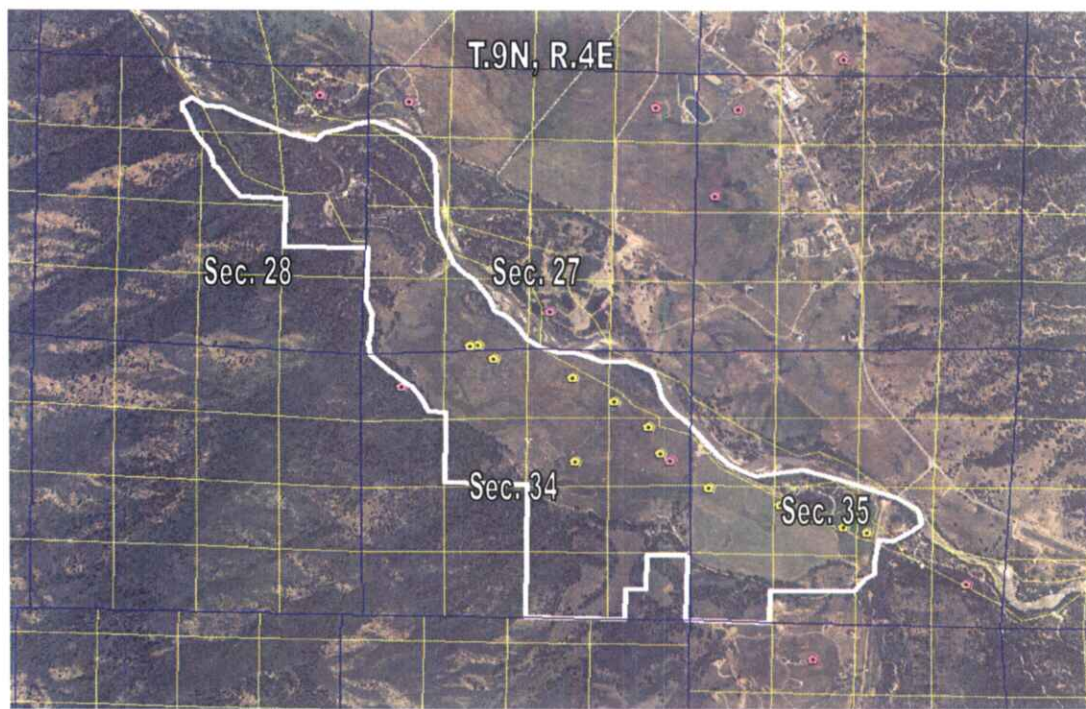

for DAVID R. TUTHILL, JR., Director

State of Idaho
Department of Water Resources
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Digital Boundary for Eagle Springs Ranch LLC

July 13, 2007



0.6 0 0.6 1.2 Miles

