

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 63-12598

Priority: September 21, 2000

Maximum Diversion Volume: 107.0 AF

This is to certify, that EAGLE RIVER LLC
3101 N CENTRAL AVE STE 1390
PHOENIX AZ 85012

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

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31		107.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENW	Sec. 16, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NWNW	Sec. 16, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	NWNW	Sec. 16, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L4 (SWNW)	Sec. 16, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L4 (SWNW)	Sec. 16, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L3 (SENW)	Sec. 16, Twp 04N, Rge 01E, B.M.	ADA County
GROUND WATER	L3 (SENW)	Sec. 16, Twp 04N, Rge 01E, 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 01E 16					X	X	X	X									
							L4	L3									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 1, 2005**.
2. Subject to all prior water rights.
3. Excavation of ponds shall not penetrate any confining layers of clay thicker than two (2) feet.
4. This permit does not authorize the construction of any well(s) or the withdrawal of water from any existing well(s). This permit authorizes the excavations of 6 ponds which will subsequently fill from shallow ground water.
5. As mitigation for this permit, the right holder shall retain ownership of shares of water in the New Union Ditch Co. Ltd. and the Ballentyne Ditch Co. Ltd. for the lands being removed from irrigation under Transfers 70262 and 70266. Use of water represented by those shares on lands other than lands owned by the water right holder in the NW1/4 of Section 16, T4N, R1E, is prohibited, or sale of any portion of the shares is cause for the Director of the Department of Water Resources to cancel this right.

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 12th day of July, 2004.


KARL J DREHER, Director