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Department of Water Resources
STATE OF IDAHO

Receipt No. W029573
Received By Kb
Date 8/9/02

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant Eagle River LLC Phone 602-285-1300

Address 3101 N. Central Avenue, Suite 1390, Phoenix, AZ 85012

(with copy to Michael C. Creamer, Givens Pursley LLP, P.O. Box 2720, Boise, ID 83701-2720)

I am the owner and holder of Permit to Appropriate the Public Water of the State of Idaho No. 63-12598, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: Change point of diversion X Add point of diversion
Change place of use Change nature of use Change period of use Other

1. Point of diversion: 1/4 1/4 1/4, Section 16, Township T4N, Range R1E, B.M.,
County of SE 1/4 Section 16, T4N, R1E, B.M.
NW 1/4

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 107 AF for Aesthetic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per anum) (water use) (Begin month) (End Month)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per anum) (water use) (Begin month) (End Month)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per anum) (water use) (Begin month) (End Month)

3. Place of use or land to be irrigated: No Change.

T w p	R g e	S e c	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	16					A	A	A	A									

Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated at the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show ¼ ¼, section, township, range and ditches. (the smallest subdivision represents 40 acres)

See Attached Map

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

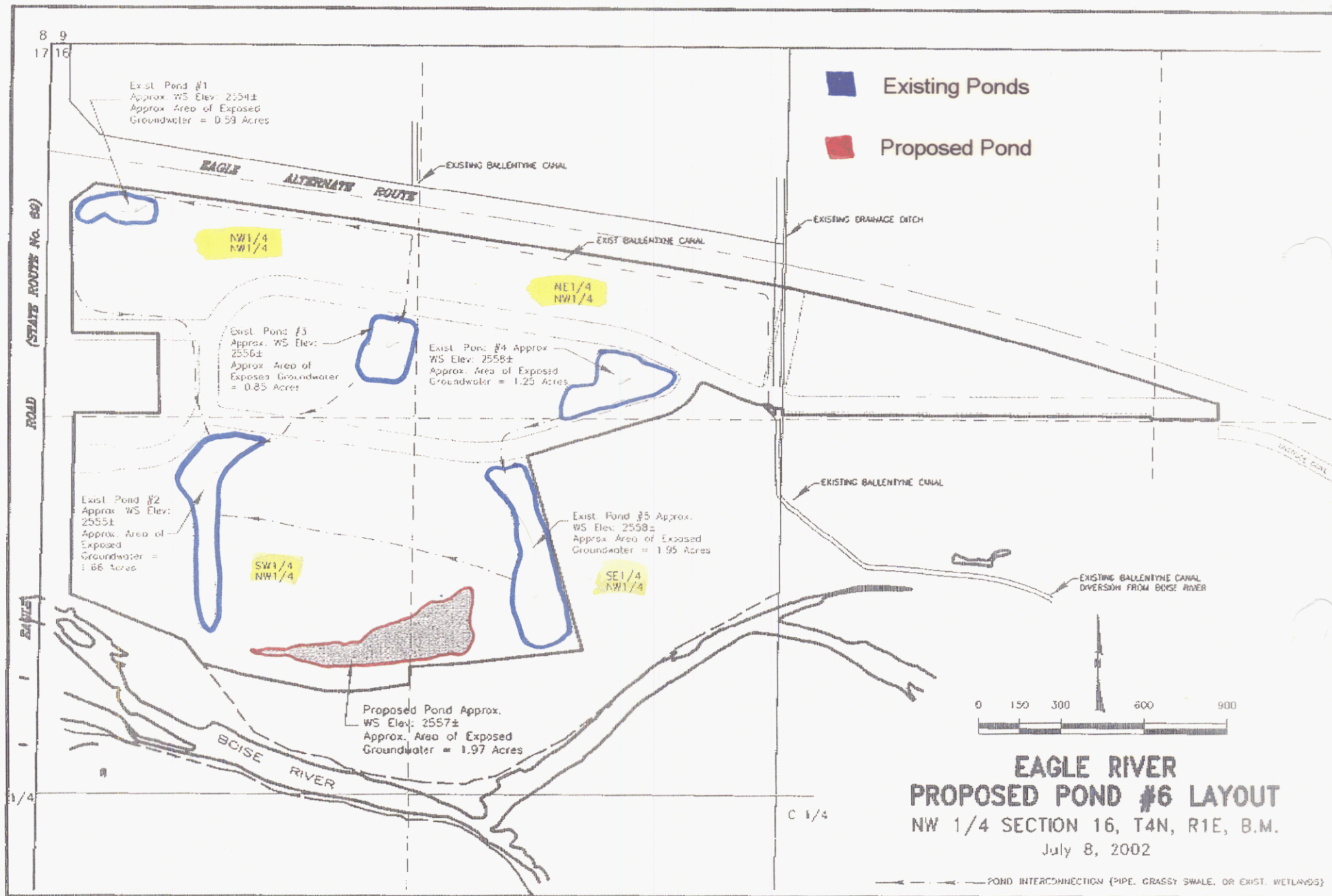
Signed this 6th day of August, 2002.

Chuck Carlise
 Permit Holder
 Chuck Carlise, Vice Chairman, Eagle River LLC

 ACTION OF THE DEPARTMENT OF WATER RESOURCES
 Preliminary check by [Signature] Publication prepared by N/A Date _____
 Published in _____ Publication dates _____
 I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 20____.

 SIGNATURE



**APPLICATION FOR AMENDMENT
OF PERMIT NO. 63-12598
IN THE NAME OF EAGLE RIVER LLC
(Narrative)**

The purpose of this amendment of permit is to add an additional point of diversion for the ground water appropriation authorized by Permit No. 63-12598. Due to requirements for maintaining post-construction floodplain capacity at the Eagle River development, Eagle River needs to undertake permanent, on-site excavation in the form of an additional aesthetic pond. Eagle River's permit application sought, and the permit authorizes, appropriation of 107 acre-feet of ground water for aesthetic storage. This amendment will not enlarge the volume of water authorized for appropriation.

The locations for the existing five ponds/points of diversion as applied for, described in the public notice, and listed in the permit are : 1) NE1/4, NW1/4; 2) NW1/4, NW1/4 (two ponds); 3) SE1/4, NW1/4; and 4) NE1/4, NW1/4, all in Section 16, T4N, R1E, B.M. These ponds intercept the shallow ground water source in these quarter-quarters. Based on as-built calculations, the total volume of ground water currently accruing to storage in the existing ponds is approximately 77 acre-feet. The requested permit amendment would allow Eagle River to construct an additional pond with a surface area of approximately 2 acres and a volume of 27.3 acre-feet. Total accrual to pond storage following construction of the sixth pond will be 100.3 acre-feet, which is 6.7 acre-feet less than currently permitted. The new pond will overlap into both the SE1/4 and the SW1/4 of the NW1/4 of Section 16, which are currently authorized pond locations under Permit 63-12598.

As proposed, the additional pond/point of diversion will not result in exceeding the currently permitted appropriation of 107 acre-feet, or change the permitted place of use, purpose of use, or nature of use of the appropriated water as described in the permit. The total pond surface area after addition of the sixth pond/point of diversion will be 8.4 acres (7.1 acres in the Ballentyne service area, and 1.3 acres in the New Union Ditch Company, Ltd. Service area). Eagle River has obtained approval of these two canal companies to seek a change in nature of use of water rights represented by 7 shares of Ballentyne stock and 1.5 shares of New Union stock owned by Eagle River to provide permanent mitigation of evaporative depletions from the ponds. These transfer applications will be filed with the Department in the near future. Eagle River previously filed a transfer application to accomplish this change with respect to the approximately five acres of ponds already constructed in the Ballentyne service area pursuant to the Permit. That application is to be amended to reflect the addition of the additional point of diversion.