

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 25-14165

Priority: January 14, 2005

Maximum Diversion Rate: 1.93 CFS

This is to certify, that LANDMARK DEVELOPMENT PROPERTIES LLC
3894 E 200 N
RIGBY ID 83442

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>
COMMERCIAL	01/01 to 12/31	0.32 CFS
DOMESTIC	01/01 to 12/31	1.61 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER SW¼SE¼SE¼ Sec. 36, Twp 04N, Rge 38E, B.M., JEFFERSON County
GROUND WATER SW¼SE¼SE¼ Sec. 36, Twp 04N, Rge 38E, B.M., JEFFERSON County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 38E 36															X		

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 38E 36													X	X	X	X	

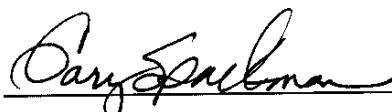
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 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. Points of diversion are located within Lot 9, Blk. 4, Pepperwood Crossing Subdivision.
6. 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.
7. Domestic use is for 249 homes.
8. Commercial use is for 8 commercial lots.

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9. The commercial use authorized under this right shall not exceed 0.04 cfs and 2,500 gallons per day per commercial use.
10. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
11. 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.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water for irrigation under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
13. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used for irrigation without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
14. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
15. Place of use is located within Lots 1-24, Blk. 1; Lots 1-8, Blk. 2; Lots 1-11, Blk. 3; Lots 1-8, 10-29, Blk. 4; Lot 1, Blk. 5; Lots 1-19, Blk. 6; Lots 1-10, Blk. 7; and Lots 1-9, Blk. 8; and 139 lots with no designation; Pepperwood Crossing Subdivision.
16. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26th day of April, 2005.


F-02 KARL J DREHER, Director