

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**

NO. 61-12090

Priority: September 28, 2006

Maximum Diversion Rate: 4.02 CFS  
 Maximum Diversion Volume: 345.0 AF

This is to certify, that NEVID LLC  
 1349 GALLERIA DR, STE 200  
 HENDERSON NV 89014

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>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	1.82 CFS	345.0 AF
FIRE PROTECTION	01/01 to 12/31	2.20 CFS	

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER ELMORE County	SW1/4NE1/4	Sec. 11, Twp 01S, Rge 04E, B.M.
GROUND WATER ELMORE County	NW1/4SE1/4	Sec. 11, Twp 01S, Rge 04E, B.M.
GROUND WATER ELMORE County	NE1/4NE1/4	Sec. 11, Twp 01S, Rge 04E, B.M.
GROUND WATER ELMORE County	SE1/4SE1/4	Sec. 2, Twp 01S, Rge 04E, B.M.

**PLACE OF USE:** MUNICIPAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE													
01S 04E 2													X		X	X	
01S 04E 11	X	X	X	X											X		

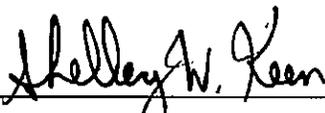
**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2014**.
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.

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4. Place of use is within the area served by the public water supply system of Elk Creek Village. The place of use is generally located within Township 1 South, Range 4 East, Section 2, NESE, S½SE, and Section 11, NE, NWSE.
5. A map depicting the place of use boundary for this water right at the time of this approval will be attached to the approval document for illustration purposes.
6. Prior to the diversion of water in connection with this right, the right holder shall provide the Department with a plan for monitoring ground water levels in the vicinity of the place of use for this water right. The monitoring should occur in parallel with development and production and should include identification of non-producing wells and timelines for measuring and reporting. The right holder shall not divert water in connection with this right until the monitoring place is approved by the Department. Failure to comply with the monitoring plan once it is accepted shall be cause for the Department to cancel or revoke this right.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
9. Common areas, parks, school grounds, golf courses, and any other large parcels may only be irrigated under this water right with wastewater that has been previously beneficially used for potable or culinary purposes, has been treated in a wastewater treatment plant, and is delivered to the parcel irrigated.
10. The direct irrigation occurring under this municipal use shall not exceed 1/3 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for the direct irrigation of lots upon which homes have not been constructed.
11. 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.
12. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 24<sup>th</sup> day of November, 2009.

  
for GARY SPACKMAN, Interim Director