

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85934**

This is to certify that: **ARROYO CAP LL-2, LLC**
18575 JAMBOREE RD STE 350
IRVINE, CA 92612-2551

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-35208	WR/DECREED	10/15/1948	1.01 cfs	523 af	N/A	118	GROUND WATER
63-35209	WR/DECREED	5/4/1964	1.25 cfs	531 af	N/A	118	GROUND WATER
63-35210	WR/DECREED	11/24/1954	0.44 cfs	99 af	N/A	22	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-2725	WR/DECREED	10/15/1948	0.03 cfs	13.3 af		3.0	GROUND WATER
63-3409	WR/DECREED	5/4/1964	0.05 cfs	13.5 af		3.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-35208	NO	NO	YES	YES	NO	NO
63-35209	NO	NO	YES	YES	NO	NO
63-35210	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-35208	63-35208	1.01 cfs	523 af	118	140	N/A	N/A	N/A	N/A	N/A
63-35209	63-35209	1.25 cfs	531 af	118	140	N/A	N/A	N/A	N/A	N/A
63-35210	63-35210	0.44 cfs	99 af	22	140	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.70 cfs	630 af	140.0	140		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 63-35208

Transfer No. 85934

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85934

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 16th day of August, 2022.



SCOTT STORMS, Water Rights Supervisor



WATER RIGHT NO. 63-35208
As Modified by Transfer No. 85934

In accordance with the approval of Transfer No. 85934, Water Right No. 63-35208 is now described as follows:

Right Holder: ARROYO CAP LL-2, LLC
 18575 JAMBOREE RD STE 350
 IRVINE, CA 92612-2551

Priority Date: 10/15/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	1.01 cfs 1.01 cfs	523 af 523 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 12 Twp 02N Rge 01W ADA County
GROUND WATER	NWNW	Sec 12 Twp 02N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	11				22													22
02N	01W	12					12	40	34	29		3.0							118

Right Acre Limit: 118
 POU Total Acres: 140

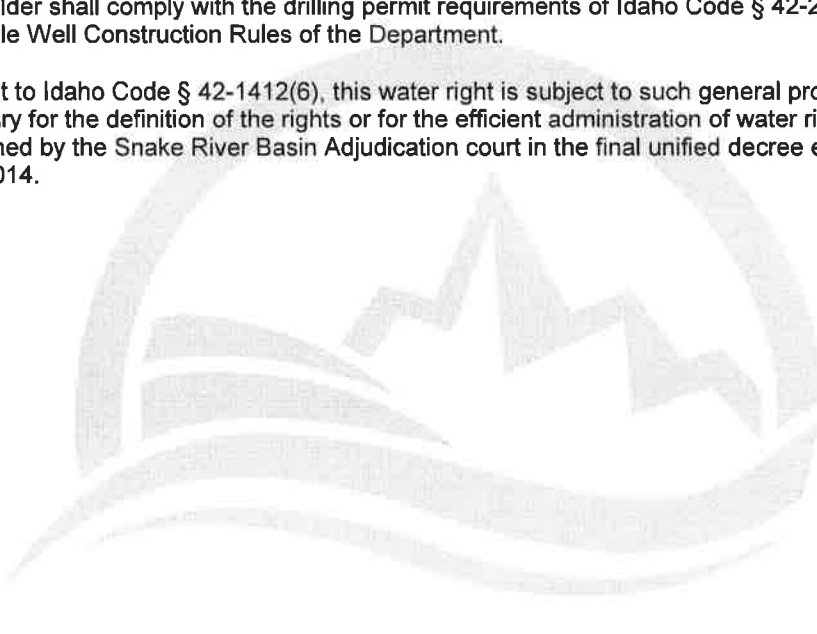
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 118 acres within the authorized place of use in a single irrigation season.
2. Rights 63-35208 and 63-35209 when combined shall not exceed the irrigation of 118 acres.
3. Rights 63-35208, 63-35209, 63-2725, and 63-3409 when combined shall not exceed a total annual maximum diversion volume of 544.5 af at the field headgate.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 85934

WATER RIGHT NO. 63-35208
As Modified by Transfer No. 85934

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
 9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
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WATER RIGHT NO. 63-35209
As Modified by Transfer No. 85934

In accordance with the approval of Transfer No. 85934, Water Right No. 63-35209 is now described as follows:

Right Holder: ARROYO CAP LL-2, LLC
 18575 JAMBOREE RD STE 350
 IRVINE, CA 92612-2551

Priority Date: 5/4/1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	1.25 cfs	531 af
STOCKWATER	01/01	to 12/31	0.01 cfs	
			1.25 cfs	531 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 12 Twp 02N Rge 01W ADA County
GROUND WATER	NWNW	Sec 12 Twp 02N Rge 01W ADA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	11				22													22
02N	01W	12					12	40	34	29		3.0							118

Right Acre Limit: 118

POU Total Acres: 140

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	11				X													
02N	01W	12					X	X	X	X		X							

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 118 acres within the authorized place of use in a single irrigation season.
2. Rights 63-35208 and 63-35209 when combined shall not exceed the irrigation of 118 acres.
3. Rights 63-35208, 63-35209, 63-2725, and 63-3409 when combined shall not exceed a total annual maximum diversion volume of 544.5 af at the field headgate.

Transfer No. 85934

WATER RIGHT NO. 63-35209
As Modified by Transfer No. 85934

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-35210
As Modified by Transfer No. 85934

In accordance with the approval of Transfer No. 85934, Water Right No. 63-35210 is now described as follows:

Right Holder: ARROYO CAP LL-2, LLC
 18575 JAMBOREE RD STE 350
 IRVINE, CA 92612-2551

Priority Date: 11/24/1954

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.44 cfs 0.44 cfs	99 af 99 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 12 Twp 02N Rge 01W ADA County
GROUND WATER	NWNW	Sec 12 Twp 02N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	11				22													22
02N	01W	12					12	40	34	29		30							118

Right Acre Limit: 22
 POU Total Acres: 140

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 22 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 85934

WATER RIGHT NO. 63-35210
As Modified by Transfer No. 85934

CONDITIONS OF APPROVAL

6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 63-2725**As Modified by Transfer No. 85934**

In accordance with the approval of Transfer No. 85934, Water Right No. 63-2725 is now described as follows:

Right Holder: FRANCIS A PATTERSON
EUNICE W PATTERSON
8430 S LINDER RD
MERIDIAN, ID 83642

Priority Date: 10/15/1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.030 cfs	13.3 af
			0.030 cfs	13.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 12 Twp 02N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	12							3.0										3.0

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. USE OF THIS RIGHT WITH RIGHT NO. 63-3409 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 63-2725 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 13.5 AF.
3. USE OF THIS RIGHT WITH RIGHT NO(s).63-2725, 63-3409, AND 63-35208 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 544.5 AF.
4. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 85934

WATER RIGHT NO. 63-3409**As Modified by Transfer No. 85934**

In accordance with the approval of Transfer No. 85934, Water Right No. 63-3409 is now described as follows:

Right Holder: FRANCIS A PATTERSON
EUNICE W PATTERSON
8430 S LINDER RD
MERIDIAN, ID 83642

Priority Date: 5/4/1964

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	03/01	to 11/15	0.030 cfs	13.5 af
STOCKWATER	01/01	to 12/31	0.010 cfs	
			0.050 cfs	13.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 11 Twp 02N Rge 01W ADA County
GROUND WATER NWNW Sec 12 Twp 02N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	12							3.0										3.0

POU Total Acres: 3.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	11								X									

CONDITIONS OF APPROVAL

1. USE OF THIS RIGHT WITH RIGHT NO. 63-2725 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 3 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 63-2725 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 13.5 AF.
3. USE OF THIS RIGHT WITH RIGHT NO(s).63-2725, 63-3409, AND 63-35208 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 544.5 AF.

Transfer No. 85934

WATER RIGHT NO. 63-3409
As Modified by Transfer No. 85934

CONDITIONS OF APPROVAL

4. Stockwater use is for 5 horses.
5. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources

Attachment to Transfer No. 85934

Water Rights: 63-35208, 63-35209, & 63-35210

This map depicts the STOCKWATER & IRRIGATION permissible place of use boundary for the water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.1 0.2 0.4 Miles

- Points of Diversion
- Permissible Place of Use
- Townships
- PLS Sections
- Quarter Quarters





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 19, 2022

ARROYO CAP LL-2 LLC
18575 JAMBOREE RD STE 350
IRVINE CA 92612-2551

Re: Transfer No: 85934
Water Right No(s): 63-2725, 63-3409, 63-35208, 63-35209, 63-35210
Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,



Scott Storms
Water Rights Supervisor

Enclosure
CC:

HDR INC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

EUNICE W PATTERSON
8430 S LINDER RD
MERIDIAN ID 83642

FRANCIS A PATTERSON
8430 S LINDER RD
MERIDIAN ID 83642

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85934

Water Right No(s): 63-2725, 63-3409, 63-35208, 63-35209, 63-35210

**ARROYO CAP LL-2 LLC
18575 JAMBOREE RD STE 350
IRVINE CA 92612-2551**

**HDR INC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660**

**EUNICE W PATTERSON
8430 S LINDER RD
MERIDIAN ID 83642**

**FRANCIS A PATTERSON
8430 S LINDER RD
MERIDIAN ID 83642**



**Scott Storms
Water Rights Supervisor**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 85934

FROM: Laura McSherry

DATE: July 14, 2022

RE: Evaluation of Application

The transfer proposes to add and change points of diversion and change the current place of use to a common permissible place of use to allow for flexible irrigation within a planned development for water right no(s). 63-35208, 63-35209, and 63-35210. The proposed points of diversion are located in NWNW Sec 12, T2N, R1W. The transfer proposes the place of use to acres located in SENE Sec 11, T2N, R1W and NENW, NWNW, SWNW, SENW, NWSW Sec 12, T2N, R1W. The proposed place of use acres are in the vicinity of S Linder Rd and W Columbia Rd in Boise, ID. The transfer also proposes a split change of ownership from Francis A and Eunice W Patterson to Arroyo Cap II-2, LLC.

Contact person for the transfer is HDR Engineering representative, Lori Graves, at 412 E Parkcenter Blvd STE 100, Boise, ID 83706. lori.graves@hdrinc.com. (208)-872-9519.

Summary of Information Submitted

Authority to File:

Water right no(s). 63-2725, 63-3409, and 63-3008, owned by Francis A and Eunice W Patterson, were split by legal descriptions from grant deeds. Arroyo Cap II-2, LLC is the current water right holder and Executive Vice President, Jeffrey Brouelette, is authorized in the application documents to submit a transfer request. The property the PPU is appurtenant to and points of diversion is owned by the applicant.

Water Right Validity:

The decree for water right no. 63-2725, 63-3409, and 63-3008 was issued on February 16, 2007. The rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file, it is an IDWR product available to other staff.

Injury to Other Water Rights:

The proposed permissible place of use is located on the property of existing irrigated lands. No additional rate or volume is proposed to be diverted from this source and no additional acres are proposed to be irrigated beyond the historical use. No protest was received regarding the transfer, so the Department can reasonably assume surrounding water users do not have concerns of injury as a result of this transfer.

Enlargement of Use:

The transfer proposes no changes in the nature. No additional rate or volume is proposed to be diverted from this source and no additional acres are proposed to be irrigated beyond the historical use. No enlargements of the water rights are anticipated.

Local Public Interest:

No evidence has been submitted suggesting the transfer proposes changes at odds with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Discussion

Prior to the approval of this transfer, ownership of water right no(s). 63-2725, 63-3409, and 63-3008 was split. The memo located within the transfer file titled "Ownership Change Processed Prior to Transfer No. 85934", dated March 17, 2022, contains more information regarding this action.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

USE OF THIS RIGHT WITH RIGHT NO(s).63-2725, 63-3409, AND 63-35208 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 544.5 AF.

USE OF THIS RIGHT WITH RIGHT NO. 63-2725 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 13.5 AF.

McSherry, Laura

From: Graves, Lori <Lori.Graves@hdrinc.com>
Sent: Thursday, July 14, 2022 3:13 PM
To: McSherry, Laura
Subject: RE: Transfer 85934 - Arroyo Cap II-2 LLC
Attachments: Amended XFR pg 3 v2 for IDWR.pdf

All fixed.

Lori Graves, Sr. Water Rights Specialist
D 208.872.9519 M 208.850.4601

hdrinc.com/follow-us

From: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Sent: Thursday, July 14, 2022 3:05 PM
To: Graves, Lori <Lori.Graves@hdrinc.com>
Subject: RE: Transfer 85934 - Arroyo Cap II-2 LLC

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Will do.

From: Graves, Lori <Lori.Graves@hdrinc.com>
Sent: Thursday, July 14, 2022 3:03 PM
To: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: RE: Transfer 85934 - Arroyo Cap II-2 LLC

Scrap that one Laura. I'm sending a 2nd version to include S11.

Lori Graves, Sr. Water Rights Specialist
D 208.872.9519 M 208.850.4601

hdrinc.com/follow-us

From: Graves, Lori
Sent: Thursday, July 14, 2022 2:59 PM
To: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: RE: Transfer 85934 - Arroyo Cap II-2 LLC

Here you go Laura. Go find some ice.

Lori Graves, Sr. Water Rights Specialist
D 208.872.9519 M 208.850.4601

hdrinc.com/follow-us

From: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Sent: Thursday, July 14, 2022 1:47 PM

To: Graves, Lori <Lori.Graves@hdrinc.com>
Subject: Transfer 85934 - Arroyo Cap II-2 LLC

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Lori,

I hope you're enjoying the summer!

Clarification is needed to complete approval for the transfer application for Arroyo Cap II-2 LLC.

The stockwater use was noted as a portion of water right 63-3409 needing change (see page 2 of attachment), however the POU description of the right after the requested changes (see page 1 of attachment, Part 1B. 4) does not indicate the stockwater POU.

Please update Part 1B. 4 with the stockwater POU and return to me.

Once the updated document has been received, I can complete processing the transfer application.

Thanks,



Laura McSherry

Water Resource Agent

P: (208) 605-4633

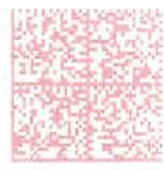
Idaho Dept. of Water Resources

idwr.idaho.gov

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DEPARTMENT OF WATER RESOURCES
Airport Way
Idaho 83705-5082

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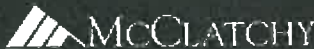
85934
63-35208

BOISE KUNA IRRIGATION DISTRICT
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129 N SCHOOL AVE
KUNA ID 83634-2201

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Attention: Jean Hersley

IDAHO DEPT OF WATER RESOURCES - STATE OFFICE
PO BOX 83720
BOISE, ID 837200098

RECEIVED

Apr 28, 2022

DEPARTMENT OF
WATER RESOURCES

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-35211
TERRY G TURNER
DENISE E TURNER
21841 RODEO LN
WILDER, ID 83676-5074
Point of Diversion NESW S31 T05N R02E ADA County

Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS

Use: IRRIGATION
03/01 to 11/15
0.2 CFS

Total Diversion:
0.24 CFS
Date Filed: 03-18-2022
Place Of Use: DOMESTIC, IRRIGATION
T05N R02E S31 NESW
Total Acres: 10

Water bearing zone to be appropriated is from 200 to 390 feet.
63-35214

JOSEPH GUENTHER
8571 N. LOST SAGE LANE
BOISE, ID 83714

Point of Diversion NENW S18 T04N R02E ADA County
Source GROUND WATER
Use: DOMESTIC

1 / 1 to 12/31
0.02 CFS

Total Diversion:
0.02 CFS
Date Filed: 03-21-2022
Place Of Use: DOMESTIC
T04N R02E S18 NENW L1 (NWNW)

Water bearing zone to be appropriated is from 60 to 110 feet.
Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/Ext-Search/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 5/23/2022. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85934

ARROYO CAP LL-2, LLC, 18575 JAMBOREE RD STE 350, IRVINE, CA 92612-2551 has filed Application No. 85934 for changes to the following water rights within ADA County(s): Right No(s). 63-35208, 63-35209, 63-35210; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

to add and change points of diversion and change the current place of use to a common permissible place of use to allow for flexible irrigation within a planned development for water right no(s). 63-2725, 63-3409, and 63-3008. The proposed points of diversion are located in NWNW Sec 12, T2N, R1W. The transfer proposes the place of use to acres located in SENE Sec 11, T2N, R1W and NENW, NWNW, SWNW, SENW, NWSW Sec 12, T2N, R1W. The proposed place of use acres are in the vicinity of S Linder Rd and W Columbia Rd in Boise, ID. For additional information, concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 5/23/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 5/5/2022 and 5/12/2022
IPL0071073
Apr 29, May 6 2022

Bettina Jantzen, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

No. of Insertions: 2

Beginning Issue of: 04/29/2022

Ending Issue of: 05/06/2022

B. Jantzen

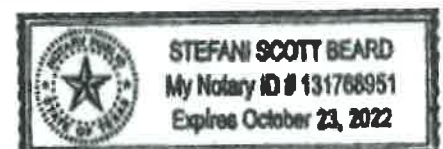
(Legals Clerk)

On this 5th day of May in the year of 2022 before me, a Notary Public, personally appeared before me Bettina Jantzen known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

*cc
gmk
5-26-22*

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!