

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 85596**

This is to certify that: **MADERA DEVELOPMENT INC**  
5655 W FLOATING FEATHER RD  
EAGLE, ID 83616-3103

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 63-35188           | WR/DECREED          | 2/14/1977            | 0.300 cfs             | 67.5 af                 | N/A               | 15.0               | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

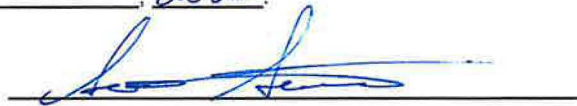
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-35188              | NO           | NO         | YES        | NO             | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-35188               | 63-35188                         | 0.300 cfs            | 67.5 af                | N/A               | 15.0               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.300 cfs</b>     | <b>67.5 af</b>         | <b>N/A</b>        | <b>15.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 30<sup>th</sup> day of March, 2022.



SCOTT STORMS, Water Rights Supervisor

**WATER RIGHT NO. 63-35188**  
**As Modified by Transfer No. 85596**

In accordance with the approval of Transfer No. 85596, Water Right No. 63-35188 is now described as follows:

**Right Holder:** MADERA DEVELOPMENT INC  
 5655 W FLOATING FEATHER RD  
 EAGLE, ID 83616-3103

**Priority Date:** 2/14/1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/01       | to 09/30  | 0.300 cfs             | 67.5 af                 |
|                       |             |           | 0.300 cfs             | 67.5 af                 |

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

GROUND WATER                      SWNE                      Sec 12 Twp 04N 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 |        |
| 04N | 01W | 12  |    |    |    |    |    |    |    |    |    |    |    |    | 4.0 | 11.0 |    |    | 15.0   |

POU Total Acres: 15.0

**CONDITIONS OF APPROVAL**

1. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11 /15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 9/30 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
2. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

Transfer No. 85596

**WATER RIGHT NO. 63-35188**  
**As Modified by Transfer No. 85596**

**CONDITIONS OF APPROVAL**

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 67.5 af at the field headgate for the place of use.
4. This right when combined with all other rights shall provide no 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. Place of use is located within Lots 1, 2 & 4, Blk. 1, Flint Estates AMD.
7. The following rights are diverted through point(s) of diversion described above: 63-8437A, 63-34965 and 63-35188.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
10. 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.



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](mailto:westerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

March 31, 2022

MADERA DEVELOPMENT INC  
5655 W FLOATING FEATHER RD  
EAGLE ID 83616-3103

Re: Transfer No: 85596  
Water Right No(s): 63-35188  
Transfer Approval Notice

Dear Water Right Holder:

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,

A handwritten signature in black ink, appearing to read "Jean Hersley". The signature is fluid and cursive, with the first name "Jean" and last name "Hersley" clearly distinguishable.

Jean Hersley  
Technical Records Specialist

Enclosure

CC:

SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706-6660

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 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.: 85596**

**Water Right No(s): 63-35188**

**MADERA DEVELOPMENT INC  
5655 W FLOATING FEATHER RD  
EAGLE ID 83616-3103**

**SPF WATER ENGINEERING LLC  
C/O LORI GRAVES  
300 E MALLARD DR STE 350  
BOISE ID 83706-6660**

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

**Jean Hersley  
Technical Records Specialist**

## **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. 85596  
FROM: Laura McSherry  
DATE: March 14, 2022  
RE: Evaluation of Application

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The transfer proposes changing a portion of water right no. 63-34965 as follows: to change the place of use of 15 acres of irrigation use to fields located in the NWSE and NESE of Section 12, T04N, R01W, north of Flint Drive. The transfer also proposes a split change of ownership from Steven K Ricks to Madera Development Inc.

The site is located in Eagle, ID, approximately one and a half miles north of State Hwy 44.

Contact person for the transfer is SPF Engineering representative Lori Graves, 300 E Mallard Drive STE 350, Boise, ID 83706. [lgraves@spfwater.com](mailto:lgraves@spfwater.com). (208)-383-4140.

### Summary of Information Submitted

#### **Authority to File:**

President, Thomas M Ricks, from Madera Development Inc. is an authorized representative for this transfer request. Madera Development Inc. has submitted conveyance documents showing split ownership of water rights 63-34965. Water right no. 63-34965, owned by Steven K Ricks, was split by the verified legal property description provided into child water right no. 63-35188. Madera Development Inc. also owns the property appurtenant to the proposed POU.

#### **Water Right Validity:**

The partial decree for water right no. 63-34965 was issued on February 14, 1977. This right is 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 with Ballentyne Ditch Co. as the primary irrigation source. The transfer was advertised and 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 beyond the historical use of the rights. 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. 63-34965 was split and transferred to Madera Development Inc. The memo located within the transfer file titled "Ownership Change Processed Prior to Transfer No. 85596", dated January 27, 2022, contains more information regarding this action.

Applicant recently purchased water previously rented from the Water Supply Bank. Subject water is leased under Contract 1249 and rented under Agreement 471. Upon transfer approval, applicant requests the leased water be released from the Bank. A release request was included in the transfer application.

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

RECEIVED

FEB 28 2022

WATER RESOURCES  
WESTERN REGION

**AFFIDAVIT OF PUBLICATION  
STATE OF IDAHO**

**County of Canyon and Ada**

23100 203606

1 IDWR - WESTERN REGION

2735 AIRPORT WAY  
BOISE, ID 83705

**ANGELA SAMMONS**

**of the State of Idaho, being of first duly sworn, deposes  
and says:**

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the Counties of Canyon and Ada, State of Idaho; that the said newspaper is in general circulation in the said counties of Canyon and Ada, and in the vicinity of Nampa, Caldwell, and Boise, and has been uninterruptedly published in said Counties during a period of seventy -eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement

That said notice was published the following: 02/17/2022,  
02/24/2022



ANGELA SAMMONS  
STATE OF IDAHO

County of Canyon and Ada

On this 24th day of February, in the year of 2022 before me a Notary Public, personally appeared. ANGELA SAMMONS, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.



Notary Public of Idaho  
My commission expires



## LEGAL NOTICE

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

**63-35124**

JEREMY JEANS  
CASSANDRA JEANS  
533 E ANDREA ST KUNA, ID 83634-2283  
Point of Diversion SWSW S3 T01N R02E ADA County  
Source GROUND WATER  
Point of Diversion SESW S3 T01N R02E ADA County Source  
GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 2.4 CFS  
Total Diversion: 2.4 CFS  
Date Filed: 09-30-2021  
Place Of Use: IRRIGATION  
T01N R02E S3 NESW, NWSW, SWSW, SESW  
Water bearing zone to be appropriated is from 350 to number  
550 feet.

**63-35166**

JAMES MICHAEL APOSTOLOU  
TINA APOSTOLOU  
5783 E BARREL HORSE LN KUNA, ID 83634-5025  
Point of Diversion NWSE S21 T02N R01E ADA County  
Source GROUND WATER  
Use: DOMESTIC 1 /1 to 12/31 0.04 CFS  
Use: STOCKWATER 1 /1 to 12/31 0.02 CFS  
Total Diversion: 0.06 CFS  
Date Filed: 12-01-2021  
Place Of Use: DOMESTIC, STOCKWATER  
T02N R01E S21 NWSE  
Water bearing zone to be appropriated is from 130 to 297  
feet.

**63-35177**

JULIE LANGLOIS  
3556 S RUSTLER PL MERIDIAN, ID 83642-6873  
Point of Diversion NENW S26 T03N R01W ADA County  
Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 0.15 CFS  
Total Diversion: 0.15 CFS  
Date Filed: 12-28-2021  
Place Of Use: IRRIGATION  
T03N R01W S26 NENW  
Water bearing zone to be appropriated is from 120 to 217  
feet.

**63-35178**

ELEMENT DESIGN BUILD LLC  
3501 W BAVARIA ST EAGLE, ID 83616-6318  
Point of Diversion L5(SWNW) S24 T04N R01W ADA County  
Source GROUND WATER  
Use: IRRIGATION 03/01 to 11/15 0.28 CFS  
Total Diversion: 0.28 CFS  
Date Filed: 01-03-2022  
Place Of Use: IRRIGATION  
T04N R01W S24 SWNW  
Water bearing zone to be appropriated is from 200 to 300  
feet.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 85596**

MADERA DEVELOPMENT INC, 5655 W FLOATING FEATHER RD, EAGLE, ID 83616-3103 has filed Application No. 85596 for changes to the following water rights within ADA County(s): Right No(s). 63-35188; 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 change the place of use of 15 acres of irrigation use to fields located in the NWSE and NESE of Section 12, T04N, R01W, north of Flint Drive.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 85636**

NAMPA & MERIDIAN IRRIGATION DISTRICT, C/O SAW-TOOTH LAW OFFICES PLLC ATTN BRYCE FARRIS PO BOX 7985, BOISE, ID 83707 has filed Application No. 85636 for changes to the following water rights within ADA, BOISE, ELMORE County(s): Right No(s). 63-198AJ, 63-199B, 63-200B, 63-30181; 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:

This transfer proposes an expansion to the Nampa and Meridian Irrigation District service area boundary and adding a point of diversion approximately 5.5 miles southwest of Prairie, Idaho. The proposed place of use is 154.75 acres located in NWSW, SWSW, and SESW Section 10, T01N, R07E and NWNE, SWNE, and NENW Section 15, T01N, R07E. The transfer proposes diverting 1.55 cfs from the proposed point of diversion on Rock Creek, a tributary to the South Fork Boise River, and is located in NENW Section 14, T01N, R07E.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code Sec. § 42-203A and/or §42-222. Any protest against the approval of the application or proposed change must be filed with the Director, 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 3/7/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

February 17, 24, 2022

203606

*2-24-22*

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transfer proposes diverting 1.55 cfs from the proposed point of  
diversion on Rock Creek, a tributary to the South Fork Boise  
River, and is located in NENW Section 14, T01N, R07E.

Permits will be subject to all prior water rights. For additional  
information concerning the property location, contact Western  
Region office at (208)334-2190; or for a full description of the  
right(s), please see [https://idwr.idaho.gov/apps/ExtSearch/  
WRAApplicationResults/](https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/). Protests may be submitted based on  
the criteria of Idaho Code Sec. § 42-203A and/or §42-222. Any  
protest against the approval of the application or proposed  
change must be filed with the Director, 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 3/7/2022. The protestant must also  
send a copy of the protest to the applicant.

GARY SPACKMAN, Director

February 17, 24, 2022

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