

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Fee is \$100 per § 42-221C, Idaho Code

Applicant(s) Dry Creek Water Company LLC Phone 208.577.5501

Name connector (check one): and or and/or

Mailing address 923 S Bridgeway PI City Eagle

State ID Zip 83616 Email: drycreekwater@boisehunterhomes.com

I am the owner of Water Appropriation Permit No. 63-32423 and request that the permit be amended as follows:

- Change point of diversion, Add point of diversion, Change period of use, Change nature of use, Change place of use, Other

- 1. Point of diversion: No changes to point(s) of diversion. Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Table with 10 columns: Twp, Rge, Sec, Govt Lot, 1/4, 1/4, 1/4, County, Source, Local name or tag #. Contains 3 rows of data for Ada County Ground Water.

- 2. Period and nature of use: No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount for purposes from to (both dates inclusive) (cfs or acre-feet per year) (water use) (month/day) (month/day)

- 3. Place of use or land to be irrigated: No changes to place of use. Skip item #3 and proceed to #4.

Large grid table for irrigation data with columns for Twp, Rge, Sec, NE, NW, SW, SE, and TOTALS.

Total number of acres to be irrigated

4. Property ownership: No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.

a. Who owns the property at the point of diversion? BHH Investors 1414 LLC

b. Who owns the land to be irrigated or place of use? BHH Investors 1414 LLC

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
Water Rights Agreement (on file with IDWR)

5. Describe the proposed change in narrative form:

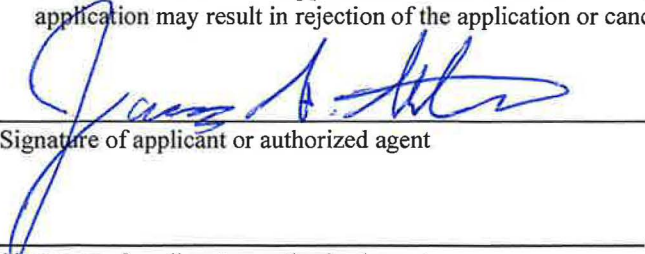
The proposed well is currently authorized for drilling for irrigation use under the development's irrigation rights per
Transfer No. 73817. Applicants plan to drill the well to PWS standards so it can be used for both irrigation and
municipal uses via two separate systems. This permit amendment is being filed to allow the new well to serve as a 3rd
municipal well in addition to the two permitted wells that have been drilled. Having a 3rd municipal well will provide
additional redundancy in near term and additional supply to meet maximum day demands at project build-out.

6. Map: The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and ¼ ¼ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

7. Signature:

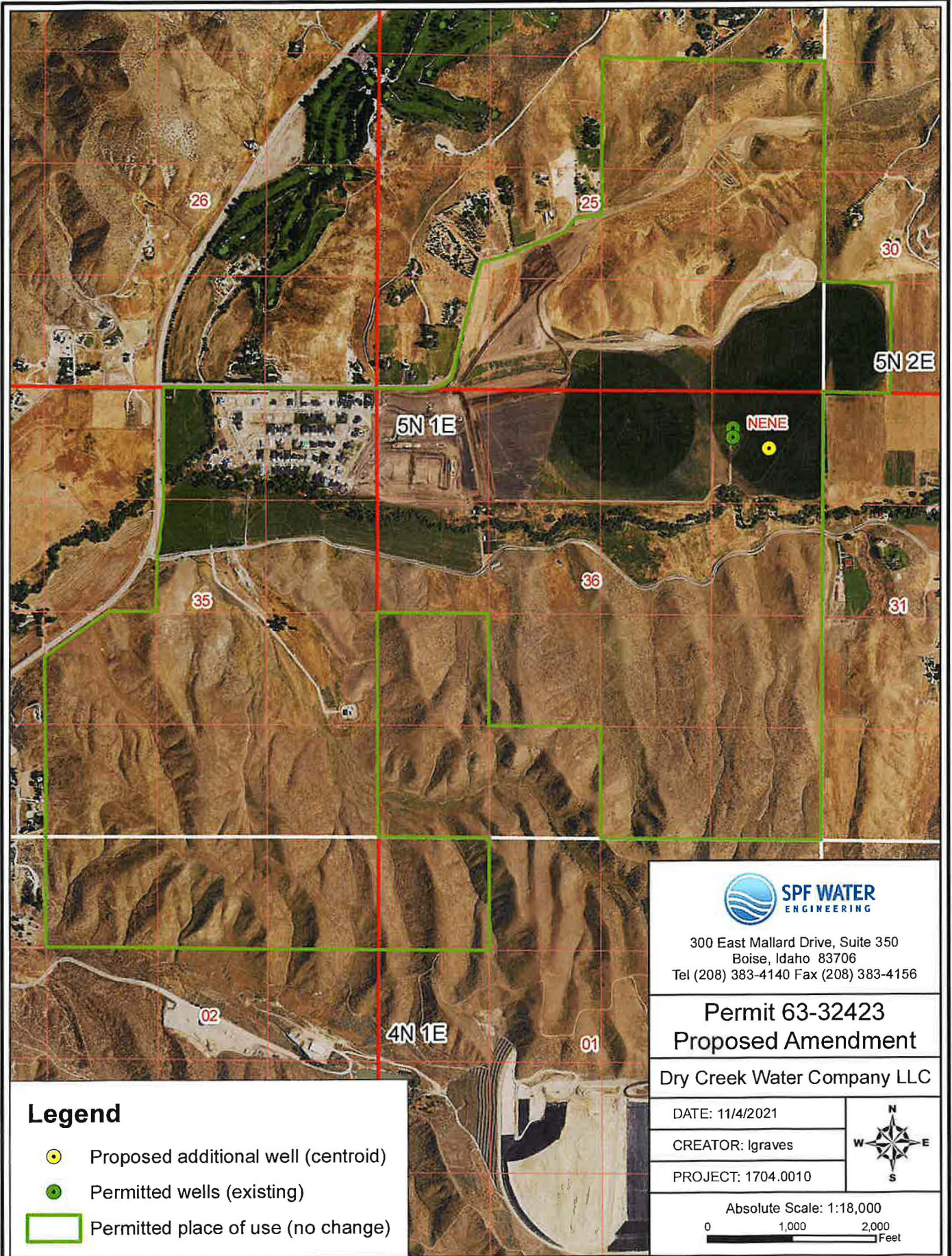
The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

	<u>James H. Hunter</u>	<u>12/10/2021</u>
Signature of applicant or authorized agent	Print name (and title, if applicable)	Date
_____ Signature of applicant or authorized agent	_____ Print name (and title, if applicable)	_____ Date

FOR DEPARTMENT USE ONLY

Received by <u>LE</u>	Date <u>12/17/2021</u>	Receipt No. <u>W050008</u>
Received by <u>LE</u>	Date <u>12/17/2021</u>	
Reviewed by _____	Date _____	

Path: S:\PROJECTS\A thru D\Projects\B Projects\Boise Hunter Homes_0341704.0012_WellPROJECT\GIS\AerialMap_Project\AMEND_Map.mxd

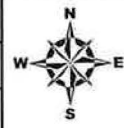


300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

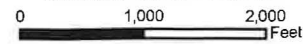
Permit 63-32423 Proposed Amendment

Dry Creek Water Company LLC




DATE: 11/4/2021
CREATOR: Igraves
PROJECT: 1704.0010



Absolute Scale: 1:18,000



Legend

-  Proposed additional well (centroid)
-  Permitted wells (existing)
-  Permitted place of use (no change)

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

11/4/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report

WATER RIGHT NO. 63-32423

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DRY CREEK WATER COMPANY LLC 729 S BRIDGE WAY PL EAGLE, ID 83616-6096 2084846401
Original Owner	JMM DRY CREEK LLC C/O LAND BARON INVESTMENTS 5275 S DURANGO DR LAS VEGAS, NV 89113 7028513999

Priority Date: 08/22/2006

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	5 CFS	1764 AFA
Total Diversion			5 CFS	1764 AFA

Location of Point(s) of Diversion:

GROUND WATER | NENE | Sec. 36 | Township 05N | Range 01E | ADA County
 GROUND WATER | NENE | Sec. 36 | Township 05N | Range 01E | ADA County

Place(s) of use: [Large POU Info](#)

Conditions of Approval:

1. 26A 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.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. 128 Place of use is within the area served by the public water supply system of JMM Dry Creek LLC. The place of use is generally located within Sections 1 and 2, Township 4 North, Range 1 East; Sections 25, 35, and 36, Township 5 North, Range 1 East; and Section 30, Township 5 North, Range 2 East; B.M.
4. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
5. Water bearing zone to be appropriated is 100 ft. to 300 ft. below ground surface.
6. R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
7. 01M After specific notification by the Department, the right holder shall report to the Department the amount of water diverted annually in connection with this right.
8. 073 Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
9. X35 Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, 63-32266, and 63-32423 when combined shall not exceed a total diversion rate of 7.84 cfs and a total annual maximum diversion volume of 1764.0 af at the field headgate.
10. The right holder shall carry out the "Dry Creek Ranch Aquifer Monitoring Plan: April 2008." See Exhibit E of the January 14, 2009, Water Rights Agreement between Dry Creek Rural Neighborhood Association and JMM Dry Creek LLC.
11. To prevent injury to senior water right holders: a. Diversion under this right shall be initially limited to 1,234.8 af (70% of 1764.0 af) for a minimum period of three years and until such time that the right holder can demonstrate to the Director that the aquifer can sustain greater diversions under the right. Demonstration shall require (1) a minimum of two years with recorded annual diversions under the right in excess of 1,000 afa, (2) water levels at a well in the NENE, Sec. 36, T05N, R01E, B.M., also known as the Jeker Big Pump well and as USGS well no. 05N01E36AAB1, (or an acceptable replacement well) that recover on an annual basis to at least 60 feet below ground surface, and (3) water-level monitoring for other wells monitored by the right holder in accordance with condition no. 12 does not show water level declines that would injure senior water rights owners. b. Upon successful demonstration to the Director of sustainable aquifer capacity to support diversions under this right in excess of 1,234.8 afa, the right holder may increase the annual volume diverted under the right up to a maximum of 1764 afa. c. The Director shall have the authority to reduce the annual diversion volume limits under this right at any time upon (1) a showing that diversions under the right are injuring senior water rights and (2) failure of the right holder to adequately mitigate injury to senior water rights to the satisfaction of the Director. d. The diversion volume limits under right 63-32423 shall not be reduced or limited due to water-level declines or injury to senior rights resulting from diversions under water rights with priority dates junior to right 63-32423. e. This condition is not intended to establish a reasonable pumping level pursuant to Idaho Code § 42-226.

12. For this condition, the term "use" shall be defined as the water delivered to and used on a single parcel of land identified in the county records and served water under this right. No later than February 15 of each calendar year during the authorized development period for this permit, the right holder shall: a. Identify and estimate a diversion rate and volume for all uses under the right that will exceed the individual domestic use limits as defined by Idaho Code § 42-111(1)(a) and (b) during the year. Uses under this right that exceed the individual use limits of Idaho Code § 42-111(1)(a) and (b) are considered to be 100% consumptive. Such uses shall be mitigated through reduction of one acre of irrigation use under water rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266 for each 2.7 acre feet of water diverted under this right. b. Identify all uses under the right that will meet the individual domestic use limits as defined by Idaho Code § 42-111(1)(a) and (b) during the year and estimate an annual diversion volume for these uses. Such uses shall be mitigated through reduction of one acre of irrigation use under water rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266 for each 4.5 acre feet of water diverted under this right. c. Reduce the number of acres to be irrigated under Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266, sufficiently to provide the required mitigation for items "a" and "b" above. d. Report to the Department the volume of water to be used for municipal purposes in connection with this permit during the year. e. Report the number of acres required to mitigate for the municipal use, along with the water right numbers, diversion rates, and annual diversion volumes associated with those acres. f. Report the location of the lands that will be irrigated during the forthcoming irrigation season with water diverted under Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266. The location shall be reported in map, GIS shapefile, and PLS tabular forms.
13. Once designated in an annual report as mitigation for the use of water for municipal purposes under this right, irrigation of designated lands under Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266 shall not be resumed unless this right is reduced through the appropriate administrative or legal process, as determined by the Department.
14. Upon receiving the right holder's annual report, the Department will change the official records for Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266 to show where diversion and use of water is not authorized because the rights, or portions thereof, are being dedicated to mitigation purposes.
15. The owner of Right 63-32423 shall maintain ownership of the mitigation portions of Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266.
16. 020 The diversion and use of water described in Right 63-32423 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
17. 140 Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

Dates:

Proof Due Date: 03/01/2025

Proof Made Date:

Approved Date: 03/03/2010

Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Application Received Date: 08/22/2006

Protest Deadline Date: 10/09/2007

Number of Protests: 1

Field Exam Date::

Date Sent to State Off:

Date Received at State Off:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

March 10, 2022

DRY CREEK WATER COMPANY LLC
729 S BRIDGE WAY PL
EAGLE, ID 83616-6096

RE: Application for Amendment of Permit No. 63-32423

Dear Applicant(s):

The Department of Water Resources has received your application to amend the above referenced permit. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 3/17/2022 and 3/24/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application to amend the permit is approved, the Department will send you a copy of the amended permit.

Please contact the Western Region office at (208) 334-2190 if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 10, 2022 10:51 AM
To: BOI Legals
Subject: Application to Amend Permit No. 63-32423 & Application for Permit No. 63-35201
Attachments: Legal Notice.docx

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to the Western Region office before 4/4/2022. Your cooperation is appreciated.

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

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

63-35201

HAYDEN HOMES IDAHO LLC

1406 N MAIN ST STE 109

MERIDIAN, ID 83642-1798

Point of Diversion NWSE S32 T05N R01W ADA County

Source GROUND WATER

Use: IRRIGATION

03/01 to 11/15

0.8 CFS

Total Diversion:

0.8 CFS

Date Filed: 02-28-2022

Place Of Use: IRRIGATION

T05N R01W S32 NESW,SESW,NWSE

Total Acres: 93

Water bearing zone to be appropriated is from 150 to 250 feet.

PROPOSED AMENDMENT OF WATER PERMIT

63-32423

DRY CREEK WATER COMPANY LLC, 729 S BRIDGE WAY PL, EAGLE, ID 83616-6096 filed an application to amend permit no.

63-32423 on 12-17-2021.

with a 2006 priority date to divert ground water totaling 5.0 cfs for municipal purposes. The rate of diversion and place of use will remain unchanged. The permit provides municipal water for property located 6 miles northeast of Eagle, Idaho near the intersection of State Highway 55/Horseshoe Bend Rd and Dry Creek Rd. The applicant proposes to amend the permit to add a point of diversion to provide additional redundancy and additional supply at project build-out. The new well is proposed within NENE of Section 36 of Twp 05N Rge 01E.

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/ExtSearch/WRAJSearch/WRADJSearch.aspx>. 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 4/4/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/17/2022 and 3/24/2022



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

March 10, 2022

See attached mailing list

RE: Application for Amendment of Permit 63-32423

Dear Interested Party:

The Department of Water Resources is notifying you of an application for amendment of permit that may be of interest to you. A full description concerning property location may be found at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

Dry Creek Water Co. LLC has filed an amendment to permit 63-32423. The amendment is requesting to add a groundwater point of diversion to the permit. You are receiving this notice as your well is near the Dry Creek wells.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25 protest fee for each application protested must be received by April 4, 2022. Notice of Protest forms are available on our website, www.idwr.idaho.gov.

Please contact the Western Region office at (208) 334-2190 if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley

Technical Records Specialist II

LESLIE NONA, CHAIR
DRY CREEK RURAL NEIGHBORHOOD
ASSOCIATION
6411 W DRY CREEK RD
BOISE, ID 83714

RYAN & KELLI COLE
12105 N 17TH ST
BOISE, ID 83714

JOSEPH & JILL WATTERSON
6725 W. Dry Creek Rd
Boise, ID 83714

GRAVES CONNIE KAY
7725 STACK ROCK DR
BOISE, ID 83703-9676

PHILIP HAYS DATER
15005 N MCFARLAND CREEK RD
BOISE, ID 83714-9513

MARIAN SHAW
13975 Broken Horn Rd
Boise, ID 83714

MCMILLEN MIKE
6237 W ECHANOVE ST
BOISE, ID 83714-0000

MILLER DOUGLAS E, MILLER PATRICIA M
14150 N BROKEN HORN RD
BOISE, ID 83714-0000

WOLFE JEFFREY, WOLFE BARBARA
PO BOX 1554
BOISE, ID 83701-0000

ROBERT H & JULIA T WHITING
6122 W DRY CREEK RD
BOISE, ID 83714-0000

MICHAEL R ANDREWS
6074 W ECHANOVE ST
BOISE, ID 83714-0000

JOHN & JOAN JOHNSTON
10770 W JANIE RD
BOISE, ID 83714-9760

GAYLE YVONNE CHAPIN
10505 W JANIE PL
BOISE, ID 83714-0000

MICHAEL RISHEL
10235 W JAY RD
BOISE, ID 83714-0000

DALE M PODOLAN & LEE A PODOLAN
8372 W BROOKSIDE LN
BOISE, ID 83714-9641

SHANNON R HULL
7999 W STACK ROCK DR
BOISE, ID 83714-9618

J CLIVE JORDAN
16110 N BASIN WAY
BOISE, ID 83714-0000

DEC 17 2021

WATER RESOURCES
WESTERN REGION

December 13, 2021

Scott Storms
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Permit Amendment – 63-32423

Dear Scott,

Enclosed on behalf of Dry Creek Water Company LLC is an *Application for Amendment of Permit 63-32423* proposing a new well to serve as a 3rd municipal well in addition to the 2 permitted wells that have been drilled. Please see Application Item No. 5 for additional information. A check for the \$100 filing fee is enclosed.

Please let me know if there are any questions. Thanks Scott.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Ann Dickey, Boise Hunter Homes

Enclosures

SPF file number: 1704.0012