

RECEIVED

DEC 09 2021

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

85596

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Madera Development Inc.Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: WSB release request

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Madera Development Inc. Phone 208-850-1094
Mailing address c/o Thomas M Ricks, 5655 W Floating Feather Rd, Eagle, ID 83616 Email ricks_t@msn.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140
Mailing address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Thomas M. Ricks
Signature of Applicant or Authorized Representative

THOMAS M. RICKS, PRESIDENT
Print Name and Title if applicable

12/3/2021
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☒ Other split right, change ownership
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Applicant recently purchased the water he previously rented under Agreement No. 471 and requests the
water right be split according to ownership and the place of use for Madera's portion be made appurtenant to
Madera lands as described in the attached water right warranty deed.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ All or ☒ Part	63-34965	0.30/67.5	Irrigation	4/1 to 9/30	Ground Water
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.30 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.30 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	12													4	11			15
Total Acres (for irrigation use)																			15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Well, pump, concrete ditches, gated pipe. Measuring device and lockable controlling works will be accommodated in the future upon Department request.
- b. Who owns the property at the point(s) of diversion? Church of Jesus Christ of Latter Day Saints
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Well easement
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

 It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
 If yes, ☒ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Property is subject to future development.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Ballentyne Ditch Co. surface water rights are the primary irrigation source at the current and proposed places of use.
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☒ ☐ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?
 If yes, describe:
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 is included as Attachment 10.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-34965

Current Owner: STEVEN K RICKS
Priority Date: 2/14/1977
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 09/30	0.74 CFS	166.5 AF
	<u>Total Diversion</u>	0.74 CFS	166.5 AF

Location of Point(s) of Diversion

GROUND WATER
ADA County

SW1/4NE1/4 Sec. 12, Twp 04N, Rge 01W B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01W S12 NESW 37.00
Total Acres: 37

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
2. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER SEPTEMBER 30 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. W42 Use of this right is combined with water from Ballentyne Ditch Company Ltd.
4. X36 Right 63-8437B is also diverted through the point of diversion described above.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 2/16/2007

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

Ballentyne Ditch Co. surface water rights are the primary irrigation source at the current and proposed places of use.

85590

EXHIBIT 1

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Thomas M. Ricks
Madera Development, Inc.
5655 W. Floating Feather Road
Eagle, ID 83616

ADA COUNTY RECORDER Phil McGrane
BOISE IDAHO Pgs=2 DAN RYALLS
MEDERA DEVELOPMENT INC

2021-162769
11/12/2021 10:27 AM
AMOUNT \$15.00



(Space Above For Recorder's Use)

SPECIAL WARRANTY DEED

For the consideration of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is acknowledged, Steven K. Ricks, a married man dealing with his sole and separate property, whose address is 3085 Terra Drive, Boise, ID 83709 ("Grantor"), conveys and specially warrants to Madera Development, Inc., an Idaho corporation ("Grantee"), whose address is 5655 W. Floating Feather Road, Eagle, ID 83616, and its successors and assigns forever the following described water rights as defined in Idaho Code § 55-101(1) and that will be appurtenant to certain real property lying within the NW1/4 of the SE ¼ of Section 12, Township 4 North, Range 1 West, Boise Meridian, located in the City of Eagle, Ada County, Idaho, and being more particularly described in the attached Exhibit A:

Water Right No.: 63-34965; Priority Date: 2/14/1977; Source: Ground Water; Diversion Rate (CFS): .30; Diversion Volume (AF): 67.5; Acres (AC): 15.0; Rate Per Acre (CFS/AC): .02; volume Per Acre (AF/AC): 4.5;

SUBJECT TO a State of Idaho Department of Water Resources Water Supply Bank Lease Contract No. 1249, a copy of which has been delivered by Grantor to Grantee.

This conveyance shall include any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, and profits, in anywise appertaining to the water rights herein described as well in law as in equity.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said water rights; that the water rights are free from encumbrances created or suffered by the Grantor, excepting those as may be set forth, in this special warranty deed and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims of or through Grantor, but none other.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 7th day of JANUARY, 2021.


STEVEN K. RICKS

STATE OF IDAHO)
) ss.
County of Ada)

On this 7th day of January, 2021, before me the undersigned notary, personally appeared Steven K. Ricks, known or identified to me (or proved to me on the oath), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Seal]



Amanda Knee

Notary Public of Idaho

Commission No. _____

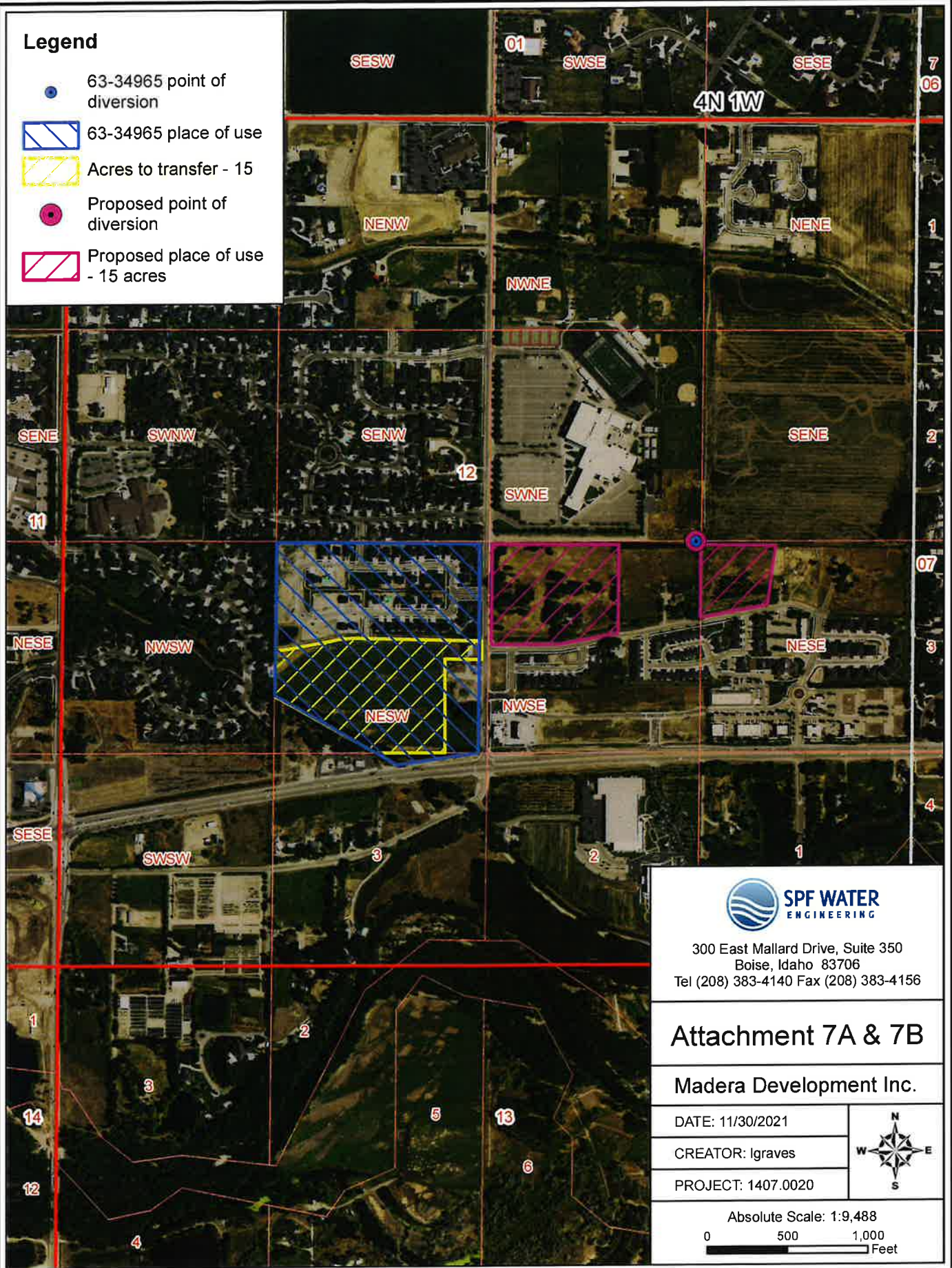
Residing in: Caldwell, ID, Idaho

My commission expires: 08/10/2026

4844-6814-5621, v. 1

Legend

-  63-34965 point of diversion
-  63-34965 place of use
-  Acres to transfer - 15
-  Proposed point of diversion
-  Proposed place of use - 15 acres



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

Attachment 7A & 7B

Madera Development Inc.

DATE: 11/30/2021

CREATOR: Igraves

PROJECT: 1407.0020



Absolute Scale: 1:9,488

0 500 1,000 Feet

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
63-34965	12/31/2025	0.3	67.5	15	Attached? ☒ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☒ Yes ☐ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
- ☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

Additional Information:

Water to be released upon transfer approval. See Transfer Attachment 10.

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.

STATE OF IDAHO
WATER RESOURCE BOARDWATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK

ONE FORM PER WATER RIGHT

All water rights leased into the Water Supply Bank shall remain unused by the water right holder for the duration of the Lease Contract. The water right will not be released from the Water Supply Bank until the conclusion of the Lease Contract unless otherwise authorized by the Idaho Water Resource Board. Water right holders may use this form to petition for early termination of their Water Supply Bank Lease Contract.

Water right holders seeking an early termination of a Lease Contract must demonstrate justifiable need for the release. Water rights under Lease Contract that are eligible for early termination can be released from the Water Supply Bank if the release will not impair administration of the Water Supply Bank. **If a water right is currently rented, it cannot be considered for release until the Rental Agreement concludes.** A water right is not released from the Water Supply Bank until written release confirmation is issued by the Water Supply Bank.

Water Right No: 63-34965Name(s) of Lessor(s): Originally Steven K Ricks, now Madera Development Inc.Mailing Address: 5655 W Floating Feather RdCity: EagleState: IDZip: 83616Telephone No: 208-850-1094Email Address: ricks_t@msn.comLease Contract Expiration Date: December 31, 2025Requested Release Date: UPON TRANSFER APPROVAL

Reason for Early Release:

Madera Development has purchased the leased water and is requesting ownership and place of use change on the accompanying transfer application. Water is to be released upon transfer approval. Madera leased this water in 2021 under Agreement 471.

Thomas M. Ricks
Signature of Lessor

THOMAS M. RICKS, PRESIDENT
Printed Name and Title*

12/3/2021
Date

Signature of Lessor

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney.

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

85596



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

February 9, 2022

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

RE: Transfer No. 85596
Water Right No. 63-35188

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 2/17/2022 and 2/24/2022. 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 is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerma
Administrative Assistant

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

Lauerman, Denise

From: Lauerman, Denise
Sent: Thursday, February 10, 2022 8:35 AM
To: BOI Legals
Subject: ADA COUNTY Legal Notice - Application for Permit No. 63-35124, 63-35166, 63-35177, 63-35178, Transfer No. 85596, Transfer No. 85636
Attachments: Cover Letter Ada County 85596 85636 63-35124 63-35166 63-35177 63-35178.docx; Legal Notice Ada County 85596 85636 63-35124 63-35166 63-35177 63-35178.docx

Good morning,

This will be my last Legal Notice email to you as I am moving on to a different position with the State of Idaho. Please email any responses after 02.11.2022 to: westerninfo@idwr.idaho.gov

Please see the attached ad for publication on 02/17/2022 and 02/24/2022.

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 this office before 03/07/2022. Your cooperation is appreciated.

Please confirm this is okay to publish as shown and send confirmation and all other correspondence to this email.

Thanks much!
Denise

Denise Lauerman
Administrative Assistant | IDWR - Western Region
2735 W Airport Way, Boise ID 83705-5082
☎ (208) 334.2190 | <http://idwr.idaho.gov/>
✉ denise.lauerman@idwr.idaho.gov





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

February 9, 2022

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-35124, 63-35166, 63-35177, 63-35178
Transfer No. 85596
Water Right No. 63-35188
Transfer No. 85636
Water Right Nos. 63-198AJ, 63-199B, 63-200B, 63-30181

Dear Legal Notice Department:

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 this office before 3/7/2022. Your cooperation is appreciated.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosures

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 SAWTOOTH 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

Published on 2/17/2022 and 2/24/2022

MEMORANDUM

TO: Transfer No. 85596
FROM: Laura McSherry
DATE: 01/27/2022
RE: Transfer – Ownership Change

The purpose of this memo is to document the Notice of Ownership Change processed as part of a transfer application for water right 63-34965. A copy of the conveyance document showing Madera Development Inc as the owner of the legal description of the property conveyed was submitted. The original water right was split, creating new child water right no. 63-35188 that reflected the legal property description provided.

McSherry, Laura

From: Condon, Mary
Sent: Tuesday, January 4, 2022 9:54 AM
To: Storms, Scott; Hummer, Phill
Cc: McSherry, Laura
Subject: RE: WSB Release Request Question

Hi Scott,

Each change of ownership of leased rights, and partially or fully rented rights are handled a little differently, but from the same concept that you already stated below. Rented rights cannot be released, but rentals can be cancelled by the renter. The designated lessor is the owner at the beginning of the year, so Madera would still rent all of 2022 and the owner payment would go to Ricks for 2022. Madera could then request to cancel their rental and lease 1/1/2023, so long as the transfer and change in ownership were all completed/approved in 2022.

Best,
Mary

Mary Condon
Water Supply Bank Specialist



IDAHO DEPARTMENT OF
WATER RESOURCES
Planning & Projects

mary.condon@idwr.idaho.gov

Direct: (208) 287-4936

Fax: (208) 287-6700, Attn. Mary C.

From: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Sent: Monday, January 3, 2022 12:24 PM
To: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>; Condon, Mary <Mary.Condon@idwr.idaho.gov>
Cc: McSherry, Laura <Laura.McSherry@idwr.idaho.gov>
Subject: WSB Release Request Question

Hey guys,

I've got an interesting Bank question for you. I currently have a Transfer in front of me where a portion of the right, 63-34965, is in the Bank. The portion is currently being rented under agreement 471 which ends in 2025 (I'm having to pull all this info from Bank shapefiles today). The Transfer application was submitted by the renter of agreement 471 and includes a quit claim deed to split that portion currently in the Bank and change ownership to the renter, Madera Development. Madera Development then wants to move their portion of the POU to the current rental POU and subsequently release their portion of the right from the Bank. I know typically we can not release a right from the Bank if it is currently being rented, however in this case the renter is the one taking over and filing transfer on the rented portion of the right and moving it to the rental POU. So my question is, once the Transfer is finalized, can they release



SPF WATER
ENGINEERING

December 7, 2021

RECEIVED

DEC 09 2021

**WATER RESOURCES
WESTERN REGION**

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

Subject: Transfer Application

Dear Scott,

Enclosed on behalf of Madera Development Inc. is an *Application for Transfer* for water they rented in 2021 and have now purchased. Check No. 1480 is enclosed for the \$600 filing fee (\$500 for the transfer application and \$100 for the water right split and ownership change).

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

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Tom Ricks

Enclosures

SPF file number: 1407.0020