

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85375**

This is to certify that: TERRACE LAKES WATER CO
C/O DENNIS LARGENT
60 STARVIEW DR.
GARDEN VALLEY, ID 83622-5222

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>
65-12985	WR/LICENSE	2/23/1989	0.200 cfs	145.0 af	25.8	383.0	GROUND WATER
65-13457	WR/LICENSE	6/27/1993	0.070 cfs	50.7 af	N/A	N/A	GROUND WATER
65-23085	WR/LICENSE	7/18/2006	0.470 cfs	118.0 af	26.0	383.0	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>
65-12985	NO	NO	NO	YES	NO	NO
65-13457	NO	NO	NO	YES	NO	NO
65-23085	NO	NO	NO	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>
65-12985	65-12985	0.200 cfs	145.0 af	25.8	383.0	N/A	N/A	N/A	N/A	N/A
65-13457	65-13457	0.070 cfs	50.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
65-23085	65-23085	0.470 cfs	118.0 af	26.0	383.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.470 cfs	313.7 af	51.8	383.0		N/A	N/A	N/A	N/A

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 31st day of January, 2022.


NICK MILLER, Western Regional Manager

Transfer No. 85375

WATER RIGHT NO. 65-12985**As Modified by Transfer No. 85375**

In accordance with the approval of Transfer No. 85375, Water Right No. 65-12985 is now described as follows:

Right Holder: TERRACE LAKES WATER CO
C/O DENNIS LARGENT
60 STARVIEW DR.
GARDEN VALLEY, ID 83622-5222

Priority Date: 2/23/1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.200 cfs	145.0 af
IRRIGATION	03/15	to 10/31	0.200 cfs	90.3 af
			0.200 cfs	145.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (NWNW)	Sec 3	Twp 09N Rge 04E	BOISE County
GROUND WATER	L4 (NWNW)	Sec 3	Twp 09N Rge 04E	BOISE County
GROUND WATER	L4 (NWNW)	Sec 4	Twp 09N Rge 04E	BOISE County
GROUND WATER	SESE	Sec 28	Twp 10N Rge 04E	BOISE County
GROUND WATER	SWSE	Sec 28	Twp 10N Rge 04E	BOISE County
GROUND WATER	SESW	Sec 28	Twp 10N Rge 04E	BOISE County
GROUND WATER	SESW	Sec 28	Twp 10N Rge 04E	BOISE County
GROUND WATER	L1 (NENE)	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWNE	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	L3 (NESE)	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWSE	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWNW	Sec 34	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWNW	Sec 34	Twp 10N Rge 04E	BOISE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	3						X	X										
09N	04E	4	X	X	X	X	X	X											
10N	04E	28															X	X	
10N	04E	33	X	X	X	X					X			X	X	X	X	X	
10N	04E	34					X	X	X			X							

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	
09N	04E	3						2.0	0.5										2.5
09N	04E	4	22.0	10.0	1.0	4.0	14.0	1.0											52.0
10N	04E	28															8.0	46.5	54.5
10N	04E	33	40.0	28.0	19.0	35.0					1.0			1.0	2.0	13.0	33.5	44.5	217.0
10N	04E	34					0.5	29.0	20.5			7.0							57.0

Transfer No. 85375

WATER RIGHT NO. 65-12985
As Modified by Transfer No. 85375

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	
Right Acre Limit:			25.8																
POU Total Acres:			383.0																

CONDITIONS OF APPROVAL

1. Rights 65-12985, 65-12457 and 65-23085 when combined shall not exceed a total diversion rate of 0.47 cfs.
2. Rights 65-12985 and 65-23085 when combined for irrigation purposes shall not exceed a total diversion rate of 0.47 cfs.
3. Use of water for domestic purposes under Right 65-13457 and 65-12985 is limited to a combined total of 450 homes.
4. Domestic use is for 450 homes. Irrigation of lawns, gardens and landscaping associated with the homes is authorized under the irrigation component of this right.
5. This right is limited to the irrigation of 25.8 acres within the place of use described above in a single irrigation season.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. 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.
8. Place of use is located within Terrace Lakes Recreation Ranch, Unit Nos. 1 through 13.
9. The issuance of this right does not grant any right-of-way or easement across the land of another.
10. Right 65-13457 is also diverted through the points of diversion described above.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 65-13457**As Modified by Transfer No. 85375**

In accordance with the approval of Transfer No. 85375, Water Right No. 65-13457 is now described as follows:

Right Holder: TERRACE LAKES WATER CO
C/O DENNIS LARGENT
60 STARVIEW DR.
GARDEN VALLEY, ID 83622-5222

Priority Date: 6/27/1993

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.070 cfs	50.7 af
			0.070 cfs	50.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (NWNW)	Sec 3	Twp 09N Rge 04E	BOISE County
GROUND WATER	L4 (NWNW)	Sec 3	Twp 09N Rge 04E	BOISE County
GROUND WATER	L4 (NWNW)	Sec 4	Twp 09N Rge 04E	BOISE County
GROUND WATER	SESE	Sec 28	Twp 10N Rge 04E	BOISE County
GROUND WATER	SWSE	Sec 28	Twp 10N Rge 04E	BOISE County
GROUND WATER	SESW	Sec 28	Twp 10N Rge 04E	BOISE County
GROUND WATER	SESW	Sec 28	Twp 10N Rge 04E	BOISE County
GROUND WATER	L1 (NENE)	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWNE	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	L3 (NESE)	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWSE	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWNW	Sec 34	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWNW	Sec 34	Twp 10N Rge 04E	BOISE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	3						X	X										
09N	04E	4	X	X	X	X	X	X											
10N	04E	28															X	X	
10N	04E	33	X	X	X	X					X			X	X	X	X	X	
10N	04E	34					X	X	X		X								

CONDITIONS OF APPROVAL

1. Rights 65-12985, 65-12457 and 65-23085 when combined shall not exceed a total diversion rate of 0.47 cfs.
2. Use of water for domestic purposes under Right 65-13457 and 65-12985 is limited to a combined total of 450 homes.

Transfer No. 85375

WATER RIGHT NO. 65-13457

As Modified by Transfer No. 85375

CONDITIONS OF APPROVAL

3. Domestic use is for 450 homes. Irrigation of lawns, gardens and landscaping associated with the homes is authorized under water right 65-12985 and 65-23086.
4. 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.
5. Place of use is located within Terrace Lakes Recreation Ranch, Unit Nos. 1 through 13.
6. The issuance of this right does not grant any right-of-way or easement across the land of another.
7. Right 65-12985 is also diverted through the points of diversion described above.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 65-23085**As Modified by Transfer No. 85375**

In accordance with the approval of Transfer No. 85375, Water Right No. 65-23085 is now described as follows:

Right Holder: TERRACE LAKES WATER CO
C/O DENNIS LARGENT
60 STARVIEW DR.
GARDEN VALLEY, ID 83622-5222

Priority Date: 7/18/2006

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to 12/31	0.320 cfs	27.0 af
FIRE PROTECTION	01/01	to 12/31	0.470 cfs	
IRRIGATION	03/15	to 10/31	0.400 cfs	91.0 af
			0.470 cfs	118.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L4 (NWNW)	Sec 3	Twp 09N Rge 04E	BOISE County
GROUND WATER	L4 (NWNW)	Sec 3	Twp 09N Rge 04E	BOISE County
GROUND WATER	L4 (NWNW)	Sec 4	Twp 09N Rge 04E	BOISE County
GROUND WATER	SESW	Sec 28	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWNE	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	L3 (NESE)	Sec 33	Twp 10N Rge 04E	BOISE County
GROUND WATER	NWSE	Sec 33	Twp 10N Rge 04E	BOISE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	3						X	X										
								L 4											
09N	04E	4	X	X	X	X	X	X											
			L 1	L 2		L 5	L 3	L 4											
10N	04E	28															X	X	
																	L 4		
10N	04E	33	X	X	X	X					X			X	X	X	X	X	
			L 1			L 2									L 3			L 4	
10N	04E	34					X	X	X			X							

PLACE OF USE: FIRE PROTECTION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	04E	3						X	X										
								L 4											
09N	04E	4	X	X	X	X	X	X											
			L 1	L 2		L 5	L 3	L 4											
10N	04E	28															X	X	
																	L 4		
10N	04E	33	X	X	X	X					X			X	X	X	X	X	

Transfer No. 85375

WATER RIGHT NO. 65-23085**As Modified by Transfer No. 85375****PLACE OF USE: FIRE PROTECTION**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			L 1			L 2									L 3			L 4	
10N	04E	34					X	X	X			X							

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	
09N	04E	3						2.0	1.0										3.0
								L 4											
09N	04E	4	22.0	10.0	1.0	4.0	14.0	1.0											52.0
			L 1	L 2		L 5	L 3	L 4											
10N	04E	28															8.0	46.0	54.0
																		L 4	
10N	04E	33	40.0	28.0	19.0	35.0				1.0			1.0	2.0	13.0	34.0	44.0	217.0	
			L 1			L 2								L 3				L 4	
10N	04E	34					1.0	29.0	20.0		7.0								57.0

Right Acre Limit: 26.0
POU Total Acres: 383.0

CONDITIONS OF APPROVAL

1. Rights 65-12985, 65-12457 and 65-23085 when combined shall not exceed a total diversion rate of 0.47 cfs.
2. This right is limited to the irrigation of 26 acres within the authorized place of use in a single irrigation season.
3. Rights 65-12985 and 65-23085 when combined for irrigation purposes shall not exceed a total diversion rate of 0.47 cfs.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Domestic use is for 45 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right. Use of water for domestic purposes under Rights 65-12985, 65-13457 and 65-23085 when combined shall not exceed a total diversion rate of 0.47 cfs and use in 450 homes.
7. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.

WATER RIGHT NO. 65-23085

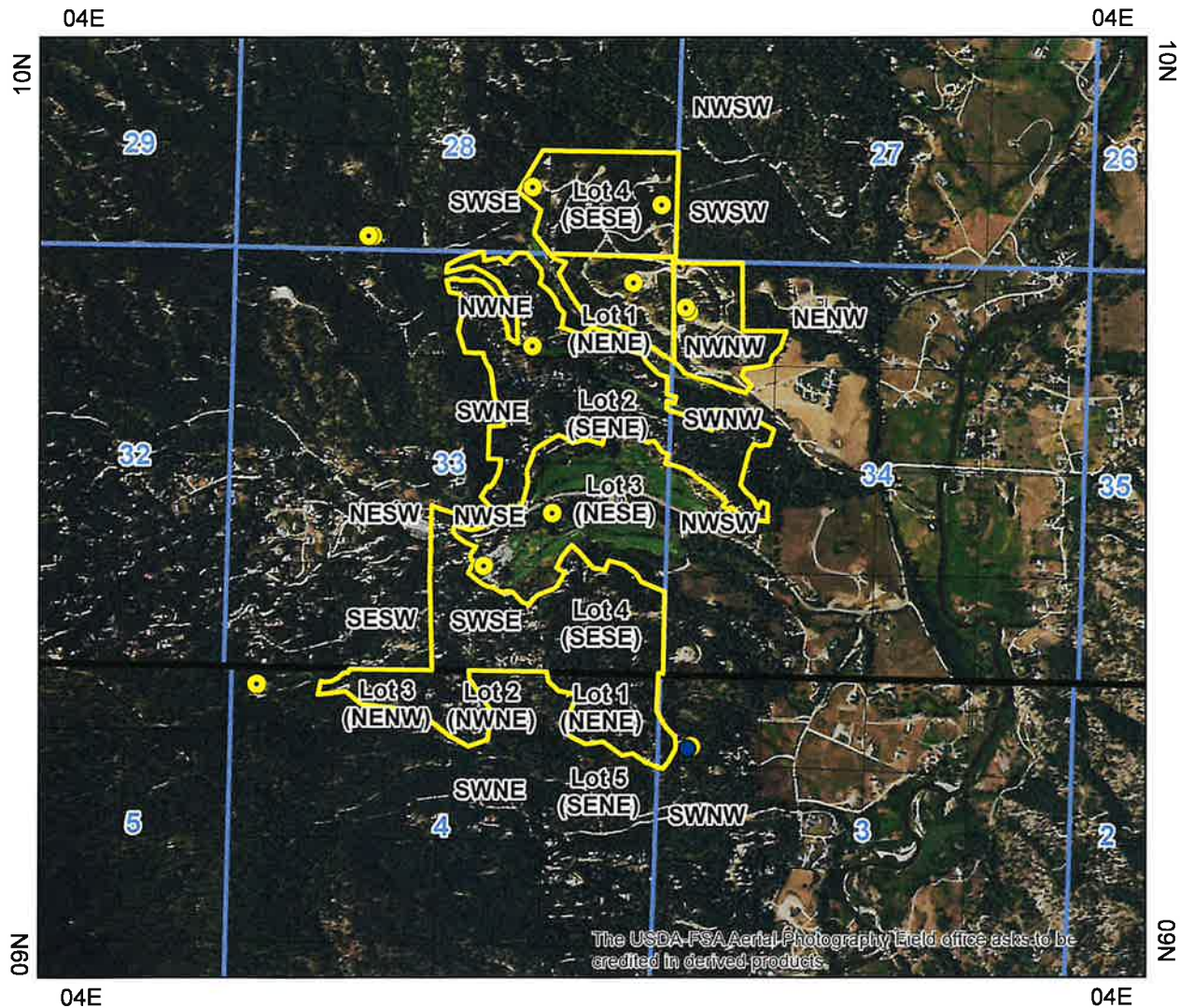
As Modified by Transfer No. 85375

CONDITIONS OF APPROVAL

8. The following rights are diverted through points of diversion described above: 65-12985, 65-13457 & 65-23085.
9. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

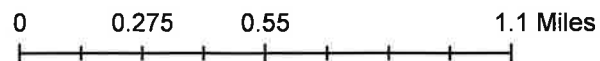
Water Right(s): 65-13457 & 65-12985

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



Legend

-  Proposed POD: Well No.7
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

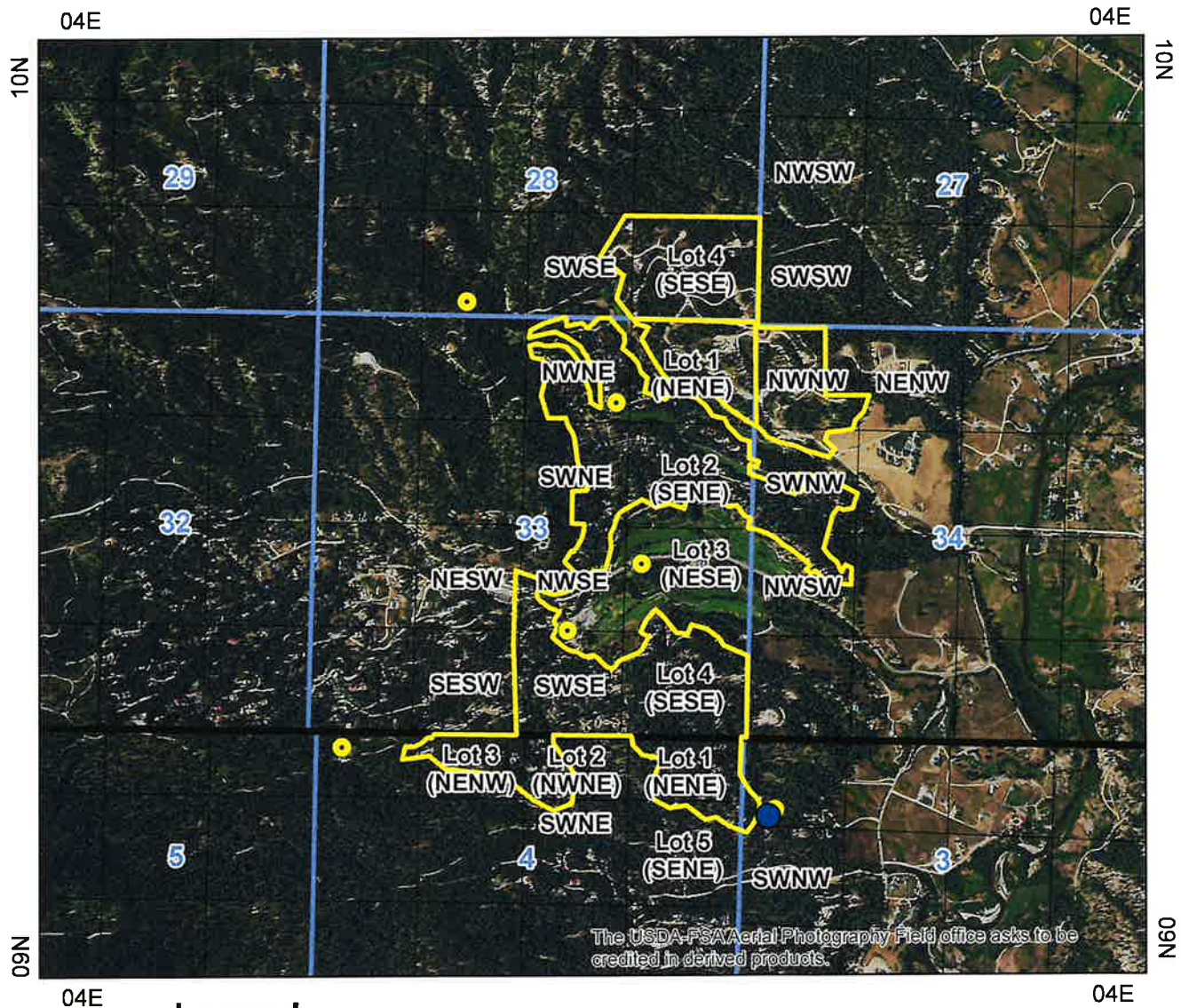


State of Idaho
Department of Water Resources

Attachment to Transfer No. 85375

Water Right: 65-23085

This map depicts the FIRE PROTECTION, IRRIGATION AND DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

- Proposed POD: Well No. 7
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.275 0.55 1.1 Miles





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

January 31, 2022

TERRACE LAKES WATER CO
C/O DENNIS LARGENT
60 STARVIEW DR.
GARDEN VALLEY ID 83622-5222

Re: Transfer No: 85375
Water Right Nos.: 65-12985, 65-13457, 65-23085

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,


DENISE GUERMAN

for Nick Miller
Regional Manager

Enclosure

CC:

MOUNTAIN WATERWORKS
C/O EMILY NICHOLAS
PO BOX 9906
BOISE ID 83707

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 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.: 85375

Water Right Nos.: 65-12985, 65-13457, 65-23085

TERRACE LAKES WATER CO
C/O DENNIS LARGENT
60 STARVIEW DR.
GARDEN VALLEY ID 83622-5222

MOUNTAIN WATERWORKS
C/O EMILY NICHOLAS
PO BOX 9906
BOISE ID 83707



Denise Lauerman
Administrative Assistant

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.

Williams, Marcelina

From: Sam Nieslanik <Sam@mountainwtr.com>
Sent: Monday, November 22, 2021 4:12 PM
To: Williams, Marcelina
Subject: RE: Address clarification



Marcelina,

I apologize for that mistake..... Dennis Largent is the new president of the Terrace Lakes Water Company. His address is actually:

60 Starview Dr.
Garden Valley, ID 83622-5222

Thanks,

Sam Nieslanik, E.I.T. | Mountain Waterworks, Inc.

Staff Engineer I
Boise - Lewiston - McCall
P 208.780.3984
C 970.623.1469

My email has recently been changed to: sam@mountainwtr.com

From: Williams, Marcelina <Marcelina.Williams@idwr.idaho.gov>
Sent: Monday, November 22, 2021 4:04 PM
To: Sam Nieslanik <Sam@mountainwtr.com>
Subject: Address clarification

Hi Sam,

I just got back the final edits that need to be made to the Terrace Lakes transfer before advertising. It looks like we have **C/O ILENE JOHNSON 950 N COLE RD Boise, Idaho 83704** on file for the current address for your clients at Terrace Lakes Water Company but the application was filed with the address of **101 Holiday Drive Garden Valley ,Idaho 83622**. I just need to clarify what the correct address is then it will be on its way to go out.

Thank you ,

Marcelina M. Williams | *Water Resource Agent*
IDWR Western Region | office: (208) 605.4632
Email: Marcelina.Williams@idwr.idaho.gov

Williams, Marcelina

From: Sam Nieslanik <Sam@mountainwtr.com>
Sent: Wednesday, November 3, 2021 4:52 PM
To: Williams, Marcelina
Cc: Tim Farrell
Subject: Terrace Lakes Water Right Transfer

Marcelina,

I am following up to the voicemail that I sent you. The 6 additional PODs that appear on Water Right Nos. 65-12985 & 65-13457 are inactive. The water right transfer should include 7 total PODs:

- 6 PODs that are common to all three water rights included in the transfer
- 1 additional POD (Well No. 7)

Terrace Lakes and IDWR will have to decide what they want to do with the inactive wells.

Thank you for expediting this review as much as possible, we appreciate the help. Mountain Waterworks is motivated to get this transfer approved so we can bid the well drilling project. If we are unable to do this in the next month or so it is unlikely the well will be drilled next summer. Let me know if anything comes up and we will get it taken care of.

Best,

Sam Nieslanik, E.I.T. | [Mountain Waterworks, Inc.](#)

Staff Engineer I
Boise - Lewiston - McCall
P 208.780.3984
C 970.623.1469

My email has recently been changed to: sam@mountainwtr.com

MEMORANDUM

TO: Transfer No. 85375
FROM: MARCELINA WILLIAMS
DATE: October 21, 2021
RE: Evaluation of Application

The purpose for transfer is to add an additional point of diversion POD to three current water rights held by Terrace Lakes Water Company. They are filling this transfer due to production capability of well number five decreasing.

Summary of Information Submitted

Authority to File:

IDWR records show Terrace Lakes Water Company as the current owner of water rights 65-12985, 65-13457, 65-23085, and are the authorized public water suppliers to the Terrace Lakes Subdivision. The application was signed by Dennis Largent who is listed as president of the company on the Idaho Secretary of State annual report.

Water Right Validity:

Water right no(s). 65-12985, 65-13457, and 65-23085 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:

This transfer does not fall within any areas of concern however, due to the rapid development in the area this application was advertised to allow surrounding right holders to file a protest if they believed injury would occur.

Enlargement of Use:

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:

This transfer is not anticipated to cause potential water quality issues, impact current land use requirements on non-private land or impact fish/wildlife resources. No protest was filed in response to the water right transfer being advertised. For those reasons this application proposes a change consistent with the local public interest.

Discussion

The new POD was added to all three water rights. 65-12985 and 65-13457 now contain 13 POD's and 65-23085 contains seven. The remaining six PODs that are on associated water rights 65-12985 and 65-13457 were found inoperable at the time of the licensing exam completed in 2012 for water right 65-23085. Therefore, leaving them off water right 65-23085.

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

Williams, Marcelina

From: Sam Nieslanik <Sam@mountainwtr.com>
Sent: Thursday, October 21, 2021 3:55 PM
To: Williams, Marcelina
Subject: Terrace Lakes Water Right Transfer Application

Marcelina,

Following up on our conversation this afternoon. Please include the 12 existing and 1 proposed point of diversion on all three water rights involved in the transfer (No. 65-12985, 65-13457, and 65-23085).

Thank you,

Sam Nieslanik, E.I.T. | [Mountain Waterworks, Inc.](#)

Staff Engineer I

Boise - Lewiston - McCall

P 208.780.3984

C 970.623.1469

My email has recently been changed to: sam@mountainwtr.com

Storms, Scott

From: Miller, Nick
Sent: Tuesday, October 12, 2021 9:21 AM
To: Sam Nieslanik
Cc: Tim Farrell; Storms, Scott
Subject: RE: Terrace Lakes Water Right Transfer Application

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Sam,

I'm copying Scott Storms on this email as he is the water rights supervisor and needs to be in the loop on this request. I will discuss this transfer with him and we'll see if it is something we can expedite.

Nick.

From: Sam Nieslanik <Sam@mountainwtr.com>
Sent: Monday, October 11, 2021 1:13 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Tim Farrell <TFarrell@mountainwtr.com>
Subject: Terrace Lakes Water Right Transfer Application

Hello Mr. Miller,

Terrace Lakes Water Company received funding through the USDA Emergency Community Water Assistance Grant (ECWAG) for an emergency project to increase supply capacity in their public water system. Mountain Waterworks is working for Terrace Lakes Water Company on an designing a new groundwater well and wellhouse.

Terrace Lakes is a community located North of Crouch, ID that has a mix of vacation and permanent residences. Its drinking water system is served from four low capacity (20-60 gpm) groundwater wells that cannot meet maximum day demand. The community has experienced significant growth over the past year, which has increased the supply problem. Our hope is that we will be able to bid the construction of a new groundwater well this winter or next spring.

We submitted a water right transfer application to IDWR on September 23, 2021 to add an additional point of diversion (POD) to their three existing water rights. Due to the emergency nature of the project I was hoping to get a status update and potentially an expedited review on the transfer application. IDWR approval of the transfer application is a critical path item that is necessary prior to construction approval from IDEQ. If you have questions about the project and/or transfer application please give me a call. Thanks for the help.

Best,

Sam Nieslanik, E.I.T. | Mountain Waterworks, Inc.

Staff Engineer I
Boise - Lewiston - McCall
P 208.780.3984
C 970.623.1469

My email has recently been changed to: sam@mountainwtr.com

THE IDAHO WORLD

P.O. Box 220
Idaho City, ID 83631
(208) 202-9288

State of Idaho)
County of Ada)

Elise Capson, being duly sworn, deposes and says: that she is the Publisher of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with December 1, 2021 and ending with the issue of December 8, 2021.

Elise Capson

State of Idaho)
County of Ada)

On this 11th day of December in the year 2021, before me, a notary public, personally appeared Elise Capson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Jesus Pelayo
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires 07/28/27

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85375

TERRACE LAKES WATER CO,
C/O DENNIS LARGENT
60 STARVIEW DR., GARDEN VALLEY,
ID 83622-5222 has filed Appli-
cation No. 85375 for changes
to the following water rights
within BOISE County(s): Right
No(s). 65-12985, 65-13457,
65-23085; to see a full de-
scription 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:

The transfer proposes to add
a new point of diversion to
three water rights located in
Section 3, T09N,R04E, on Ter-
race Lakes Recreational Ranch.

For additional information

concerning the property loca-
tion, contact Western Region
office at (208)334-2190. Pro-
tests 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 Re-
gion, 2735 W AIRPORT WAY, BOISE
ID 83705-5082 together with
a protest fee of \$25.00 for
each application on or before
12/20/2021. The protestant
must also send a copy of the
protest to the applicant.
GARY SPACKMAN, Director

Published in the Ida-
ho World on 12/1/2021 and
12/8/2021.

RECEIVED

DEC 15 2021

WATER RESOURCE
WESTERN REGION

JESUS PELAYO
Notary Public
State of Idaho
Commission No. 20213579