

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84376**

This is to certify that: **NEW UNION DITCH CO LTD**
PO BOX 31
EAGLE, ID 83616

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>
63-146	WR/DECREED	6/1/1865	13.760 cfs	N/A	597.3	N/A	BOISE RIVER

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>
63-146	NO	NO	NO	NO	NO	YES

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>
63-146	63-146	13.760 cfs	N/A	586.5	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.760 cfs	N/A	586.5	N/A		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 27th day of January, 2021.

for, Patricia Wilby
Chief, Water Allocation Bureau

WATER RIGHT NO. 63-146
As Modified by Transfer No. 84376

CONDITIONS OF APPROVAL

3. This right is limited to the irrigation of 586.5 acres of the 686.5 acres decreed for this right within the place of use described above in a single irrigation season. Before the decree was issued, 1.3 acres had been converted to diversion to storage and aesthetic storage uses to mitigate losses associated with water right 63-12598. Since the decree was issued, 19.0 acres has been dedicated to mitigate right no. 63-34105. 8.0 acres has been dedicated to mitigate right no. 63-34154. 22.7 acres has been converted to diversion to storage and aesthetic storage uses to mitigate losses associated with water rights 63-31934 and 63-32143. 8.0 acres has been converted to diversion to storage and aesthetic storage uses to mitigate losses associated with water right 63-33631. 6.0 acres has been converted to diversion to storage and aesthetic storage uses to mitigate losses associated with water right 63-33792 and 63-33772. 25.5 acres has been converted to aesthetic storage to mitigate losses associated with water right 63-34831. 10.8 acres has been converted to diversion to storage and aesthetic storage uses to mitigate losses associated with water right 63-34954.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. Transfer 70266 authorizes the diversion rate in the amount of 0.03 cfs and 4.6 af to be used for replacement of losses caused by evaporation from one pond associated with Right 63-12598.
8. Transfer 73632 authorizes the diversion of water in the amount of 0.36 cfs and 66.4 af to be used for replacement of losses caused by evaporation from 10 ponds associated with Right 63-31934.
9. Transfer 73632 authorizes the diversion of water in the amount of 0.09 cfs and 20.2 af to be used for replacement of losses caused by evaporation from one pond and evapotranspiration from the irrigation of 4 acres associated with Right 63-32143.
10. Transfer 75286 authorizes the diversion of water in the amount of 0.16 cfs and 28.0 af to be used for replacement of losses caused by evaporation from three (3) ponds associated with Right 63-33631.

WATER RIGHT NO. 63-146
As Modified by Transfer No. 84376

CONDITIONS OF APPROVAL

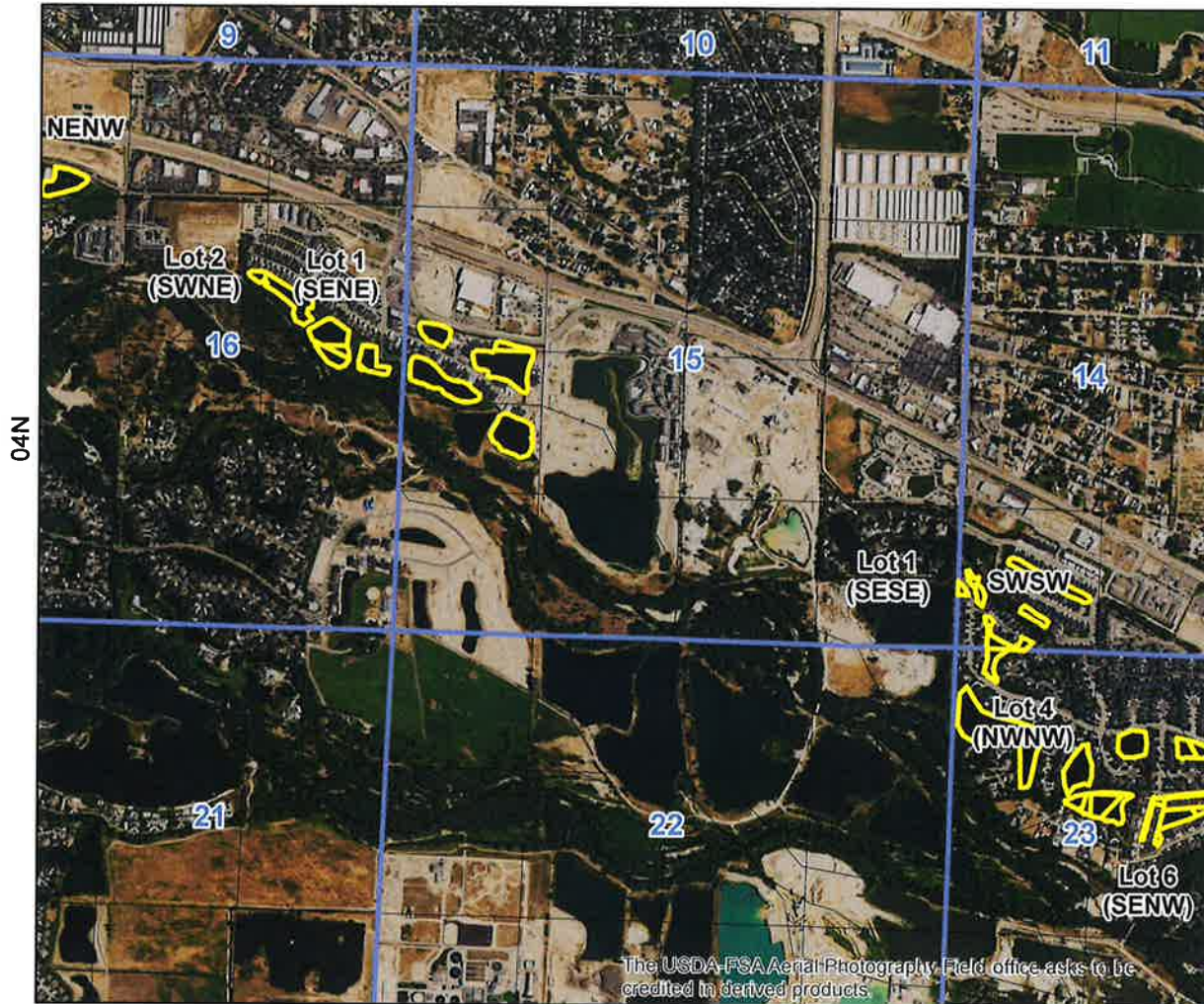
11. Transfer 78771 authorizes the diversion of water in the amount of 0.12 cfs and 21.0 af to be used for replacement of losses caused by evaporation from one (1) pond associated with Right 63-33792 and three (3) ponds associated with Right 63-33772.
12. Transfer 83799 authorizes the diversion of water in the amount of 0.51 cfs and 78.9 af to be used for replacement of losses caused by evaporation from one (1) pond associated with Right 63-34831.
13. Transfer 84376 authorizes the diversion of water in the amount of 0.22 cfs and 33.4 af to be used for replacement of losses caused by evaporation from four (4) ponds associated with Right 63-34954.
14. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
15. This right originated as all or part of right no. 14 in the Stewart Decree and the historic Boise River Water Masters records.
16. The right holder shall accomplish the change authorized by this Transfer within one (1) year of the date of the approval.
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfers.
18. 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.



Attachment to Water Right Transfer 84376

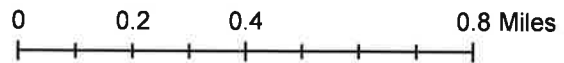
63-146

This map depicts the AESTHETIC STORAGE 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.

01E



-  Transfer POU
-  Townships
-  PLS Sections
-  Quarter Quarters

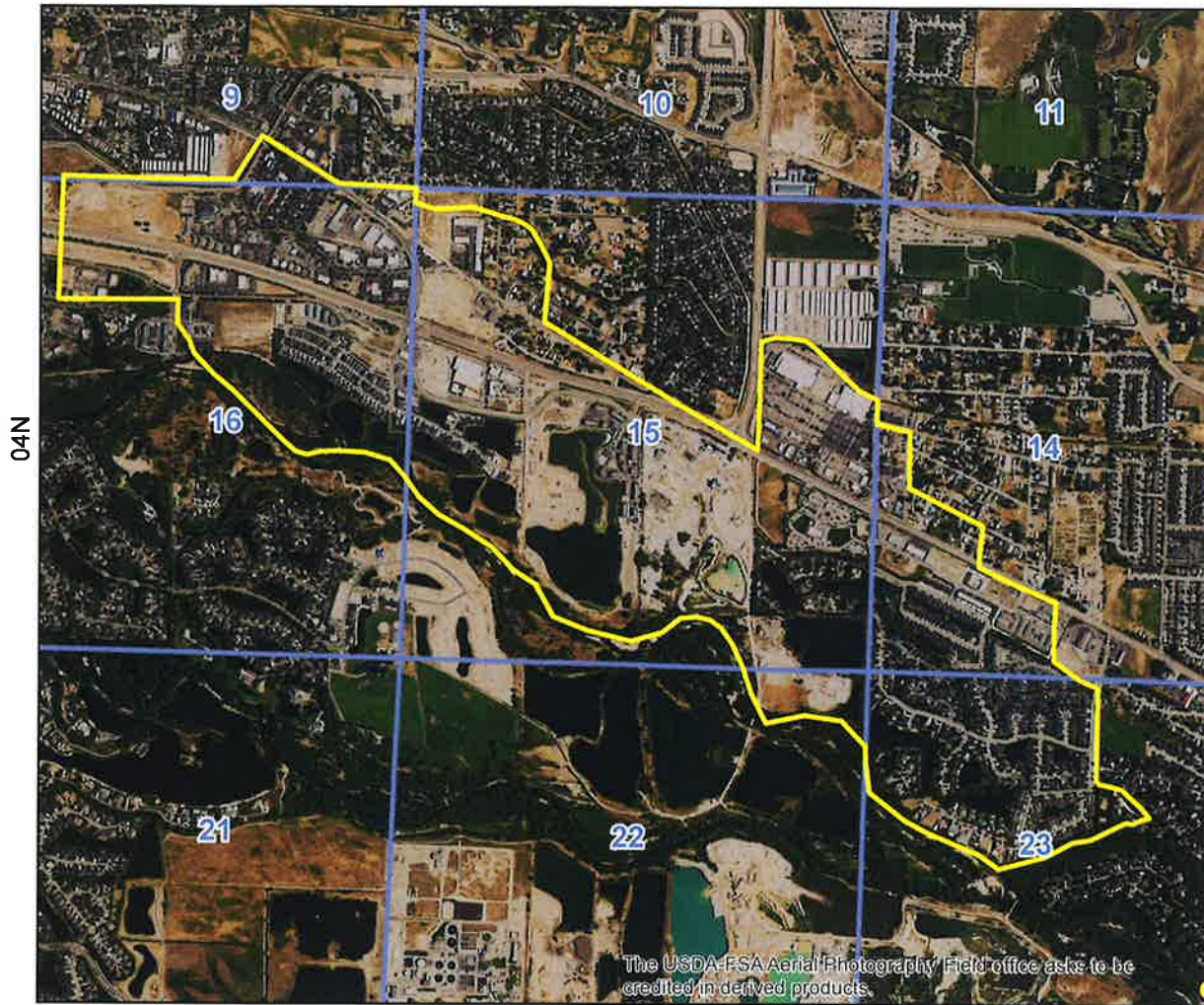






Attachment to Water Right Transfer 84376

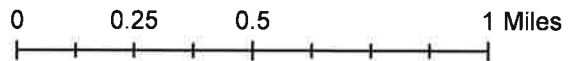
63-146

This map depicts the 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.

01E



-  Transfer POU
-  Transfer POD
-  Townships
-  PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 27, 2021

NEW UNION DITCH CO LTD
PO BOX 31
EAGLE ID 83616

RE: Transfer No: 84376
Water Right No(s): 63-146

Transfer Approval Notice

Dear Water Right Holder(s) 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 Lauer
DENISE LAUERMAN
for Nick Miller
Western Regional Manager

Enclosure(s)

CC:

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

MCHUGH BROMLEY PLLC
ATTN CANDICE MCHUGH
380 S 4TH ST STE 103
BOISE ID 83702-7687

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2021 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.: 84376
Water Right No(s): 63-146

NEW UNION DITCH CO LTD
PO BOX 31
EAGLE ID 83616

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

MCHUGH BROMLEY PLLC
ATTN CANDICE MCHUGH
380 S 4TH ST STE 103
BOISE ID 83702-7687

 Denise Lauderman (DENISE LAUDERMAN)

for Nick Miller

Regional Manager

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.

* * Proof of Publication * *

Uok
AK
11-24-2020

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84376

NEW UNION DITCH CO LTD, PO BOX 31, EAGLE, ID 83616
has filed Application No. 84376 for changes to the following
water rights within ADA County(s): Right No(s). 63-146; to see
a full description of these rights and the proposed transfer,
please see [https://research.idwr.idaho.gov/apps/waterrights
/querynewtransfers](https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers). The purpose of the transfer is to change a
portion of the above rights as follows: New Union Ditch Co. LTD
is an irrigation water provider for its district in northern Ada
County. The company filed transfer 84376 to change the nature
of use of a portion of water right 63-146's irrigation use to
aesthetic storage to provide mitigation for evaporative losses
from four ponds in the Renovare Subdivision. The source of the
water for the ponds is shallow ground water assumed to be in
hydraulic connection with the adjacent Boise River.
For additional information concerning the property location,
contact Western Region office at (208)334-2190. Protests may
be submitted based on the criteria of Idaho Code Sec. 42-222.
Any protest against the proposed change must be filed with the
Department of Water Resources, Western Region, 2735 W
AIRPORT WAY, BOISE ID 83705-5082 together with a protest
fee of \$25.00 for each application on or before 11/23/2020. The
protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on 11/5/2020 and 11/12/2020

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

2 Insertions

IDAHO DEPT OF WATER RESOURCES
ATTN Kensie Thorneycroft
2735 AIRPORT WAY
BOISE ID 83705

ORDER NUMBER 107907

Jenny Green
(Legal Clerk)

RECEIVED

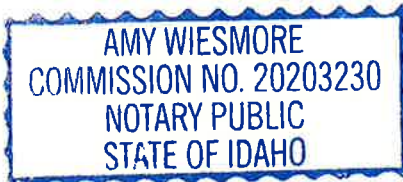
NOV 18 2020

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 12 day of November in the year of 2020 before me, a
Notary Public, personally appeared before me Jenny Green known or
identified to me to be the person whose name subscribed to the within
instrument, and being by first duly sworn, declared that the statements
therein are true, and acknowledged to me that she executed the
same.

Amy Wiesmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-2026



Section: Legals

Category: 50 Legal

PUBLISHED ON: 11/05/2020, 11/12/2020

TOTAL AD COST: 84.66

FILED ON: 11/12/2020

TRIBUNE PUBLISHING COMPANY, INC
 The Lewiston Tribune
 505 C St., P.O.Box 957
 Lewiston, Idaho 83501
 (208) 743-9411

Date: 11/12/2020 INVOICE NO. 160675
 Account No. 96476
 Description 160675 NOTICE O
 Times 2 Lines 58
 Tab. lines 58

**LEGAL ADVERTISING
 INVOICE**

RECEIVED

\$ 82.65

Sold To: DEPT OF WATER RESOURCES
 2735 AIRPORT WAY
 BOISE ID 83705

NOV 17 2020

PO# Kaiser, Anna

**WATER RESOURCES
 WESTERN REGION**

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
 Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

¹⁶⁰⁶⁷⁵
**NOTICE OF PROPOSED
 CHANGE OF
 WATER RIGHT
 TRANSFER NO. 84376
 NEW UNION DITCH CO
 LTD, PO BOX 31, EAGLE,**

*Jok
 AK
 11-24-2020*

ID 83616 has filed Application No. 84376 for changes to the following water rights within ADA County(s): Right No(s). 63-146; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/water-rights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: New Union Ditch Co. LTD is an irrigation water provider for its district in northern Ada County. The company filed transfer 84376 to change the nature of use of a portion of water right 63-146s irrigation use to aesthetic storage to provide mitigation for evaporative losses from four ponds in the Renovare Subdivision. The source of the water for the ponds is shallow ground water assumed to be in hydraulic connection with the adjacent Boise River. For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 11/23/2020. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director
 Published on 11/5/2020 and 11/12/2020

AFFIDAVIT OF PUBLICATION

Hollie K Vance, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 160675 NOTICE O attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 11/05, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 11/05/2020, and the last publication thereof being on the 11/12/2020, and said 160675 NOTICE O was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Hollie K Vance

State of Idaho
 S.S.
 County of Nez Perce

On this 12 day of Nov in the year of 2020, before me, a Notary Public, personally appeared Hollie K Vance, 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 he executed the same.



Notary Public in and for the State of Idaho,
 residing at Lewiston, therein
 Commission Expires 1/23/20



PROOF OF PUBLICATION
Post Register

RECEIVED

NOV 16 2020

WATER RESOURCES WESTERN REGION

State of Idaho
County of Bonneville

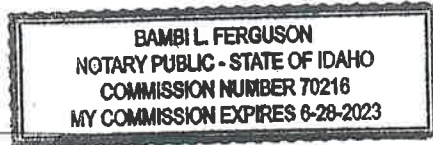
I, Dawn Giannini, or Collins Crapo first being duly sworn, depose and say: That I am the Classified Manager, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Post Register, a newspaper of general circulation, published 4 days, Tuesday, Wednesday, Friday and Sunday, at Idaho Falls, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for 2, first publication having been made on 11/04/2020 last publication having been made on 11/11/2020, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

John ADK 11-24-2020

[Handwritten signature]

Subscribed and sworn to before me, on this 11th day of November, 2020



Notary Public
My commission expires:

attached jurat

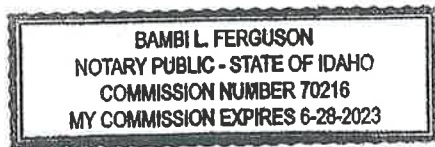
STATE OF IDAHO

COUNTY OF BONNEVILLE

ss.

On this 11th day of November, 2020 before me, the undersigned, a Notary public for said state, personally appeared Dawn Giannini or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they 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.



[Handwritten signature]

Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84376

NEW UNION DITCH CO LTD, PO BOX 31, EAGLE, ID 83616 has filed Application No. 84376 for changes to the following water rights within ADA County(s): Right No(s). 63-146; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/query-newtransfers. The purpose of the transfer is to change a portion of the above rights as follows: New Union Ditch Co. LTD is an irrigation water provider for its district in northern Ada County. The company filed transfer 84376 to change the nature of use of a portion of water right 63-146's irrigation use to aesthetic storage to provide mitigation for evaporative losses from four ponds in the Renovare Subdivision. The source of the water for the ponds is shallow ground water assumed to be in hydraulic connection with the adjacent Boise River.

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GARY SPACKMAN, Director

Published on 11/4/2020 and 11/11/2020 (10840-AD#45209)

Idaho Statesman

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AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004796429	The following applications have been filed to appr	Legal Notice	\$245.23	2	7.44 In

Attention: Anna Kaiser

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34954
 RENOVARE HOMEOWNERS ASSOCIATION, INC.
 6149 N MEEKER PL STE 150
 BOISE, ID 83713-1587
 Point of Diversion SWNW S15 T04N R01E ADA County Source
 GROUND WATER Tributary BOISE RIVER
 (2) Point of Diversion L4(NWSW) S15 T04N R01E ADA County
 Source GROUND WATER Tributary BOISE RIVER
 Point of Diversion NWSW S15 T04N R01E ADA County Source
 GROUND WATER Tributary BOISE RIVER
 Use: AESTHETIC STORAGE 01/01 to 12/31 186.5 AF
 Total Diversion: 186.5 AF
 Date Filed: 08-31-2020
 Place Of Use: AESTHETIC STORAGE
 T04N R01E S15 L4(NWSW),SWNW
 Water bearing zone to be appropriated is from 0 to 20 feet.
 Mitigation is proposed for consumptive use.

Vok
AK
11-24-2020

63-34961
 HA WINTERFELL LLC
 C/O HANNON ARMSTRONG CAPITAL LLC
 1906 TOWNE CENTRE BLVD UNIT 370
 ANNAPOLIS, MD 21401-3685
 Point of Diversion SWNE S10 T01N R01E ADA County Source
 GROUND WATER
 Point of Diversion SESE S10 T01N R01E ADA County Source
 GROUND WATER
 Use: COMMERCIAL 01/01 to 12/31 0.4 CFS
 Use: INDUSTRIAL 01/01 to 12/31 0.4 CFS
 Use: FIRE PROTECTION 01/01 to 12/31 0.4 CFS
 Total Diversion: 0.4 CFS 0.31 AF
 Date Filed: 09-22-2020
 Place Of Use: COMMERCIAL, FIRE PROTECTION, INDUSTRIAL
 T01N R01E S10
 NENW, NESW, NESE, NWNW, SWNE, SWNW, SWSE, SENW, SESW, SESE
 T01N R01E S11 NESW, NWSW, SWSW, SESW
 Water bearing zone to be appropriated is from 150 to 290 feet.

Vok
AK
11-24-2020

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84376

NEW UNION DITCH CO LTD, PO BOX 31, EAGLE, ID 83616
 has filed Application No. 84376 for changes to the following water rights within ADA County(s): Right No(s). 63-146; 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: New Union Ditch Co. LTD is an irrigation water provider for its district in northern Ada County. The company filed transfer 84376 to change the nature of use of a portion of water right 63-146's irrigation use to aesthetic storage to provide mitigation for evaporative losses from four ponds in the Renovare Subdivision. The source of the water for the ponds is shallow ground water assumed to be in hydraulic connection with the adjacent Boise River. Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)934-2190; or for a full description of the rights, please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of any 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 11/23/2020. The protestant must also send a copy of the protest to the applicant.

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11-24-2020

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

2 Insertions

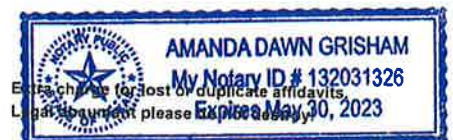
Beginning issue of: 11/05/2020

Ending issue of: 11/12/2020

(Legals Clerk)

On this 12th day of November in the year of 2020 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

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



MEMORANDUM

TO: Transfer No. 84376
FROM: Tyler Smith
DATE: 9/17/2020
RE: Evaluation of Application

Summary of Information Submitted

New Union Ditch Co. LTD is an irrigation water provider for its district in northern Ada County. The company filed transfer 84376 to change the nature of use of a portion of water right 63-146's irrigation use to aesthetic storage to provide mitigation for evaporative losses from four ponds in the Renovare Subdivision. The source of the water for the ponds is shallow ground water assumed to be in hydraulic connection with the adjacent Boise River.

Candice McHugh of McHugh Bromley, PLLC is the representative for the transfer. Ms. McHugh can be reached at 208-287-0991 or cmchugh@mchughbromley.com

Lori Graves of SPF Water Engineering is the engineering consultant for the transfer. Ms. Graves can be reached at 208-383-4140 or lgraves@spfwater.com.

Authority to File

The application was filed in the name of New Union Ditch Co. LTD. NUDC is the current owner of water right 63-146. The application was signed by Gary Heikes, whom is the president of NUDC according to the Idaho Secretary of State, and therefore has the proper authority to sign on behalf of the company.

Water Right Validity

The 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. The company has delivered water to its users annually.

Injury to Other Water Rights

None anticipated. Water rights accounting shows New Union Ditch Co. does not take storage water, so late season consumption mitigation when water is cut to 60% due to Stewart Decree is not of concern. An opportunity to claim injury will be presented to water users through public advertisement.

Enlargement of Use

Water right coverage for 10.8 acres of four ponds is being proposed for Renovare HOA, Inc in water right application 63-34954. The source of the ponds is shallow ground water assumed to be in direct hydraulic connection to the Boise River. Mitigation to Boise River flows is required to offset consumptive use resulting from evaporation from the surface of the ponds and will be accomplished by changing the nature of use of use form irrigation to aesthetic storage for 10.8 shares/acres of NUDC water right 63-146. 0.22 cfs and 10.8 acres have been deducted from the irrigation use to cover the added aesthetic storage.

Local Public Interest

No information has been made available to suggest a conflict with local public interest.

Beneficial Use/Conservation of Water Resources

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

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

Summary

Water right 63-146 included in this transfer is currently leased to the water supply bank. Remington Buyer of the Water Supply Bank provided comment that “10.8 acres of irrigation will be subtracted from water right 63-146 through transfer 84376. No impact will arise to our administration of Water Supply Bank lease contract 864 (for water right 63-146) provided, once transfer 84376 is approved, NUDC does not divert more than 8.33 cfs from the Boise River, for the irrigation of more than 340.3 acres.” Assuming other information not yet discovered does not contradict the above analysis, the application can be approved as reflected by the draft approval.