

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT
TRANSFER NO. 83799

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	N/A	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	597.3	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.760 cfs	N/A	597.3	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 06th day of January, 2021.

Patricia Wiley
for, Chief, Water Allocation Bureau

Transfer No. 83799

WATER RIGHT NO. 63-146**As Modified by Transfer No. 83799**

In accordance with the approval of Transfer No. 83799, Water Right No. 63-146 is now described as follows:

Right Holder: NEW UNION DITCH CO LTD
PO BOX 31
EAGLE, ID 83616

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
AESTHETIC STORAGE	01/01	to 12/31	0.000	219.1 af
DIVERSION TO STORAGE	03/01	to 11/15	1.270 cfs	0.0
IRRIGATION	03/01	to 11/15	11.950 cfs	0.0
MITIGATION BY NON-USE	03/01	to 11/15	0.540 cfs	0.0
			13.760 cfs	

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L1 (NESE) Sec 23 Twp 04N Rge 01E ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	14											X						
04N	01E	15									X			X					
04N	01E	16			X	X	X								X				
					L 2	L 1									L 1				
04N	01E	23					X	X	X	X									
							L 3	L 4	L 5	L 6									

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for irrigation under this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use for irrigation is attached to this approval document to illustrate the place of use described by the digital boundary.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 63-146
As Modified by Transfer No. 83799

CONDITIONS OF APPROVAL

3. This right is limited to the irrigation of 597.3 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. 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.
4. 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.
5. 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.
6. 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.
7. 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.
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 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.
10. 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.

WATER RIGHT NO. 63-146

As Modified by Transfer No. 83799

CONDITIONS OF APPROVAL

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. 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.
14. This right originated as all or part of right no. 14 in the Stewart Decree and the historic Boise River Water Masters records.
15. The right holder shall accomplish the change authorized by this Transfer within one (1) year of the date of the approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfers.
17. 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 83799

63-146

This map depicts the IRRIGATION and 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



-  Aesthetic Storage POU Boundary
-  Irrigation POU Boundary
-  Point of Diversion
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.375 0.75 1.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 6, 2021

NEW UNION DITCH CO LTD
PO BOX 31
EAGLE ID 83616

Re: Transfer No: 83799
Water Right No(s): 63-146

Amended Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUER

for Nick Miller
Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706

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 6, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Amended Transfer Approval) to the person(s) listed below:

Re: Transfer No.: 83799
Water Right No(s): 63-146

NEW UNION DITCH CO LTD
PO BOX 31
EAGLE ID 83616

SPF WATER ENGINEERING LLC
C/O SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706

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


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.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83799**

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	N/A	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	596.0	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.760 cfs	N/A	596.0	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 30th day of December, 2020.

for, *Paula Wiley*
Chief, Water Allocation Bureau

WATER RIGHT NO. 63-146**As Modified by Transfer No. 83799**

In accordance with the approval of Transfer No. 83799, Water Right No. 63-146 is now described as follows:

Right Holder: NEW UNION DITCH CO LTD
PO BOX 31
EAGLE, ID 83616

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
AESTHETIC STORAGE	01/01	to 12/31	0.000	219.1 af
DIVERSION TO STORAGE	03/01	to 11/15	1.270 cfs	0.0
IRRIGATION	03/01	to 11/15	11.950 cfs	0.0
MITIGATION BY NON-USE	03/01	to 11/15	0.540 cfs	0.0
			13.760 cfs	

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L1 (NESE) Sec 23 Twp 04N Rge 01E ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	14											X						
04N	01E	15									X			X					
04N	01E	16			X	X	X								X				
					L 2	L 1									L 1				
04N	01E	23					X	X	X	X									
							L 3	L 4	L 5	L 6									

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for irrigation under this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use for irrigation is attached to this approval document to illustrate the place of use described by the digital boundary.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 63-146

As Modified by Transfer No. 83799

CONDITIONS OF APPROVAL

3. This right is limited to the irrigation of 596.0 acres of the 686.5 acres decreed for this right within the place of use described above in a single irrigation season. 19.0 acres has been dedicated to mitigate right no. 63-34105. 8.0 acres has been dedicated to mitigate right no. 63-34154. 1.3 acres has been converted to diversion to storage and aesthetic storage uses to mitigate losses associated with water right 63-12598. 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.
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 0.09 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.
9. 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.
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.
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WATER RIGHT NO. 63-146
As Modified by Transfer No. 83799

CONDITIONS OF APPROVAL

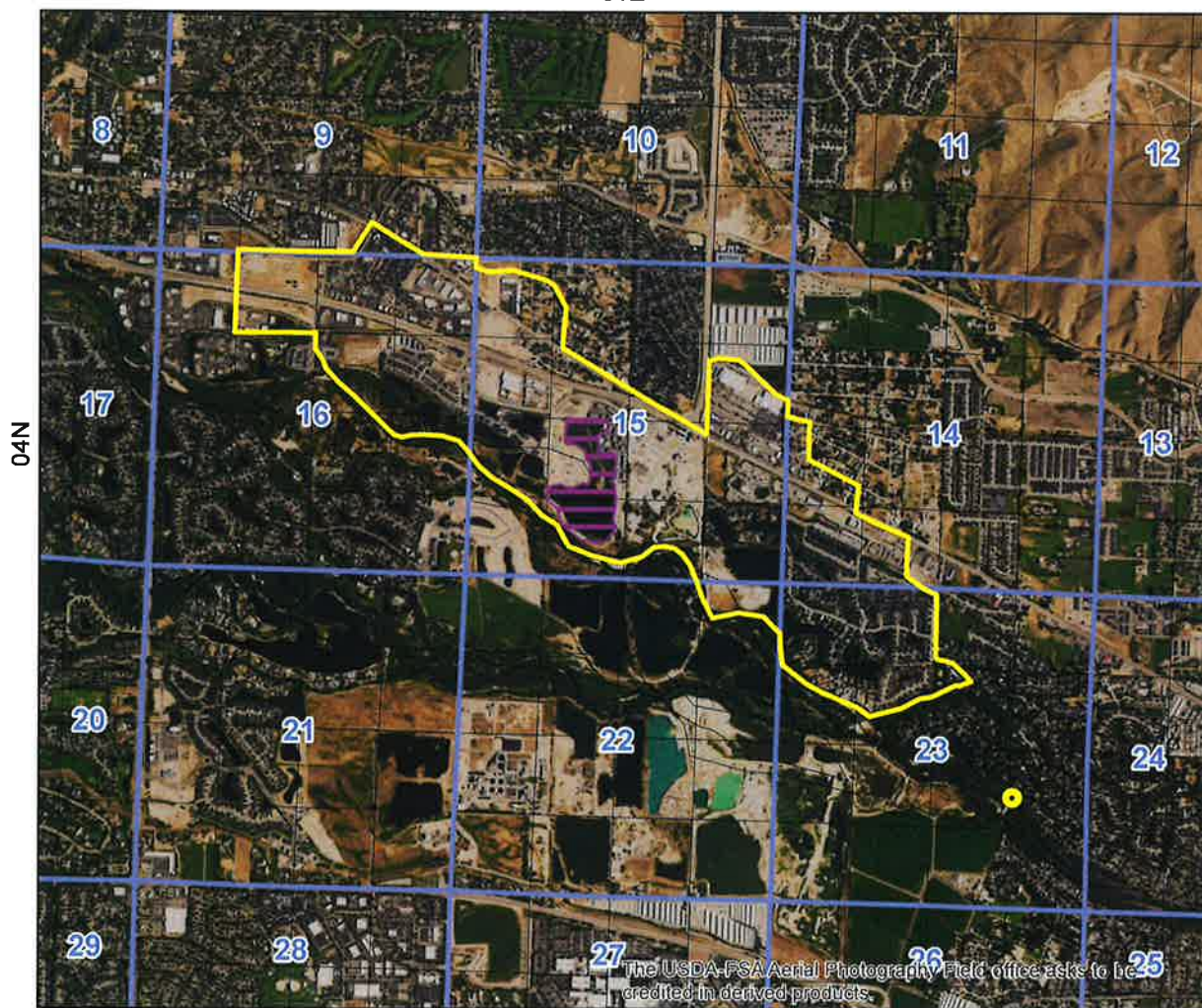
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13. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky 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.
14. This right originated as all or part of right no. 14 in the Stewart Decree and the historic Boise River Water Masters records.
15. The right holder shall accomplish the change authorized by this Transfer within one (1) year of the date of the approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfers.
17. 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 83799

63-146

This map depicts the IRRIGATION and 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



-  Aesthetic Storage POU Boundary
-  Irrigation POU Boundary
-  Point of Diversion
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.375 0.75 1.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

December 30, 2020

NEW UNION DITCH CO LTD
PO BOX 31
EAGLE ID 83616

Re: Transfer No: 83799
Water Right No(s): 63-146

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

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If you have any questions, please contact me at (208) 334-2190.

Sincerely,



DENISE LAUERMAN

for

Nick Miller

Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706

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

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2020 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.: 83799
Water Right No(s): 63-146

NEW UNION DITCH CO LTD
PO BOX 31
EAGLE ID 83616

SPF WATER ENGINEERING LLC
C/O SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706

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


Denise Lauerman (DENISE LAUERMAN)
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.

JAN 27 2020

WATER RESOURCES
WESTERN REGION

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AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004522967	The following applications have been filed to app	Notice 63-34700, 63-34701, 63-3	\$312.50	2	9.67 In

Attention: Kensie Thorneycroft

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:

63-34700

ISLAND WOODS HOMEOWNERS ASSOCIATION INC
PO BOX 193
EAGLE, ID 83616-6342
Point of Diversion L6(SES) S16 T04N R01E ADA County Source
GROUND WATER
Point of Diversion L5(NWS) S16 T04N R01E ADA County Source
GROUND WATER
Point of Diversion SWSW S16 T04N R01E ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.36 CFS
Total Diversion: 0.36 CFS
Date Filed: 4/4/2019
Place Of Use: IRRIGATION
T04N R01E S16 L5(SWN) L6(NES) L5(NWS) SWSW
L6(SES) L7(SWE)
T04N R01E S21 L4(NWN)
Total Acres: 24
Water bearing zone to be appropriated is 0 to 20 feet.
Mitigation is proposed for consumptive use.

63-34701

ISLAND WOODS HOMEOWNERS ASSOCIATION INC
PO BOX 193
EAGLE, ID 83616-6342
(3) Point of Diversion L5(NWS) S16 T04N R01E ADA County
Source GROUND WATER
(3) Point of Diversion SWSW S16 T04N R01E ADA County Source
GROUND WATER
(6) Point of Diversion L6(SES)
S16 T04N R01E ADA County Source GROUND WATER
Point of Diversion L6(NES) S16 T04N R01E ADA County Source
GROUND WATER
Use: AESTHETIC 01/01 to 12/31 315.5 AF
Use: RECREATION STORAGE 01/01 to 12/31 315.5 AF
Total Diversion: 315.5 AF
Date Filed: 4/4/2019
Place Of Use: AESTHETIC, RECREATION STORAGE
T04N R01E S16 L6(NES) L5(NWS) SWSW L6(SES)
Water bearing zone to be appropriated is from 0 to 20 feet.
Mitigation is proposed for consumptive use.

63-34831

TPC BROOKLYN PARK INVESTORS LLC
430 E STATE ST STE 100
EAGLE, ID 83616-5901
Point of Diversion SESW S15 T04N R01E ADA County Source
GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 288 AF
Total Diversion: 288 AF
Date Filed: 12/16/2019
Place Of Use: AESTHETIC STORAGE
T04N R01E S15 L3(NES) L3(SES)
Water bearing zone to be appropriated is from 0 to 45 feet.
Mitigation by transfer 83799 is proposed for consumptive use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83799

NEW UNION DITCH CO LTD, PO BOX 31, EAGLE, ID 83616
has filed Application No. 83799 for changes to the following wa-
ter rights within ADA County(s): Right No(s). 63-146; to see a full de-

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: 01/16/2020

Ending issue of: 01/23/2020

V Rodela

(Legals Clerk)

On this 23rd day of January 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.

Ambar Lizarraga

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



AMBAR LIZARRAGA
My Notary ID # 132031291
Expires May 30, 2023

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

scription of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of this transfer is to convert 0.51 cfs and 78.9 af of water from irrigation uses to diversion to storage and aesthetic storage uses for the purpose of replacing evaporation losses from one (1) 25.5-acre pond associated with Water Right 63-34831. Water will be used within the current place of use near Eagle, 0.3 miles west of the intersection of Hwy 44 and Edgewood Ln., just south of State Hwy 44, and just north of the Boise River. 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) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 02/03/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 1/16/2020 and 1/23/2020

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