

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84152**

This is to certify that: **PRESCOTT CROSSING LLC**  
839 S BRIDGEWAY PL  
EAGLE, ID 83616-6097

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 63-2614            | WR/DECREED          | 6/8/1944             | 0.800 cfs             | 180.0 af                | N/A               | 40.0               | GROUND WATER  |
| 63-34884           | WR/DECREED          | 4/22/1987            | 0.900 cfs             | 346.5 af                | N/A               | 77.0               | GROUND WATER  |
| 63-34936           | WR/DECREED          | 6/8/1944             | 0.020 cfs             | N/A                     | N/A               | N/A                | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

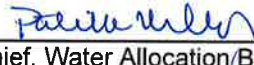
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-2614               | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 63-34884              | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 63-34936              | NO           | YES        | NO         | NO             | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-2614                | 63-2614                          | 0.800 cfs            | 180.0 af               | N/A               | 40.0               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-34884               | 63-34884                         | 0.900 cfs            | 346.5 af               | N/A               | 77.0               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-34936               | 63-34936                         | 0.020 cfs            | N/A                    | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>1.560 cfs</b>     | <b>N/A</b>             | <b>N/A</b>        | <b>77.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 14 day of September, 2020.

for,   
Chief, Water Allocation/Bureau

**SUPPORT DATA**

**IN FILE # 63-2614**

Transfer No. 84152

**WATER RIGHT NO. 63-2614**  
**As Modified by Transfer No. 84152**

In accordance with the approval of Transfer No. 84152, Water Right No. 63-2614 is now described as follows:

**Right Holder:** PRESCOTT CROSSING LLC  
 839 S BRIDGEWAY PL  
 EAGLE, ID 83616-6097

**Priority Date:** 6/8/1944

**Source:** GROUND WATER

|                              |                    |                  |                              |                                |
|------------------------------|--------------------|------------------|------------------------------|--------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Diversion Volume</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 0.800 cfs                    | 180.0 af                       |
|                              |                    |                  | 0.800 cfs                    | 180.0 af                       |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      NWNE                      Sec 26 Twp 04N Rge 02W CANYON County

**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 |        |
| 04N | 02W | 26  |    | 40.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 40.0   |

POU Total Acres: 40.0

**CONDITIONS OF APPROVAL**

1. Rights 63-2614 and 63-34884 when combined shall not exceed a total diversion rate of 1.54 cfs, a total annual maximum diversion volume of 347 af at the field headgate, and the irrigation of 77.0 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 180 af at the field headgate for the place of use.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
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.

Transfer No. 84152

**WATER RIGHT NO. 63-2614**  
**As Modified by Transfer No. 84152**

**CONDITIONS OF APPROVAL**

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 2/6/2009.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

# **WATER RIGHT NO. 63-34884**

## **As Modified by Transfer No. 84152**

In accordance with the approval of Transfer No. 84152, Water Right No. 63-34884 is now described as follows:

**Right Holder:** PRESCOTT CROSSING LLC  
839 S BRIDGEWAY PL  
EAGLE, ID 83616-6097

**Priority Date:** 4/22/1987

**Source:** GROUND WATER

### **BENEFICIAL USE** IRRIGATION

**From**  
3/15

to 11/15

**Diversion Rate**  
0.900 cfs  
0.900 cfs

**Diversion Volume**  
346.5 af  
346.5 af

### **LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER NWNE Sec 26 Twp 04N Rge 02W CANYON County

### **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 |        |
| 04N | 02W | 26  |    | 40.0 |    |    | 37.0 |    |    |    |    |    |    |    |    |    |    |    | 77.0   |

POU Total Acres: 77.0

### **CONDITIONS OF APPROVAL**

1. Rights 63-2614 and 63-34884 when combined shall not exceed a total diversion rate of 1.54 cfs, a total annual maximum diversion volume of 347 af at the field headgate, and the irrigation of 77.0 acres.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 180 af at the field headgate for the place of use.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
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.

Transfer No. 84152

**WATER RIGHT NO. 63-34884**

**As Modified by Transfer No. 84152**

**CONDITIONS OF APPROVAL**

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 4/3/2009.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

**WATER RIGHT NO. 63-34936**

**As Modified by Transfer No. 84152**

In accordance with the approval of Transfer No. 84152, Water Right No. 63-34936 is now described as follows:

**Right Holder:** PRESCOTT CROSSING LLC  
839 S BRIDGEWAY PL  
EAGLE, ID 83616-6097

**Priority Date:** 6/8/1944

**Source:** GROUND WATER

**BENEFICIAL USE**

STOCKWATER

**From**

1/01

to 12/31

**To**

**Diversion Rate**

0.020 cfs

0.020 cfs

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER

NWNE

Sec 26 Twp 04N Rge 02W CANYON County

**PLACE OF USE: STOCKWATER**

| 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 | 02W | 26  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Rights 63-34936 and 63-19830 when combined shall not exceed a total diversion rate of 0.05 cfs or a total combined quantity of 13,000 gallons per day.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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.

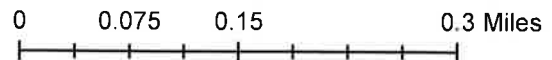
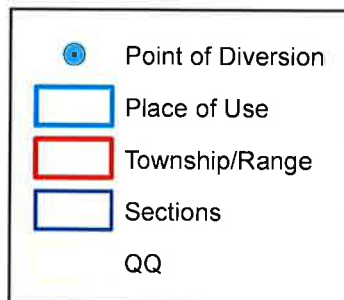
Transfer No. 84152

State of Idaho  
Department of Water Resources

## Attachment to Transfer No. 84152

Water Right(s): 63-2614, 63-34884, 63-34936

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.



JUN 17 2020

WATER RESOURCES  
WESTERN REGION

42-222 POD - 07/18

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split  
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Prescott Crossing, LLC Phone (208) 377-5700  
2. **MAILING ADDRESS** 839 S Bridgeway Place City Eagle  
State Idaho Zip 83616 Email emily@markbottles.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.  
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.  
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.  
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-2614, 63-34884, 63-19830

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 1.725 cubic feet per second and/or 526.5 acre-feet per annum.  
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

| New? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Source       | Local name or tag # |
|------|-----|---|----|----|-----|-----|-----|--------|--------------|---------------------|
|      |     |   | NW | NE | 26  | 4N  | 2W  | Canyon | Ground water |                     |
|      |     |   |    |    |     |     |     |        |              |                     |
|      |     |   |    |    |     |     |     |        |              |                     |
|      |     |   |    |    |     |     |     |        |              |                     |
|      |     |   |    |    |     |     |     |        |              |                     |
|      |     |   |    |    |     |     |     |        |              |                     |
|      |     |   |    |    |     |     |     |        |              |                     |
|      |     |   |    |    |     |     |     |        |              |                     |
|      |     |   |    |    |     |     |     |        |              |                     |
|      |     |   |    |    |     |     |     |        |              |                     |

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion system consists of a well and pipeline that discharges into an open ditch.

- b. Who owns the property at the point(s) of diversion? Flamingo West, LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
Flamingo West, LLC consents to this transfer application.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

The water rights are supplemental irrigation rights that are used when surface rights are unavailable.

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.  
(Disregard if these items are on file and ownership has not changed.)

7. MAP – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

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

  
Signature of applicant or authorized agent

Mark Bottles, authorized agent  
Print name and title if applicable

6-17-2020  
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8, require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4; the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes \_\_\_\_\_ pages of attachments. Received by LE Date 06/17/2020

Fee paid \$580 Date 06/17/2020 Received by LE Receipt # W048461

Preliminary review by \_\_\_\_\_ Date \_\_\_\_\_ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 \_\_\_\_\_ W-9 forwarded to fiscal? Yes ☐ No ☐

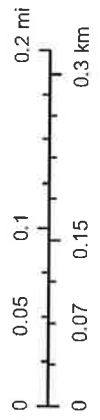
(Do NOT scan the W-9 – confidential information is held by fiscal only)

# Transfer Map 63-34884

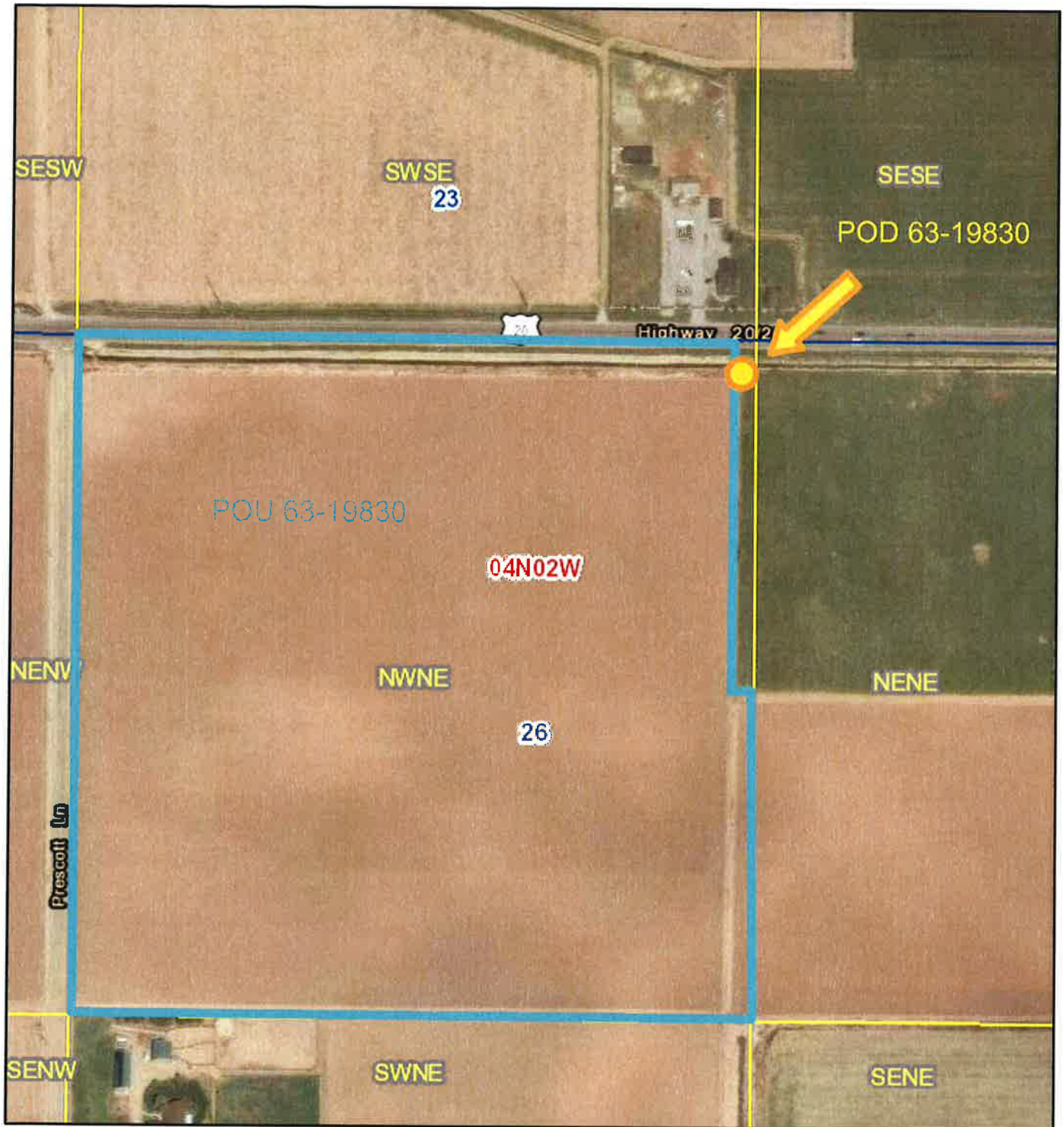


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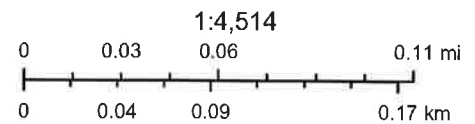
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# Transfer Map - 63-19830



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Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Created by NRCS from 1:24,000 scale USGS topographic maps, Idaho Department of Water

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

**Current Water Right No.:** 63-2614

Current Owner: PRESCOTT CROSSING LLC  
Priority Date: 6/8/1944  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 03/15 to 11/15                | 0.8 CFS                      | 180 AF                      |
|                              | <b><u>Total Diversion</u></b> | 0.8 CFS                      | 180 AF                      |

**Location of Point(s) of Diversion**

GROUND WATER  
CANYON County  
NE1/4NE1/4 Sec. 26, Twp 04N, Rge 02W B.M.

**Place of Use**

IRRIGATION Within CANYON County

T04N R02W S26 NWNE 40.00  
Total Acres: 40

**Conditions of Approval:**

1. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E62 This right when combined with Right No. 63-10437 shall provide no more than .02 cfs per acre.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. Use of this right is combined with water from Pioneer Irrigation District.
6. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Decreed Date: 2/6/2009

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

**Current Water Right No.:** 63-34884

Current Owner: PRESCOTT CROSSING LLC  
Priority Date: 4/22/1987  
Origin: Water Right  
Status: Active  
Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 3/15 to 11/15                 | 0.9 CFS                      | 346.5 AF                    |
|                              | <b><u>Total Diversion</u></b> | 0.9 CFS                      | 346.5 AF                    |

**Location of Point(s) of Diversion**

|               |            |          |          |              |
|---------------|------------|----------|----------|--------------|
| GROUND WATER  | NE1/4NE1/4 | Sec. 26, | Twp 04N, | Rge 02W B.M. |
| CANYON County |            |          |          |              |
| GROUND WATER  | NW1/4NE1/4 | Sec. 26, | Twp 04N, | Rge 02W B.M. |
| CANYON County |            |          |          |              |

**Place of Use**

**IRRIGATION Within CANYON County**

|                 |      |       |               |      |       |
|-----------------|------|-------|---------------|------|-------|
| T04N R02W S26   | NWNE | 40.00 | T04N R02W S26 | NENW | 37.00 |
| Total Acres: 77 |      |       |               |      |       |

**Conditions of Approval:**

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree, Section 42-1412(6), Idaho Code.
3. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. E62 This right when combined with Right No. 63-2614 shall provide no more than .02 cfs per acre.
5. Use of this right is combined with water from Pioneer Irrigation District.

Decreed Date: 4/3/2009

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

**Current Water Right No.:** 63-19830

**Current Owner:** FLAMINGO WEST LLC

**Priority Date:** 6/8/1944

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>  | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|------------------------|------------------------------|-----------------------------|
| STOCKWATER                   | 1/01 to 12/31          | 0.05 CFS                     |                             |
|                              | <u>Total Diversion</u> | 0.05 CFS                     |                             |

**Location of Point(s) of Diversion**

|               |            |          |          |              |
|---------------|------------|----------|----------|--------------|
| GROUND WATER  | NE1/4NE1/4 | Sec. 26, | Twp 04N, | Rge 02W B.M. |
| CANYON County |            |          |          |              |

**Place of Use**

**STOCKWATER Within CANYON County**

|               |      |
|---------------|------|
| T04N R02W S26 | NENE |
|---------------|------|

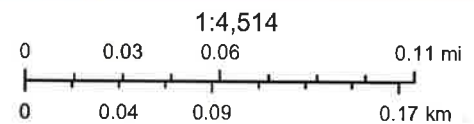
**Conditions of Approval:**

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. STOCKWATER, 150 RANGE CATTLE PARCEL NO. 1R34223-000-0
4. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Decreed Date: 3/8/2000



5/29/2020, 10:28:53 AM



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Created by NRCS from 1:24,000 scale USGS topographic maps, Idaho Department of Water



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](http://www.idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

September 14, 2020

PRESCOTT CROSSING LLC  
839 S BRIDGEWAY PL  
EAGLE ID 83616-6097

Re: Transfer No: 84152  
Water Right No(s): 63-2614, 63-34884, 63-34936

### Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Rights 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.

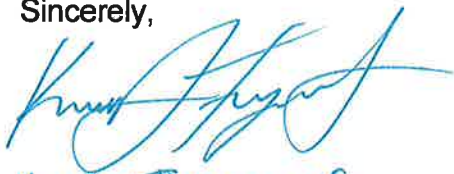
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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,



For Kensi Thorneycroft  
Patrick Kelly  
Water Rights Supervisor

Enclosure

## CERTIFICATE OF SERVICE

I hereby certify that on September 14, 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: 84152**

**Water Right No(s): 63-2614, 63-34884, 63-34936**

PRESCOTT CROSSING LLC  
839 S BRIDGEWAY PL  
EAGLE ID 83616-6097

CHARLIE S BASER  
GIVENS PURSLEY LLP  
601 W BANNOCK ST  
PO BOX 2720  
BOISE ID 83701-2720



Kensie Thorneycroft  
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.

## MEMORANDUM

TO: Transfer No. 84152

FROM: Allen Bradbury

DATE: 8/28/2020

RE: Evaluation of Application

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### Summary of Application Proposal

**Narrative:** This transfer proposes to change diversion points for water rights 63-2614, 63-34884, and 63-19830 (63-34936 child). The diversion system will consist of a well and pipeline that discharge into an open ditch. These water rights are supplemental irrigation rights that are used when surface rights are unavailable from Pioneer Irrigation District.

Water right 63-19830 is the parent for a decreed stockwater right from groundwater which was recently split between Flamingo West LLC and Prescott Crossing LLC. The child right for Prescott is no. 63-34936 for 0.02 cfs. Water right 63-2614 is the parent right for a previous ownership change split, it retains 0.80 cfs (180 af) of groundwater for irrigation of 40 acres. Water right 64-34884 is the result of an ownership change split from 63-10437 which resulted in an irrigation right of 0.90 cfs (346.4 af) of groundwater for 77 acres. This right has two points of diversion located in the NENE Sec. 26, Twp 04N, Rge 02W and NWNE Sec. 26, Twp 04N, Rge 02W. This transfer will retain the POD in the NWNE of Sec. 26, which will be the POD for 63-2614, 63-34884, and 63-34936.

Water right 63-19830 is a stock water right decreed on 3/8/2000 with places of use in NENE Sec. 26, Twp 04N, Rge 02W and NWNE Sec. 26, Twp 04N, Rge 02W. Prior to this transfer there was an ownership change and split which divided the POU into parent right 63-19830 retaining a POU in the NENE QQ and child right 63-34936 retaining a POU in the NWNE QQ. This transfer does not change these POU's.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

**Location of Application Proposal:** The POD is located on property owned by Flamingo West LLC approximately ¼ mile west of the intersection of US Highway 20/26 and 11th Ave N in Canyon County, Idaho.

### Summary of Information Submitted

**Authority to File:** The application is in the name of Mark Bottles, authorized agent for Prescott Crossing LLC with mailing address of 839 S Bridgeway Place, Eagle, ID 83616. This is confirmed by an active-existing filing with Idaho Secretary of State. All water rights are currently in the name of Prescott Crossing LLC. According to tax assessment records the places of use are owned by Prescott Crossing. This application is for a change in point of diversion and will not change the places of use.

**Water Right Validity/Historical Beneficial Use:** Water rights 63-2614 and 63-34884 are irrigation rights from groundwater decreed on 2/6/2009 and 4/3/2009 respectively. Recent beneficial use within the previous, consecutive, five-year period was confirmed via aerial photography, and GIS ArcMap tools. No

defense of forfeiture is needed. Water rights 63-19830 and child right 63-34936 were decreed on 3/8/2000.

**Injury to Other Water Rights:**

None is anticipated. The change of diversion point will appropriate groundwater from an existing well that is likely a hydraulically connected water source to the associated wells in the NENE quarter. Well logs are not available for the wells listed in this transfer. There is no evidence to indicated injury to the surrounding wells.

**Enlargement of Use:**

The transfer does not propose any change to the diversion rate or annual volume, the number of irrigated acres, nor any unsubordinated change to the season of use.

Surface water from Pioneer Irrigation District is the primary source of water and is stacked on the supplemental groundwater rights 63-2614 and 63-34884, which are used when surface water is unavailable.

Changes to the limits already authorized by the water rights are not occurring and diversion from the well will still be restricted to 1.56 cfs post transfer.

Changes to the water delivery system are not proposed. No enlargement is anticipated.

| Water Right   | Rate (cfs)  | Place of Use (Acres) | Ann Vol (AcFt) | cfs/acre     | Use        |
|---------------|-------------|----------------------|----------------|--------------|------------|
| 63-34884      | 0.90        | 77*                  | 346.5          | 0.012        | irrigation |
| 63-2614       | 0.80        | 40                   | 180            | 0.020        | irrigation |
| 63-34936      | 0.02        |                      |                |              | Stockwater |
| <b>Totals</b> | <b>1.56</b> | <b>77</b>            | <b>347</b>     | <b>0.020</b> |            |

\*40 acres of 63-34884 overlaps 63-2614 in NWNE QQ.

**Local Public Interest:** No information suggests this transfer proposes a change inconsistent with the local public interest.

**Beneficial Use/Conservation of Water Resources:**

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

**Overlap Analysis:** There are other water rights in the vicinity that use ground water as a sources for irrigation, however none of the PODs overlap. The POU's for 63-2614 and 63-34884 overlap on 40 acres in the NWNE Sec. 26.

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

**Summary**

If approved the following changes should be made to the conditions of water right nos. 63-2614, 63-34884, and 63-34936.

Update condition C18 to T19.

Add standard transfer conditions T07 and T08

## MEMORANDUM

**Date:** August 28, 2020

**To:** Transfer 84152

**From:** Allen Bradbury

**Re:** Comment/Analysis

Transfer application #84152 was received prior to the completion of an ownership change and split of parent right #63-19830. The transfer application lists right #63-19830 which was subsequently split into the child right for Prescott Crossing receiving water right no. 63-34936 with a rate of 0.02 cfs.

Comment/Analysis  
8/28/2020

# GIVENS PURSLEY<sup>LLP</sup>

Attorneys and Counselors at Law

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Randall A. Peterman  
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Michael O. Roe  
Jamie Caplan Smith  
Robert B. White

**WATER RESOURCES  
WESTERN REGION**

William C. Cole (Of Counsel)

Kenneth L. Pursley (1940-2015)  
James A. McClure (1924-2011)  
Raymond D. Givens (1917-2008)

June 17, 2020

Via U.S. Mail

Nick Miller  
Western Regional Manager  
Idaho Department of Water Resources  
2735 W Airport Way  
Boise, ID 83705

Re: Application for Transfer of Water Right – Point(s) of Diversion for Water  
Right Nos. 63-2614, 63-34884, and 63-19830

Dear Nick:

On behalf of Prescott Crossing, LLC ("Prescott"), I am enclosing with this letter a signed Application for Transfer of Water Right – Point(s) of Diversion ("Application") for Water Right Nos. 63-2614, 63-34884, and 63-19830, along with 2A reports, maps showing the places of use and points of diversion for each water right as required by the Application form, and a check for \$580 to cover the associated fee.

As indicated on the Application, Prescott requests a change in point of diversion for these water rights to reflect a single point of diversion in the NWNE of Section 26, T4N, R2W in Canyon County.

Prescott also has submitted a Notice of Change in Water Right ownership for right no. 63-19830 pursuant to which Prescott asks IDWR to recognize that Prescott owns the portion of the water right appurtenant to the NWNE of Section 26, T4N, R2W. Please note that the attached map for 63-19830 shows the place of use for Prescott's share of that water right, not the pre-split water right.

Please return a conformed copy of the Application to us in the enclosed self-addressed stamped envelope. Thank you for your assistance in this matter and please feel free to call me if you have any questions.

84152

Nick Miller  
June 17, 2020  
Page 2

Sincerely,



Charlie S. Baser

CSB/mb  
Enclosures

cc: Prescott Crossing, LLC

15159502 [12094-64]

84152