

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78341

Amendment

OCT 31 2017**WATER RESOURCES
WESTERN REGION****MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

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

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

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

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

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**OCT 31 2017****APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1****WATER RESOURCES
WESTERN REGION**Name of Applicant(s) Ron SaliPhone 208-344-4224Mailing address 100 N. 9th St., Ste 200, Boise, ID 83701Email ronsali@gmail.com

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

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

☐ No RepresentativeName of Representative SPF Water EngineeringPhone 208-383-4140Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706Email sking@spfwater.com

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

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

Ron Sali
Signature of Applicant or Authorized Representative

Ron Sali
Print Name and Title if applicable

10/27/17
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use
 ☐ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
 (1) Change the irrigation place of use and consolidate the irrigation rate and irrigation from storage volume applicable to acres that have been converted to pond area to acres that remain irrigated; (2) Change the storage place of use under right 63-11934 to reflect the current pond surface area.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	63-11273	1.0	Irrigation	3/1 to 11/15	Ground Water
☒ ☐	63-11934	20 afa	Irrigation Storage	1/1 to 12/31	Ground Water, Boise River
☐ ☐		20 afa	Irrigation from Storage	3/15 to 11/15	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.0 cfs and/or 20 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.0 cubic feet per second and/or 20 acre-feet per year.

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
* 4N	1W	14			0.4	7.4									30	1.2		1	40
					L11	L12										L10			
** 4N	1W	14	X	X	X	X									X	X	X		
			L12	L11	L11	L12										L10	L9		
Total Acres (for irrigation use)																			40

* Irrigation and irrigation from storage POU

** Irrigation storage POU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

Artesian well, open discharge, ditch irrigation system. Measuring devices and lockable controlling works will be accommodated upon Department request.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

n/a

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Hart Davis Ditch water

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Water right 63-11273 was licensed in 2010. Conversion of irrigation area to pond area began in 2004. Prior to forfeiture of water right 63-11273 due to non-use, transfer 78341 was filed and has been subject to a Department processing delay since that time. Water right 63-11934 was licensed in 2012.

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

Current Water Right No.: 63-11273

Current Owner: RON SALI
Priority Date: 2/21/1990
Origin: Water Right
Status: Active
Basis: License

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1 CFS	
	<u>Total Diversion</u>	1 CFS	

Location of Point(s) of Diversion

GROUND WATER
ADA County
L12(SE1/4NE1/4) Sec. 14, Twp 04N, Rge 01W B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01W S14	Lot 12	NENE	1.50	T04N R01W S14	NWNE	4.30
T04N R01W S14	Lot 11	NWNE	0.90	T04N R01W S14	SWNE	8.00
T04N R01W S14	Lot 11	SWNE	30.00	T04N R01W S14	Lot 12 SENE	23.00
T04N R01W S14		SENE	3.70	T04N R01W S14	NESE	35.00
T04N R01W S14	Lot 10	NWSE	31.00	T04N R01W S14	Lot 9 SWSE	0.90
T04N R01W S14		SESE	0.80			

Total Acres: 139.1

Conditions of Approval:

1. R65 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 lands above.
2. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

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

Current Water Right No.: 63-11934

Current Owner: RON SALI
Priority Date: 9/29/1992
Origin: Water Right
Status: Active
Basis: License

Source

BOISE RIVER
GROUND WATER

Tributary

SNAKE RIVER
BOISE RIVER

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION STORAGE	01/01 to 12/31
IRRIGATION FROM STORAGE	03/15 to 11/15

<u>Diversion Rate</u>	<u>Annual Volume</u>
	20 AF
	20 AF
	20 AF

Total Diversion

Location of Point(s) of Diversion

BOISE RIVER
ADA County
GROUND WATER
ADA County

SE1/4NW1/4	Sec. 18,	Twp 04N,	Rge 01E B.M.
L12(SE1/4NE1/4)	Sec. 14,	Twp 04N,	Rge 01W B.M.

Place of Use

IRRIGATION STORAGE Within ADA County

T04N R01W S14 SENE

IRRIGATION FROM STORAGE Within ADA County

T04N R01W S14	Lot 12	NENE	1.50	T04N R01W S14	NWNE	4.30
T04N R01W S14	Lot 11	NWNE	0.90	T04N R01W S14	SWNE	2.20
T04N R01W S14		SWNE	5.80	T04N R01W S14	Lot 11	SWNE
T04N R01W S14	Lot 12	SENE	23.00	T04N R01W S14	SENE	3.70
T04N R01W S14		NESE	35.00	T04N R01W S14	Lot 10	NWSE
T04N R01W S14	Lot 9	SWSE	0.90	T04N R01W S14	SESE	0.80

Total Acres: 139.1

Conditions of Approval:

1. The water authorized for impoundment in the pond authorized by this right consists of the groundwater diverted pursuant to right no. 63-11273 and the existing share of Boise River water owned by the applicant and currently delivered through the Hart-Davis Ditch. The right holder is not authorized to otherwise appropriate or divert water from the Boise River to the pond under this approval.
2. X35 Rights 63-11273 and 63-11934 when combined shall not exceed the irrigation of 139.1 acres.
3. The right holder is authorized to divert water from the pond when: a) The right holder is simultaneously injecting water from surface water and/or from ground water diverted pursuant to other water rights into the pond, or when b) The right holder can show that the water in the pond was previously injected into the pond from surface water or from ground water diverted pursuant to other water rights during the irrigation season.
4. The right holder shall not divert a volume of water from the pond in excess of the volume of water the right holder has injected into the pond authorized by this right.
5. WB7 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 lands above.
6. This right does not authorize the appropriation of any ground water or surface water in addition to the water which the right holder already has a right to divert and use.
7. Upon a determination of need by the department, the right holder shall install measuring equipment specified by the department to assure that the applicant does not divert and/or impound more water than authorized under existing water rights during the irrigation season.
8. R05 Use of water under this right will 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.

Licensed Date: 2/16/2012

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Should questions arise during the processing of this application please contact:
Steven Hannula ERO Resources Corp. (208) 373-7983

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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Ron Sali

Phone 344-4224

Post Office address 100 N 9th St, Suite 200, Boise, ID 83701

A. Purpose of Transfer

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Change the Nature of Use for a portion of water right permit 63-11273 from irrigation to mitigation. Mitigation is for a 94 acre pond per the accompanying Application for Permit with Ron Sali as applicant.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-11273</u>	<u>2/21/1990</u>	<u>0.60 cfs</u>	<u>Mitigation</u>	<u>3/15</u> to <u>11/15</u>
<u>63-11273</u>	<u>2/21/1990</u>	<u>0.51 cfs</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.11 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water tributary to N/A
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
12	SE	SE	NE	14	4N	1W	ADA	Artesian Well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1W	14			45.2	47									39	42.8			174
		14			M	M									M	M			

Total acres 80*

* NOTE: 80 acres of irrigation within the 174 acre Place of Use – see remarks

SUPERCEDED BY AMENDED APPLICATION RECEIVED 10/31/17 -AR

6. General Information:

- a. Description of diversion system Existing artesian well that flows approximately 500 gpm. Discharge to a re-regulating and commingling system to mix with Hart-Davis water. Gravity irrigation through ditches. Also, pressurized pump and pipelines to reach areas that will be isolated by the 94-acre pond.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: 94 acres of land will be excavated during the operation of an existing gravel operation. The gravel pit will fill with water when operations cease. The need for irrigation is reduced to only the planned riparian corridor around the perimeter of the lake and the pasture along Linder Road.
- d. Remarks: See attached

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____.

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SUPERCEDED BY AMENDED APPLICATION RECEIVED 10/31/2017 - AA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-11273 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Ground Water tributary to N/A

4. Date of priority 2/21/1990

5. Water is used for the following purpose:

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above 63-134, 63-31772, 63-11934

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PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. Amount
- 0.60 cfs
- for
- Irrigation
- purposes from
- 3/15
- to
- 11/15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
12	SE	SE	NE	14	4N	1W	ADA	Artesian Well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1W	14			45.2	47									39	42.8			174

Total acres 94**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

1. Amount
- 0.5 cfs
- for
- Irrigation
- purposes from
- 3/15
- to
- 11/15

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____

(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
12	SE	SE	NE	14	4N	1W	ADA	Artesian Well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1W	14			45.2	47									39	42.8			174

Total acres 80

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SUPERCEDED BY AMENDED APPLICATION RECEIVED 10/31/17 - AR

PART 3**B. CHANGES IN NATURE OF USE**

- | | | | |
|----------------------|-----------------------|-----------------|----------------------|
| 1. New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
| <u>Mitigation</u> | <u>0.60 cfs</u> | _____ | <u>3/15 to 11/15</u> |
| _____ | _____ | _____ | _____ to _____ |
- Quantity and quality of return flows and location of discharge: N/A
- Describe effects on other water uses resulting from the proposed change: This mitigation in conjunction with Hart-Davis Ditch shares will fully offset the consumptive use of a 94-acre pond that will form when the current gravel pit ceases operation.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]

(Signature of Applicant)

Subscribed and sworn before me this 1st day of November, 20 05.

Marlene Strecker

(Notary Public)

My commission expires 6-10-06

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 3 attachments

Received by [Signature] Date 11-4-05 Protest filed by _____

Prelim. check by [Signature] Fee \$250.00 W033575

Received by [Signature] Date 11-4-05 _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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SUPERCEDED BY AMENDED APPLICATION RECEIVED 10/31/17. [Signature]

**Remarks for Application for Transfer for
Water Right 63-11273
in the name of Ron Sali**

The land associated with this Application for Transfer was historically part of Three Rivers Ranch, owned by the applicant. Three Rivers Ranch had 232 acres of irrigation as described in the "Final Order in the Matter of Application for Amendment of Permit No. 63-11273 and Application for Permit No. 63-11934 in the name of Ron Sali" (Final Order). The applicant is splitting the land into two ownerships. The land associated with this Application for Transfer is called the 'north property' and comprises 184 acres of irrigation (63-11273 is appurtenant to only 174 of those acres). The remaining 48 acres is called the 'south property'.

The land on the north property was historically irrigated with water rights 63-134, 63-31772, 63-11273 (permit), 63-11934, and a portion of 63-11381. The entire Three Rivers Ranch historically owned 146 shares of Hart Davis Ditch Company (63-134 and 63-31772) to irrigate the 232 acre ranch. Following the upcoming split of the ranch, the north property will retain 120 shares and the south property will retain the other 26. This split is based on the need for 26 shares of Hart-Davis water to be used for mitigation in the south property as described in an accompanying Application for Permit.

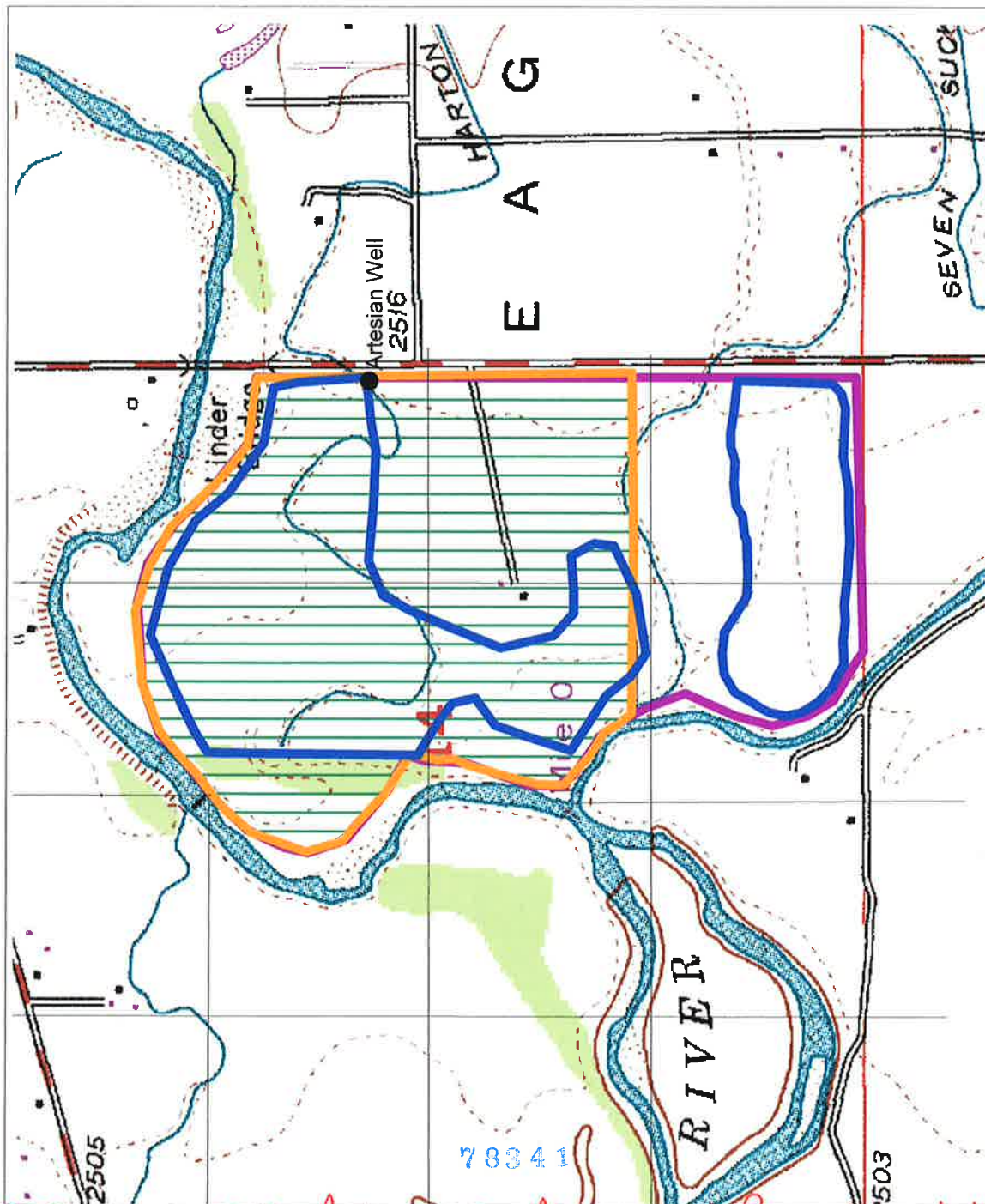
A portion of the north property (in the place of use of 63-11273) is being retired via a gravel operation. The gravel pit will fill with ground water and irrigation will no longer be needed. However, in an accompanying Application for Permit by the same applicant, the water that fills in the gravel pit requires a water right. To help mitigate for the consumptive losses of the new appropriation, water right permit 63-11273 is reduced through this transfer to service only the remaining land needing irrigation water.

Permit 63-11273 is approved for 3.48 cfs for irrigating 174 acres. In the Final Order the Findings of Fact indicate that the Permit was developed to approximately 500 gpm. Using the 500 gpm (1.11 cfs) diversion rate for 174 acres, yields 0.0064 cfs/ac. The proportionate share for the 94 acre pond is 0.60 cfs. The unchanged portion is 0.51 cfs. These rates are included on Part 1 page 1 of this transfer.

The Place of Use for this permit is unchanged, but irrigation is limited to a total of 80 acres.

Upon approval, the new mitigation use defined with this transfer in conjunction with the use of Hart-Davis shares will be considered to fully offset the consumptive use of the ponds so that no net impact will be made to the water resource.

**Ron Sali Property and Water Rights on North Property
Eagle Island
(Section 14 T4N, R1W)**



SUPERCEDED BY AMENDED APPLICATION RECEIVED 10/31/17

39.46 39.20 3
EAST 90.20 2

79.72
N. 89° 50' W.

23.84 1-118
23.683 2
21.57 3
2.65 3
39.82 3
28.7 11
28.1 12
48.95 4
34.70 3
48.80 45.70 3

Sec. 13

EAGLE ISLAND

EAST 79.90 3

28.55 1
31.93 35.85 24.20 3
38.35 6 7

29.23

79.72

EAST 79.78 2

27.10 12.95 18.80 42.4 9
42.20 39.84 2

63.24 5
42.80 10

Sec. 14

NORTH

NORTH

78341

SUPERCEDED BY AMENDED APPLICATIONS RECEIVED 10/31/17. -AG

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, April 09, 2020 10:59 AM
To: 'WATERDISTRICT63@QWESTOFFICE.NET'
Subject: Application for Transfer No. 78341
Attachments: RecommendationForm Transfer0.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office by **May 04, 2020**.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by **May 04, 2020**, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190



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

April 9, 2020

RON SALI
919 S LINDER RD
EAGLE, ID 83616

**RE: Transfer No. 78341
Water Right No(s). 63-11273, 63-11934**

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 4/16/2020 and 4/23/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Kensie Thorneycroft
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC - C/O SCOTT N KING

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, April 09, 2020 11:08 AM
To: 'BOI Legals'
Subject: Ada Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 04/16/2020 and 04/23/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Brad Little
Governor

Gary Spackman
Director

April 9, 2020

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

RE: Application for Permit No. 63-34859, 63-34878
Transfer No. 78341
Water Right No(s). 63-11273, 63-11934

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/4/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34859

BETTY L BAIR

BRUCE L BAIR

9805 W KUNA RD

KUNA, ID 83634-2605

Point of Diversion NENW S26 T02N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.25 CFS

Total Diversion: 0.25 CFS

Date Filed: 03-04-2020

Place Of Use: IRRIGATION

T02N R01E S26 NENW

Total Acres: 5

Water bearing zone to be appropriated is from 233 to 370 feet.

63-34878

DEBRA MEYER

JOHN MEYER

PO BOX 993

EAGLE, ID 83616-0993

Point of Diversion NWNW S32 T05N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.15 CFS

Total Diversion: 0.15 CFS

Date Filed: 04-03-2020

Place Of Use: IRRIGATION

T05N R01E S32 NWNW

Total Acres: 5

Water bearing zone to be appropriated is from 200 to 300.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78341

RON SALI, 919 S LINDER RD, EAGLE, ID 83616 has filed Application No. 78341 for changes to the following water rights within ADA County(s): Right No(s). 63-11273, 63-11934; 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: Purpose of the transfer is to (1) Change the irrigation place of use and consolidate the irrigation rate and irrigation from storage volume applicable to acres that have been converted to pond area to acres that remain irrigated; (2) Change the storage place of use under right 63-11934 to reflect the current pond surface area. The site is located 4 miles east of Star, southwest of State Hwy 44 and S Linder Rd intersection.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this 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 5/4/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on 4/16/2020 and 4/23/2020

Grimm, Angie

From: Grimm, Angie
Sent: Thursday, November 16, 2017 10:18 AM
To: 'Ron Sali'; Scott King
Subject: RE: Permit Application

Ron and Scott,

Good morning! I'm knee deep in review of the Sali applications and have a couple quick questions I'm hoping one of you can address for me...

1. Does Ron still intend to use surface water from Hart Davis Ditch Co for irrigation of the 40 acre place of use proposed by your transfer application? If the proposal is to change the supplemental irrigation right to primary irrigation, additional information as outlined in pages 29-30 of Administrative Memorandum Transfer Processing No. 24 will be required before such a change can be considered.

2. Does Ron have justification for needing more than the statutory duty of water for irrigation? I.C. §42-220 indicates IDWR shall not grant a right to use more than 0.02 cfs/ac for irrigation unless the right holder provides justification that a greater amount is necessary. Consolidating the irrigation rate of 1.0 cfs onto 40 acres results in a rate of 0.025 cfs/ac under right 63-11273, exceeding the 0.02 cfs/ac statutory duty.

I may have additional questions as I continue my review, but answering these two up front will help me immensely.

On another note, I spoke with Josh Liddell yesterday and addressed some of his questions regarding the Hart Davis Ditch Co transfer Scott drafted. In review of the draft version I received, I had a few questions with the water balance calculations and mitigating activity proposed (ET Station used and no accounting for 60% cuts to mitigating Hart Davis Ditch Co). I mentioned these briefly to Mr. Liddell and he indicated he'd likely speak with Scott or perhaps Bryce Farris about updates to the application before submittal. However, first, Mr. Liddell indicated (now that he has his initial questions addressed) he will speak with the other directors/members of the ditch company about whether or not to submit a transfer application. Once I receive that transfer application, I can formally start processing the Sali permit applications. I have reviewed the permit applications and determined no additional information or amendments are needed on those and they are ready for advertising as soon as Hart Davis Ditch Co. submits a mitigating transfer.

I hope this update is helpful Ron. I look forward to Scott's and/or Ron's response to the two questions above. I'll let you know if I have any additional questions, but hopefully with that information I can move forward with advertising of the Sali transfer application. Please let me know if you have any questions on this information request.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: ronjsali@gmail.com [mailto:ronjsali@gmail.com] **On Behalf Of** Ron Sali
Sent: Thursday, November 09, 2017 1:49 PM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: Re: Permit Application

Angie,

Thanks for the update!

We sent the completed Hart Davis Application to the Hart Davis atty so I assume you will be getting the application from Bryce Farris.

Its a fairly simple issue at this point since my application essentially keeps things as they have been for the last decade or more, which is what they want.

Ron

On Thu, Nov 9, 2017 at 1:42 PM, Grimm, Angie <Angie.Grimm@idwr.idaho.gov> wrote:

Ron,

Good afternoon! Thank you for following up. I haven't had a chance to dive into the applications just yet, but I plan on tackling them first thing next week. I have not received an application from Hart Davis yet, but I'm pleased to hear they're making progress. Scott King emailed my contact info to Josh Lidell earlier this week so I assumed things were moving forward there. At this point, I don't need anything more from you, but I will keep you posted as I make progress on my review if you'd like. I appreciate your continued follow up and I look forward to wrapping this up =)

Regards,

Angie

Angela M. Grimm, P.G.

Water Rights Supervisor

IDWR - Western Region

[2735 Airport Way](#)

[Boise, ID 83705-5082](#)

[\(208\) 334-2190](#) phone

[\(208\) 334-2348](#) fax

From: ronjsali@gmail.com [mailto:ronjsali@gmail.com] **On Behalf Of** Ron Sali
Sent: Thursday, November 09, 2017 1:38 PM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Subject: Permit Application

Hi Angie,

Just following up with you. I have had a few email exchanges with Josh Liddel, Pres. of Hart Davis Ditch Co. and hopefully they are making progress.

Anything more I need to be doing on my end?

Ron



RECEIVED

OCT 31 2017

WATER RESOURCES
WESTERN REGION

October 27, 2017

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Attn: Angie Grimm

Subject: Ron Sali Permit and Transfer Applications

Angie,

Enclosed are several applications and supporting documents associated with Ron Sali's ponds near Eagle Idaho. Applications for permit 63-32211 and 63-32212 are amended versions of applications previously submitted. Application 63-32211 is reduced in volume due to the pond being smaller in surface area with the same average depth. The fee previously submitted was \$1,080; the current fee is \$1,050 based on my calculations for a \$30 difference in Ron's favor. Included is authorization from Thompson Family Trust for Ron Sali to submit application 63-32212 on the Trust's behalf.

Application 63-32212 is also reduced due to smaller pond surface area. The fee previously submitted was \$610 and we calculate the current fee at \$570 for a difference of \$40 in Ron's favor.

An amended transfer application proposes to change water rights 63-11934 and 63-11273, consolidating the irrigation portion of these rights to the 40 acres currently being irrigated. Right 63-11934 was not included in the original transfer. We calculate fees for this transfer at \$500 for the 1 cfs 63-11273 irrigation right plus \$200 for the 20 acre-foot storage 63-11934. The fee previously submitted for this transfer was \$250 yielding a balance of \$450 due IDWR.

A draft transfer application on Hart Davis Ditch Co's water right 63-31772 is included. This application changes a 41 acre / 0.82 cfs portion of the water right from irrigation to aesthetic to mitigate for the above-listed applications for permit. The application

October 27, 2017

has been submitted to Hart Davis for their consideration and signature. I expect the fee for this transfer will be \$600 based on the 0.82 cfs portion being changed (\$500) plus the nature of use addition (\$100). This fee will be submitted with the signed transfer application.

Enclosed is a check for \$380 for the balance of fees due IDWR.

Lastly, a narrative explaining these applications and the foundation for mitigation is included.

Please let me know if you have any questions.

Sincerely,



Scott N. King, P.E.
Supervising Engineer

cc: Ron Sali

File: 736.0010

Ron Sali Pond Application Narrative

Ron Sali developed two ponds on his properties through gravel extraction. Water right applications for the ponds were originally submitted to IDWR in November 2005 and were held for processing due to focus on the Snake River Basin Adjudication. IDWR is now processing the applications.

Current IDWR standards for this area require mitigating pond evaporation. Sali owns shares in Hart Davis Ditch Company and many of these shares were used for irrigating land where the ponds are now located. A portion of these shares are proposed to be converted from irrigation water rights to evaporation rights for the ponds.

Water Rights

The North Pond has a surface area of 87.5 acres, average depth of 25 feet and storage capacity of about 2187.5 acre-feet. It is represented by application for permit 63-32211 proposing 2187.5 acre feet of intercepted ground water for aesthetic storage.

The South Pond has a surface area of 31.5 acres, average depth of 25 feet and storage capacity of about 788 acre-feet. It is represented by application for permit 63-32212. This pond is now owned by Thompson Family Trust with Orville Thompson as Trustee. Ron Sali is filing application for this pond on behalf of the Thompson Family Trust and will assign the permit to the Trust once the permit is issued.

Water right 63-11934 authorizes 20 acre-feet of Boise River and ground water for irrigation storage and irrigation from storage for 139.1 acres. The 63-11934 storage facility represents a portion of the North Pond. This right is based on an application for permit filed in 1992 when the North Pond was much smaller than its current size. This right supplements the Hart Davis water right.

Water right 63-11273 authorizes diversion of 1 cfs from a well for irrigation of 139.1 acres with these acres being the same authorized by 63-11934. This right is based on an application for permit filed in 1990 that was subsequently licensed in 2010. This right supplements the Hart Davis water right.

All but 40 acres of the irrigated area under water rights 63-11934 and 63-11273 has been converted to pond area. A transfer application proposes consolidating these water rights from 139.1 acres to the 40 acres currently being irrigated.

Hart Davis Ditch Co Inc owns water right 63-31772 which authorizes diversion of 6.66 cfs from the Boise River for irrigation of 336 acres and holds a June 1, 1872 priority date. Ron Sali owns shares in Hart Davis and proposes using a portion of his shares as mitigation for the North and South ponds. A 41-acre / 0.82 cfs portion of the water right is proposed to be changed from irrigation to aesthetic use. The aesthetic use represents the evaporation from the two ponds. Hart Davis will continue to divert its full 6.66 cfs water right and deliver Sali's irrigation and aesthetic portions to the Sali property. The 0.82 cfs aesthetic portion of the delivery will be discharged into the North Pond to mitigate for evaporation from both ponds.

Water Balance

Annual pond evaporative losses are based on ET_{Idaho}2012 web site (<http://data.kimberly.uidaho.edu/ETIdaho/>) for the Boise WSFO Airport climate station, deep open

water systems, with annual mean positive-month precipitation-deficit (Pdef) evaporation of 327 mm (1.07 ft). Deep open water systems are selected for these ponds having average depth of 25 feet, which exceeds the 4 m (13 ft) depth per Allen and Robinson 2007, Evapotranspiration for Idaho, pg. 40. Total positive month Pdef for 119 acres of pond surface area is 127.8 afa.

Grass pasture is a crop that was commonly grown on the farm before ponds were constructed. Annual Pdef irrigation requirements for grass pasture is 943 mm (3.09 ft). Offsetting 127.8 afa of pond evaporation requires ceasing 41 acres of pasture irrigation.



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 2, 2017

RON SALI
919 S LINDER RD
EAGLE ID 83616

COPY

**RE: Notice of Intent to Reject Application for Transfer No. 78341,
Notice of Intent to Void Application for Permit No. 63-32211, and
Notice of Intent to Void Application for Permit No. 63-32212**

Dear Mr. Sali:

On February 15, 2017, the Idaho Department of Water Resources (IDWR) requested additional information and amended applications for the above referenced filings. A written response or written request for additional time to provide the requested information and amended applications was due within sixty (60) days from the date of the letter, i.e. by April 17, 2017. To date, IDWR has not received a written response. The following provides an outline of verbal communications between IDWR, yourself (the applicant), and your consultant (Scott King of SPF Water Engineering LLC):

- 8/7/17 - IDWR left you (Ron Sali) a voice mail message requesting a status update on a response to IDWR's 2/15/17 information request.
- 8/11/17 – IDWR received a call from Scott King of SPF Water Engineering LLC stating he is representing you on the filings. During this call, Mr. King indicated he would provide at least a draft version of amended applications by "the end of August" (8/31/17).
- 8/15/17- IDWR told you during a phone conversation that Mr. King said he'd have a draft version of the amended applications submitted by "the end of August".
- 8/29/17 – IDWR returned your phone call and confirmed no written response had been received from Mr. King.
- 9/11/17 (morning) – IDWR left you a voice mail message confirming no written response had been received from Mr. King. At this time, IDWR again requested a written response to the 2/15/17 information request as soon as possible. Later that same morning, you left IDWR a voice mail message indicating Mr. King stated he'd been in contact with IDWR regarding a response.
- 9/11/17 (afternoon) – IDWR received a call from Mr. King at which time he indicated he'd have a written response to me by 9/13/17.
- 9/18/17 – IDWR left you a voice mail message indicating IDWR has not received a written response to the 2/15/17 information request.

Considering it has been over eight (8) months since IDWR's information request, **IDWR requests amended applications be submitted within the next thirty (30) days or IDWR will issue a preliminary order to reject the transfer application and void the permit applications.** The

application fees will not be refunded for rejected and/or voided applications. Rejected and/or voided applications may be re-filed when adequate information can be provided. Alternatively, if additional time is necessary to provide the requested information and/or amended applications, the existing applications may be withdrawn and a refund requested (withdrawal forms enclosed) within the next thirty (30) days.

IDWR rules, forms, and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Regards,



Angela M. Grimm
Water Rights Supervisor

Enclosure(s): Withdrawal of Application for Transfer of Water Right form
Withdrawal of Application for Permit form

Cc. Scott King – SPF Water Engineering LLC

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

RON SALL
RON SALL PROPERTIES INC
100 N 9TH ST SUITE 200
BOISE ID 83701

Not at this address

FIRST CLASS



U.S. POSTAGE PITNEY BOWES
Zip 83702 \$001.40⁰
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0001393473 FEB 15 2017

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FEB 27 2017

WATER RESOURCES
WESTERN REGION

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NOT DELIVERABLE AS ADDRESSED
RETURN TO SENDER
UNABLE TO FORWARD
BC: 83705508235 *0636-05523-15-41

83705508235



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 15, 2017

RON SALI
RON SALI PROPERTIES INC
100 N 9TH ST SUITE 200
BOISE ID 83701

COPY

RE: Application for Transfer No. 78341 & Application for Permit No. 63-32211 and 63-32212

Dear Mr. Sali:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced applications associated with two existing ponds on Eagle Island. These applications were filed some time ago, but processing was delayed due to a number of reasons (pending Snake River Basin Adjudication actions, IDWR licensing processes, staff turnover, etc.). Now that all rights involved in the filings are decreed and/or licensed, IDWR hopes to finalize processing of the applications to authorize your existing water use. Before continued processing of the applications can occur, amendments to the application forms and finalized mitigation plans are needed.

The two ponds, referred to as the "North Pond" and the "South Pond", appear to have been created through gravel excavation on Eagle Island. Once gravel extraction ceased, the ponds filled with shallow ground water. New appropriations of water from the Boise River system (including ground water less than 200 ft below ground surface considered tributary to the river) are not approvable since the Boise River system is considered fully appropriated above Star Bridge. IDWR policy states that applications for consumptive use that propose diversion of water in this portion of the Boise River system will be held without further processing unless the applicant can show that the new appropriation will not injure existing users or that injury will be avoided through some mitigating practice that completely offsets the impacts (in time, location, and quantity) of the proposed use on the water supply of other users.

Based on the information above, the following are the options with regard to your application:

- a) You may provide evidence the use will not injure existing water right users.
- b) You may provide an acceptable mitigation plan to offset injury to existing water right users.

Permit application no. 63-32211 was filed to request water right authorization for the "North Pond". The application proposes mitigation (option b) through changes in use to a portion of two rights, the first of which is 63-31772 (Hart Davis Ditch Co. Inc. 60 shares for 94 acres). IDWR requires written authorization from the water right owner to change the nature of use of any water right. Therefore, IDWR requests a mitigation plan signed by Hart Davis Ditch Co. Inc. be submitted stating a portion of right 63-31772 will be left un-diverted in the Boise River and the nature of use changed from Irrigation to Mitigation By Non-Use to mitigate evaporative losses of the pond associated with permit application no. 63-32211.

The second right proposed for a change in use to mitigate the "North Pond" (permit application no. 63-32211), is a portion of 63-11273 via transfer application no. 78341. The transfer application proposes changing the nature of use for a portion of supplemental irrigation right 63-11273 from Irrigation to Mitigation. The transfer application indicated diversion of the right would be "reduced" under this mitigation proposal. The point of diversion for right 63-11273 is an artesian well deemed to be hydraulically separate from the shallow ground water or Boise River system (by clay layers) through issuance of IDWR Final Order In the Matter of Application for Amendment of Permit No. 63-11273 and Application for Permit No. 63-11934 In the Name of Ron Sali issued 11/3/93. Therefore, Mitigation by Non-Use of right 63-11273 is not an acceptable mitigation plan to off-set depletions to the Boise River system. Should water under right 63-11273 serve to off-set depletions to the Boise River system, water will need to be diverted from the artesian well and either put into the "North Pond" to evaporate OR be diverted and discharged into the Boise River. IDWR requests you amend transfer application no. 78341 to propose a nature of use change to; Diversion to Storage and Aesthetic/Wildlife Storage if the well water will be diverted into the "North Pond", or Mitigation by Delivery if the well water will be diverted and discharged to the Boise River.

Permit application no. 63-32212 was filed to request water right authorization for the "South Pond" and irrigation (natural flow and storage) of 6 acres. The application proposes mitigation through changes in use to a portion of two rights; 63-31772 (Hart Davis Ditch Co. Inc. 26 shares for 41 acres), and 63-32923 (split portion of parent right 63-11381). IDWR requests a mitigation plan signed by Hart Davis Ditch Co. Inc. be submitted stating a portion of right 63-31772 will be left un-diverted in the Boise River and the nature of use changed from Irrigation to Mitigation By Non-Use to mitigate evaporative losses of the pond associated with permit application no. 63-32212. Secondly, IDWR requests a mitigation plan signed by the water right owner of 63-32923 stating the right will be left un-diverted in the Unnamed Drain ("Island Creek"/"Center Channel") to flow into the Boise River and the nature of use changed from Irrigation to Mitigation by Non-Use to mitigate evaporative losses of the pond associated with permit application no. 63-32212.

Additionally, IDWR policy has changed slightly in what quantities are described on which rights/applications for transfer/permit application pond packages. IDWR requests permit application no. 63-32211 be amended to describe the total storage use volume (2,623.5 acre-feet) associated with the "North Pond" including the capacity of 2,350 acre-feet (94 acres surface area x 25 ft avg. depth) and evaporation of 273.5 acre-feet (1:1 swap of 94 acres pond surface area evaporation equivalent to 94 acres historic irrigation x 2.91 acre-feet/acre consumptive use associated with pasture grass per Allen and Brockway dataset proposed by original filing). Also, IDWR requests permit application no. 63-32212 be amended to describe the total storage use volume (976.9 acre-feet) associated with the "South Pond" including the capacity of 875 acre-feet (35 acres surface area x 25 ft avg. depth) and evaporation of 101.9 acre-feet (1:1 swap of 35 acres pond surface area equivalent to 35 acres historic irrigation x 2.91 acre-feet/acre consumptive use associated with pasture grass per Allen and Brockway dataset proposed by original filing). When a pond permit application includes a mitigation by non-use plan, it is IDWR policy to include the evaporative loss volume on the new permit considering water is being diverted from the new source (shallow ground water tributary to the Boise River in this case) while non-use is occurring under the mitigating right (Hart Davis Ditch Co. and/or 63-32923) to avoid injury.

Considering the age of the filings, changes to associated water right records since filings occurred, and possible changes to land use and ownership, additional amendments to the application forms are likely necessary. Also, the mitigation proposal changes requested above are just some of the options you may have available. IDWR Application Processing Memorandum #71 and #72 describe various types of

mitigation and the criteria for evaluating mitigation plans (copies enclosed for your reference). The filings necessary to accomplish water right authorization for your use are complex to say the least. It appears you've had representation for these filings in the past (Steve Hannula ERO Resources Corp, Mike Creamer Givens Pursley LLP and possibly SPF Water Engineering), but currently no representative is noted for these filings. Considering the complex nature of these filings, you may consider consulting an attorney or other representative/consultant. I've enclosed a list of consultants for your reference that may be helpful.

To facilitate further processing, I request you submit the requested information and/or a written response requesting additional time to seek the information within the next sixty (60) days. Without a timely written reply, IDWR will issue a preliminary order to reject the transfer application and void the permit applications. The application fees will not be refunded for rejected and/or voided applications. Rejected and/or voided applications may be re-filed when adequate information can be provided.

The recommendations suggested in this letter are based largely on the documents on file. Limited consideration has been given to current land use practices and ownership since I do not have that information readily available. I'd be more than happy to meet with you to discuss the current land use and work through any necessary amendments to the applications to facilitate further processing. Please feel free to contact me at (208) 334-2190 or via email at angie.grimm@idwr.idaho.gov. I look forward to assisting in facilitation of your water right authorization(s).

Regards,



Angela M. Grimm
Water Rights Supervisor

Enclosure(s): Memo #s 71 and 72, Consultants list 2015

Cc. RON SALI – 919 S LINDER RD EAGLE ID 83616

MEMORANDUM

____ Office Visit

☒ Telephone

____ Meeting

TO Transfer 76279
FROM JL
DATE 6/24/11
RE CONTACT Person

Steve Hannula said he is no longer
consultant for this application.

Thinks Mike Creamer is probably handling
it for JALI.

(no notice of appearance, though)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

September 25, 2008

BRYCE FARRIS
RINGERT CLARK CHARTERED LAWYERS
PO BOX 2773
BOISE ID 83701-2773

Re: Mitigation Water, Ron Sali Ponds

Dear Bryce:

Recently you wrote asking about the amount and source of water Mr. Sali is using, if any, to mitigate for his ponds on Eagle Island. Water from the Hart Davis Ditch in this regard was of particular interest.

The pond situation in question is rather confusing. I have attempted to summarize it as follows.

Please refer to the November 3, 1993 Final Order regarding Application for Amendment of Permit No. 63-11273 and Application for Permit No. 63-11934. The order discusses at least one pond and includes information about water from the Hart Davis Ditch. The order is available as a scanned document under those permit numbers on the department website, www.idwr.idaho.gov. It can also be reviewed by consulting original files at the department State Office at the downtown water center.

Additionally, Mr. Sali filed three more applications regarding ponds on Eagle Island. These include:

1. Application for Permit No. 63-32211, North Pond
2. Application for Permit No. 63-32212, South Pond
3. Application for Transfer for 63-11273 for what appears to be "supplemental mitigation" from an artesian well for the North Pond.

Those applications have not been reviewed or processed yet. Applications 63-32211 and 63-32212 include information about the use of Hart Davis Ditch shares to mitigate the ponds. The department typically expects the delivery organization to submit the mitigation plan – typically a transfer application – for changes to a water right(s) presumed to be owned and controlled by the organization instead of the shareholder. The mitigation plan involving water from the Hart Davis Ditch is not yet in a format the department can process.

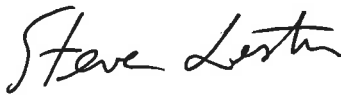
Bryce Farris
September 25, 2008
Page 2

Application 63-32212 also mentions using Permit No. 63-11381 for mitigation. However, that mitigation plan is not yet in a format the department can process.

Copies of the three applications are enclosed for your convenience. I have copied Mr. Sali's attorney and consultant with this letter but without enclosures.

I hope this information proves helpful to respond to your questions.

Sincerely,

A handwritten signature in black ink that reads "Steve Lester". The signature is written in a cursive, flowing style.

Steve Lester
Water Rights Supervisor

Enclosure

Cc: Mike Creamer, Givens Pursley LLP
Steven Hannula, ERO Resources Corp.

August 5, 2008

Steve Lester
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Laura E. Burri
Adam S. Christenson
Jeffrey R. Christenson
David P. Claiborne
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger **
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid *
Daniel V. Steenson

Re: Mitigation Water for Ponds owned by Ron Sali and/or Ron Sali Properties, Inc.
Profit Sharing Plan.

Dear Steve:

I am writing to you on behalf of my client, Hart Davis Ditch Company, concerning the above-referenced matter. Mr. Sali's property is located at the end of the Hart Davis ditch, on the west side of Linder Road. Mr. Sali's property includes several ponds and the Ditch Company is not certain how much, if any, water from the Hart Davis ditch is used as mitigation water for said ponds. The Ditch Company is not aware of any transfer of the water from irrigation purpose to mitigation purposes and it is trying to address Mr. Sali's concerns regarding the amount delivered to his property via the Hart Davis ditch.

Accordingly, the Ditch Company is requesting that IDWR confirm the amount and source of water Mr. Sali is using, if any, for mitigation purposes for his ponds. In particular, the Ditch Company is interested in confirming the amount which may come from the Hart Davis ditch. Your expedited response to these questions would be greatly appreciated.

As always, please contact me if you have any questions.

Yours very truly,



S. Bryce Farris

cc: client
Mike Creamer, attorney for Ron Sali



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 17, 2005

STEVEN R HANNULA
ERO RESOURCES CORP
3314 GRACE ST
BOISE ID 83703-5836

Re: Application for Transfer of Water Right No. 63-11273 and Applications for Permit
Nos. 63-32211 and 63-32212, Ron Sali or Ron Sali Properties, Inc.

Dear Mr. Hannula:

You recently filed the above referenced applications for your client(s). Application 63-32211 covers the "north pond" and Application 63-32212 addresses the "south pond." The transfer application proposes "supplemental mitigation" for the north pond. Both applications for permit will be mitigated primarily with surface water rights held by the Hart-Davis Ditch Company.

All three applications must be held without processing at this time. First, permit 63-11273 must be licensed to be eligible for transfer. The Idaho Department of Water Resources (IDWR) completed a licensing field exam for the permit. IDWR can license the permit as time allows – probably after the Snake River Basin Adjudication (SRBA) recommendations are made for the remaining Director's Reports that IDWR must complete. Second, the permit does not include water with an adequate hydraulic connection to the Boise River to mitigate the surface water system. Finally, the priority of the permit is too junior for stand-alone mitigation of the surface water system.

As noted by your cover letter accompanying the three applications, the Hart-Davis Ditch Company will most likely file a transfer application for "primary mitigation" of uses described in the two applications for permit. A transfer based on rights pending in the SRBA cannot be processed until those rights have successfully completed the adjudication objection period. The SRBA objection period for the area in question is expected to conclude sometime around the middle of next year if not earlier.

IDWR will hold the three applications filed by your client until a viable mitigation plan is submitted and can be processed or otherwise approved. IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Please contact me at 334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

November 4, 2005

Steve Lester 
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

NOV 04 2005

WATER RESOURCES
WESTERN REGION

RE: Ron Sali water right transactions

Dear Mr. Lester:

Enclosed are a number of water right transactions in the name of Ron Sali or Ron Sali Properties Inc. The overall goal of this submittal is to have the water rights accurately reflect the use and ownership of water on Mr. Sali's property.

The property is along Linder Road on Eagle Island. Mr. Sali operates a gravel operation and currently does not need a water right for water removed from the gravel pits. However, as the operation comes to an end in the future, the water will be put to beneficial use. The enclosed applications seek to properly identify the use of the water and provide no net impact to the water resource.

Included in this submittal are the following:

original e.s.o. ✓
already

Change in Ownership (copy): The original Change in Ownership and \$100 filing fee were submitted to the state office. The change is for a portion of water right 63-11381 from Ron Sali Properties Inc. to Ron Sali.

to S.O. 11/15/05 ✓

Proof of Beneficial Use: Water right permit 63-31593 proof due notice is not due until 2007, but is submitted now for convenience. The \$50 filing fee is included.

Application for Transfer: A portion of 63-11273 (ground water irrigation) needs to be converted to mitigation use so that processing can proceed on the north pond's application for permit. A filing fee of \$250 is needed.

Application for Permit – North: Seeks the permit for the north pond. Mitigation is proposed to compensate for the consumptive losses. The request to process is included. A filing fee of \$1080 is included.

Application for Permit – South: Seeks the permit for the south pond. Mitigation is proposed in the form of Hart-Davis shares and the remaining portion of water right 63-11381 (Island Creek irrigation). This includes irrigation of 6 acres from the new pond (new POD). The request to process is included. A filing fee of \$610 is included.

The Hart-Davis Ditch Company will have to be involved at some point in this process, because they own two water rights that serve Mr. Sali's property. We have begun discussions with Hart-Davis to map out the changes needed. Hart-Davis will be asked

63-32211
63-32212

held per
transfer delay e
SRBA objection period

to allow a certain amount of water to be used for mitigation as identified in the enclosed applications for permit. The agreement has not been finalized yet, because we felt that IDWR should have the opportunity to conduct a preliminary review of the documents and that the review may be delayed until the SRBA director reports are complete.

I look forward to your review.

Regards,

A handwritten signature in blue ink, reading "Steve R. Hannula". The signature is written in a cursive, flowing style.

Steven R. Hannula