

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. **083875**

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 idwr.idaho.gov.

Name of Applicant(s) Gregory B. Johnson**RECEIVED****JAN 21 2020****WATER RESOURCES
WESTERN REGION**

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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Gregory B. Johnson Phone _____
Mailing address 2463 E. Gala, Ste. 120, Meridian, ID 83642 Email _____

- ☐ 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 Representative

Name of Representative S. Bryce Farris, Sawtooth Law Offices, PLLC Phone 208-629-7447
Mailing address P.O. Box 7985, Boise, ID 83707 Email bryce@sawtoothlaw.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.

Gregory B. Johnson Gregory B. Johnson 1/30/20
Signature of Applicant or Authorized Representative Print Name and Title if applicable 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 _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- 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.3**.

Applicant proposes to use Water License 63-32616 to provide for irrigation needs to the proposed Mayfield Springs Planned Community. Applicant proposes to continue irrigating at the current location and slowly begin using this water right for irrigation as the development is started and continues to grow into a community.

**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 ☒ ☐	63-32616	2.37	Irrigation	03/15 to 11/15	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.37 cfs and/or 651.3 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.37 cubic feet per second and/or 651.3 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 #
Yes			SE	SE	28	01N	04E	Elmore	Groundwater	Ex Well: #00060006
Yes			SE	SW	34	01N	04E	Elmore	Groundwater	Well No.2
Yes			NE	SW	35	01N	04E	Elmore	Groundwater	Well No.3
No			NE	SW	28	01N	04E	Elmore	Groundwater	Existing POD

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	
01N	04E	34	40		40	40			40	40	40	40	40	40	40	40	40	40	520
01N	04E	35						40	40		40	40	40	40					240
01N	04E	28			27	32					9				39	38			145
Total Acres (for irrigation use)																			905

*145 acre limit within 905 acres

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:

The ground sourced irrigation water will flow through a flow meter located in a well building and then be distributed to the place of use. Both the well and well building will be locked, and the site secured with a fence.

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

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

Applicant is the Manager of Mayfield Development, LLC.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **NO**
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: N/A

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:

The land now irrigated will continue to be irrigated. However, as the Planned Community begins and grows to full build-out, irrigation to the land currently irrigated will be gradually reduced to meet the increasing irrigation demands of the development.

- 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:

Permit 63-32225 will be amended to the same new POD and place of use and will be used to provide potable water for new planned community. Irrigation and non-irrigation season water use records will be kept to provide for accurate use monitoring per water right.

- 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:

0.67 cfs (for a volume of 184.2 AF) is currently being leased to the water supply bank. The lease currently expires on 12-31-22. It is anticipated that the lease to the Water Supply Bank will not be renewed past this date.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
63-32616	12-31-22	0.67	184.2	41	Attached? ☐ or No Change ☒
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ 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](#).

Additional Information:

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.

Attachment #9 (WSB)

83875

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

Current Water Right No.: 63-32616

Current Owner: GREGORY B JOHNSON

Priority Date: 10/17/1974

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.37 CFS	651.3 AF
	<u>Total Diversion</u>	2.37 CFS	651.3 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SW1/4 Sec. 28, Twp 01N, Rge 04E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

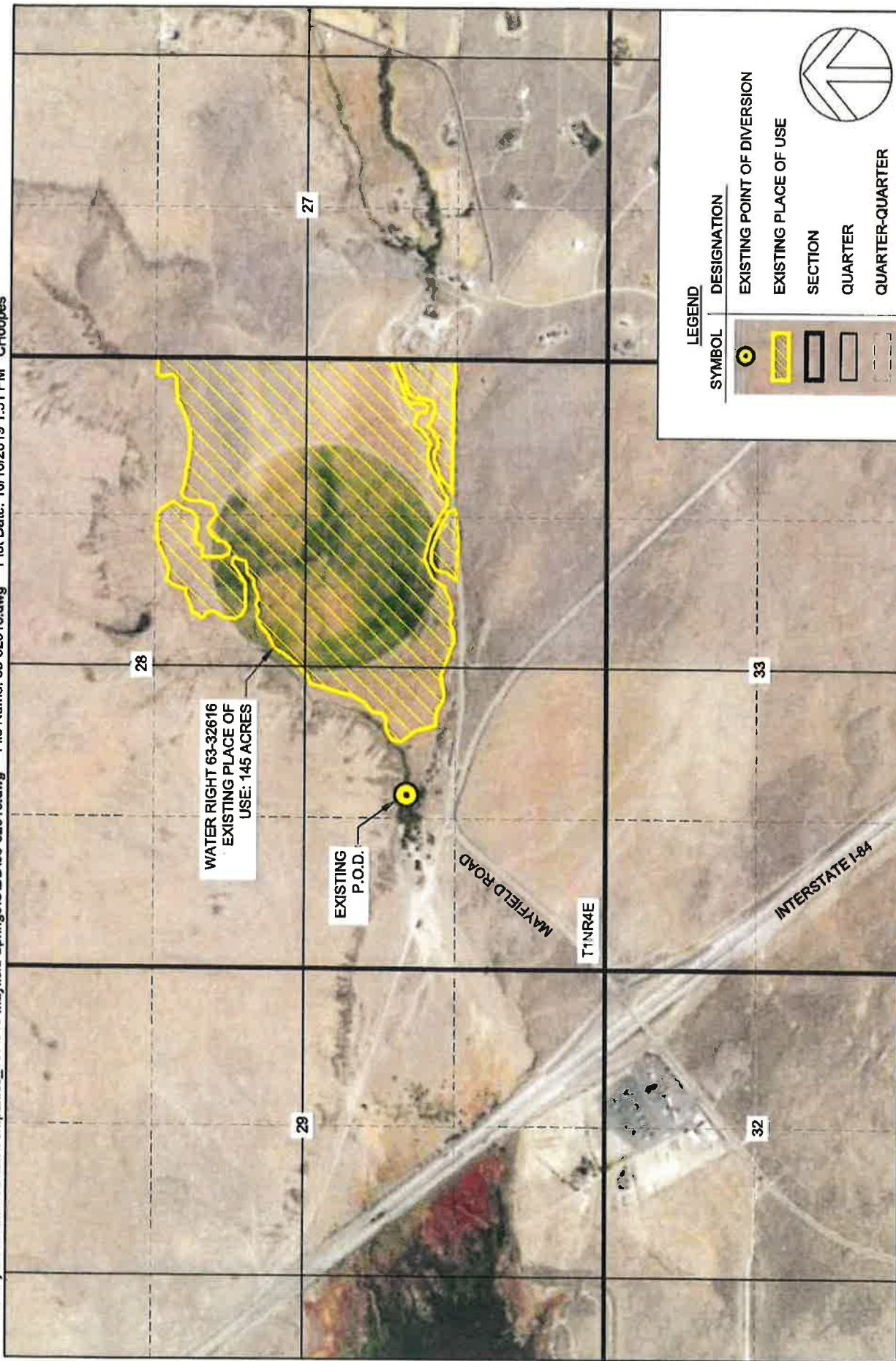
T01N R04E S28	SWNE	27.00	T01N R04E S28	SENE	32.00
T01N R04E S28	NESW	9.00	T01N R04E S28	NESE	39.00
T01N R04E S28	NWSE	38.00			

Total Acres: 145

Conditions of Approval:

1. 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 OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
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. This right is a split from former right 63-8051 .

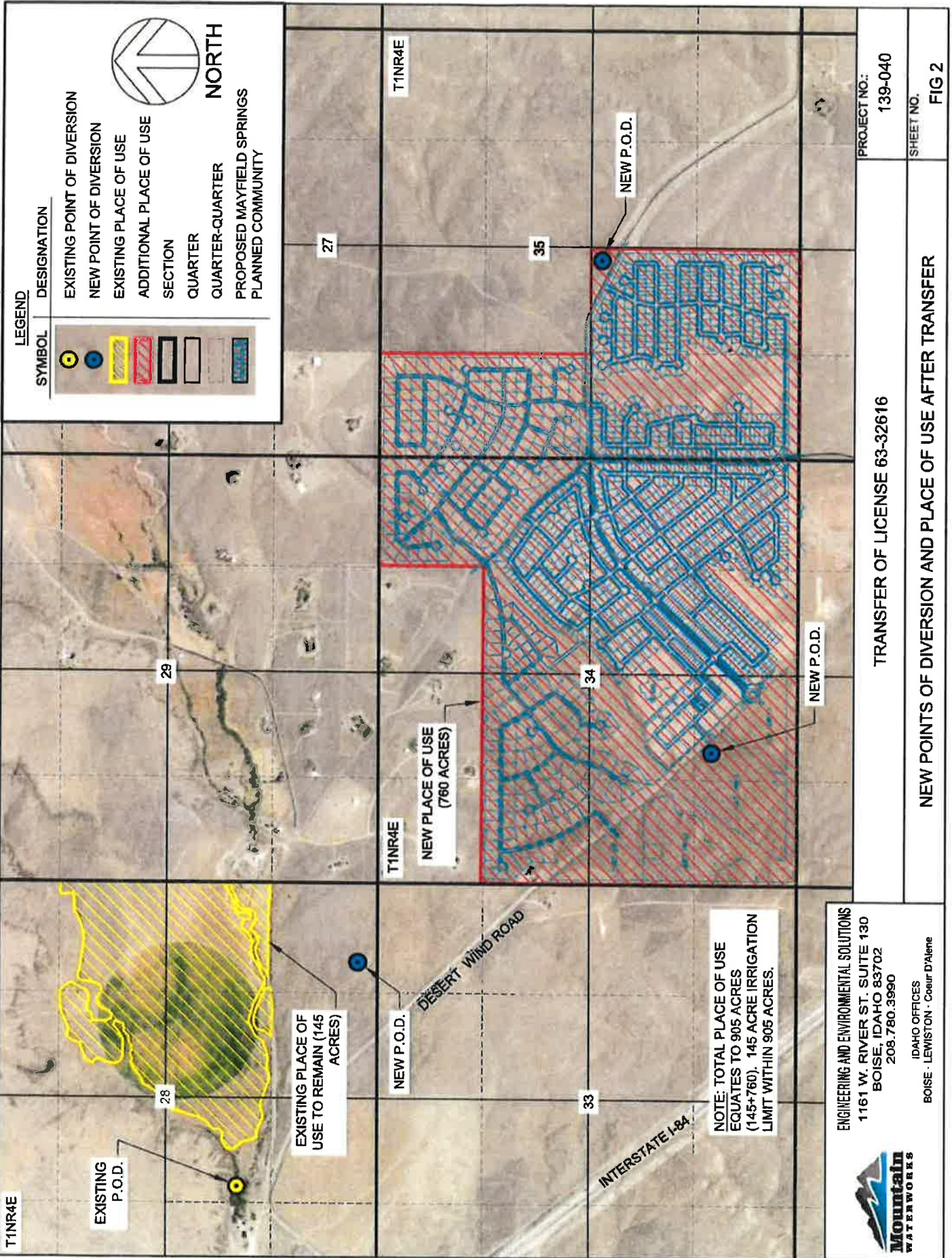
Decreed Date: 1/14/2009

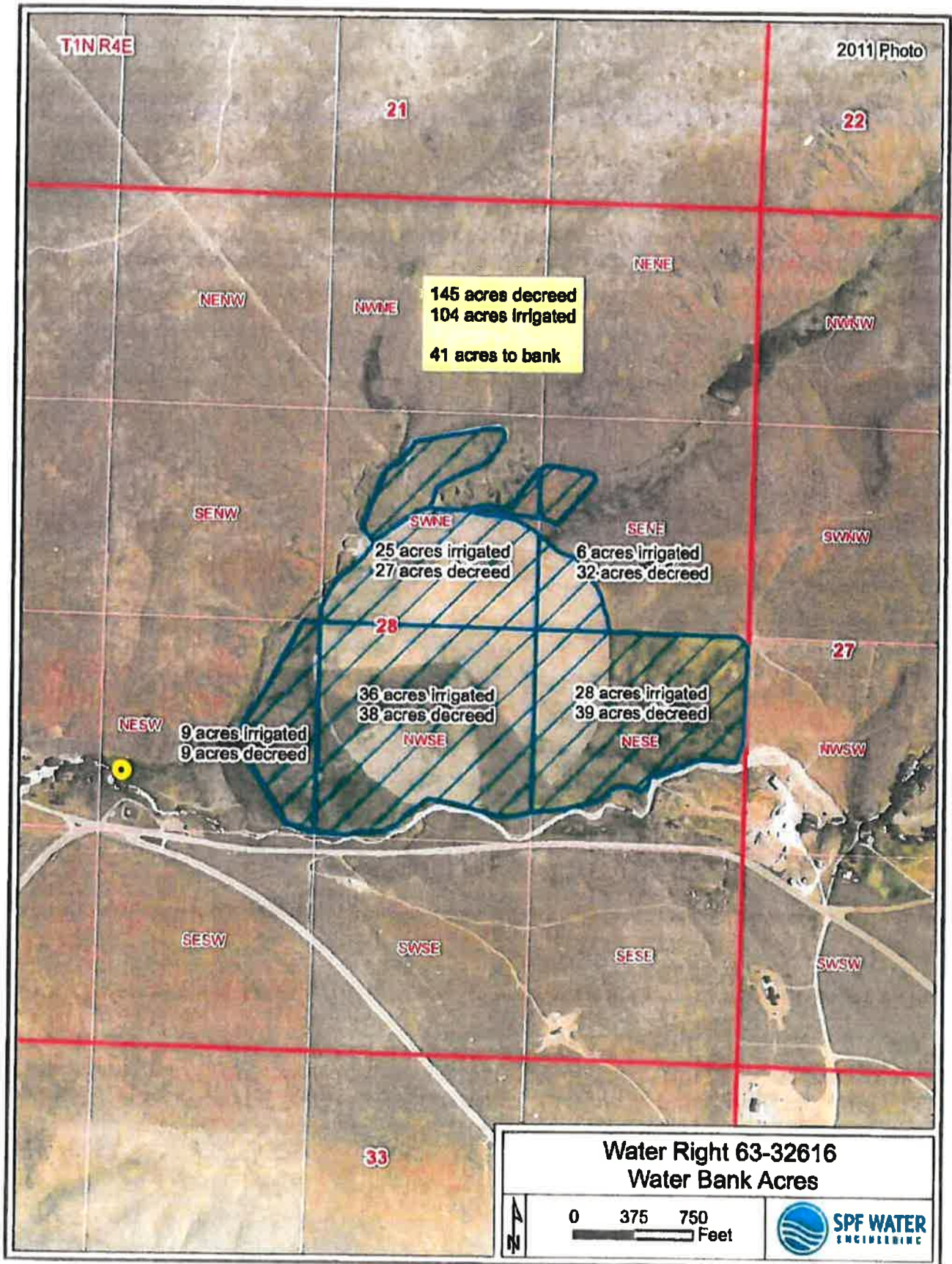


LEGEND	
SYMBOL	DESIGNATION
	EXISTING POINT OF DIVERSION
	EXISTING PLACE OF USE
	SECTION
	QUARTER
	QUARTER-QUARTER

NORTH

 ENGINEERING AND ENVIRONMENTAL SOLUTIONS 1161 W. RIVER ST. SUITE 130 BOISE, IDAHO 83702 208.780.3990 IDAHO OFFICES BOISE · LEWISTON · COEUR D'ALENE	TRANSFER OF LICENSE 63-32616		PROJECT NO.: 139-040
	EXISTING WATER RIGHT PRIOR TO TRANSFER		SHEET NO. FIG 1





Effective until December 31, 2022

- 





0003611707



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0003611707

Date Filed: 9/2/2019 7:41:12 AM

Entity Name and Mailing Address:

INTERMOUNTAIN SEWER & WATER, CORP.

The file number of this entity on the records of the Idaho Secretary of State is: 0000491404

Address **PO BOX 344
MERIDIAN, ID 83680-0344**

Entity Details:

Entity Status **Active-Good Standing**This entity is organized under the laws of: **IDAHO**If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: **C161920**

The registered agent on record is:

Registered Agent **GREGORY B JOHNSON**
Registered Agent
Physical Address
2463 E GALA, STE 120
MERIDIAN, ID 83642
Mailing Address

Corporate Officers and Directors:

Name	Title	Address
LAWRENCE C SQUIRES	Secretary	PO BOX 344 MERIDIAN, ID 83680
GREGORY B JOHNSON	President	PO BOX 344 MERIDIAN, ID 83680

The annual report must be signed by an authorized signer of the entity.

LAWRENCE SQUIRES

Sign Here

09/02/2019

Date

Signer's Title: **SECRETARY**

B0338-4608 09/02/2019 7:41 AM Received by ID Secretary of State Lawrence Denney



0003554385



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
ANNUAL REPORT
Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0003554385

Date Filed: 6/28/2019 9:20:55 AM

Entity Name and Mailing Address:

MAYFIELD DEVELOPMENT, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000559970

Address

PO BOX 344
MERIDIAN, ID 83680-0344

Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W185293

The registered agent on record is:

Registered Agent

GREGORY JOHNSON
Registered Agent

Physical Address

2463 E GALA, STE 120
MERIDIAN, ID 83642

Mailing Address

Limited Liability Company Managers and Members

Name	Title	Address
PGM CORPORATION	Member	PO BOX 344 MERIDIAN, ID 83680
PGM CORPORATION	Manager	2463 E GALA STE 120 MERIDIAN, ID 83642
GREGORY JOHNSON	Manager	2463 E GALA STE 120 MERIDIAN, ID 83642
DANIEL JOHNSON	Manager	2463 E GALA STE 120 MERIDIAN, ID 83642
LARRY SQUIRES	Manager	2463 E GALA STE 120 MERIDIAN, ID 83642

The annual report must be signed by an authorized signer of the entity.

LARRY SQUIRES

Sign Here

06/28/2019

Date

Signer's Title: Manager

B0294-0096 06/28/2019 9:20 AM Received by ID Secretary of State Lawrence Denney



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

February 13, 2020

GREGORY B JOHNSON
2463 E GALA ST STE 120
MERIDIAN, ID 83642

**RE: Transfer No. 83875
Water Right No(s). 63-32616**

Dear Applicants:

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 2/20/2020 and 2/27/2020 and in the MOUNTAIN HOME NEWS on 2/19/2020 and 2/26/2020. 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,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', written over a light blue circular stamp.

Kensie Thorneycroft
Administrative Assistant

CC:
SAWTOOTH LAW OFFICES PLLC

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, February 13, 2020 11:44 AM
To: 'BOI Legals'
Subject: Ada Legal Notice
Attachments: Cover Letter.docx; Legal Notice.docx

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 02/20/2020 & 02/27/2020.

Please confirm these are okay to publish as shown.

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

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, February 13, 2020 11:45 AM
To: 'Legal Dept'
Subject: Elmore Legal Notice
Attachments: Cover Letter.docx; Legal Notice.docx

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 02/19/2020 & 02/26/2020.

Please confirm these are okay to publish as shown.

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

February 13, 2020

LEGAL NOTICE DEPARTMENT

MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

**RE: Application for Amendment of Permit No: 63-32225
Transfer No. 83875, Water Right No(s): 63-32616**

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 3/9/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho:

PROPOSED AMENDMENT OF WATER PERMIT

INTERMOUNTAIN SEWER & WATER CORP. OF 2463 E. GALA, STE. 120, MERIDIAN ID 83642 on January 31, 2020 filed an application to amend water permit no. 63-32225 with a 9/16/2005 priority from groundwater totaling 10 cfs for municipal use. The permit provides municipal water for property located off of Interstate 84 near Desert Wind Rd on the Ada and Elmore County border. The applicant proposes to amend the permit to add two points of diversion to service the proposed Mayfield Springs Planned Community. Limits of the permit authorizing 10 cfs will not be exceeded.

TRANSFER NO. 83875

GREGORY B JOHNSON, 2463 E GALA ST STE 120, MERIDIAN, ID 83642; has filed Application No. 83875 for changes to the following water rights within **ADA, ELMORE County(s): Right No(s). 63-32616;** to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to add three diversion points and change the place of use for water right 63-32616 to provide for irrigation needs at the proposed Mayfield Springs Planned Community. A 145.0 acre-limit will be placed on the new 905.0 acre place of use, located at the current place of use and just southeast at the new additional place of use off of I-84 & Desert Wind Rd, on the Ada and Elmore County border.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A, 42-222 and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 03/09/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/19/2020 and 2/26/2020

February 13, 2020

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No.(s): 63-33872
Application for Amendment of Permit No: 63-32225
Transfer No. 83875, 78947,
Water Right No(s): 63-32616, 63-198AC

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 3/9/2020. 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:

63-33872

CLOUD BERRY LLC

6401 W FLOATING FEATHER RD

EAGLE, ID 83616

Point of Diversion NENE S9 T04N R01W ADA County Source GROUND WATER

(2) Point of Diversion NENE S10 T04N R01W ADA County Source GROUND WATER

(4) Point of Diversion SENE S10 T04N R01W ADA County Source GROUND WATER

(3) Point of Diversion NWNE S10 T04N R01W ADA County Source GROUND WATER

(2) Point of Diversion SWNE S10 T04N R01W ADA County Source GROUND WATER

(4) Point of Diversion NENW S10 T04N R01W ADA County Source GROUND WATER

(2) Point of Diversion NWNW S10 T04N R01W ADA County Source GROUND WATER

(3) Point of Diversion NENE S11 T04N R01W ADA County Source GROUND WATER

Point of Diversion NENW S11 T04N R01W ADA County Source GROUND WATER

Point of Diversion NWNE S11 T04N R01W ADA County Source GROUND WATER

Point of Diversion NWNW S11 T04N R01W ADA County Source GROUND WATER

(2) Point of Diversion SWNW S11 T04N R01W ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 759 AF

Total Diversion: 759 AF

Date Filed: 11/7/2013

Place Of Use: AESTHETIC STORAGE

T04N R01W S9 NENE

T04N R01W S10 NENE NWNE SWNE SENE NENW NWNW

T04N R01W S11 NENE NWNE NENW NWNW SWNW SENW

Water bearing zone to be appropriated is from 0 to 28 feet.

Mitigation by Transfer 78947 is proposed for consumptive use.

PROPOSED AMENDMENT OF WATER PERMIT

Intermountain Sewer & Water Corp. of 2463 E. Gala, Ste. 120, Meridian ID 83642 on January 31, 2020 filed an application to amend water permit no. 63-32225 with a 9/16/2005 priority from groundwater totaling 10 cfs for municipal use. The permit provides municipal water for property located off of Interstate 84 near Desert Wind Rd on the Ada and Elmore County border. The applicant proposes to amend the permit to add two points of diversion to service the proposed Mayfield Springs Planned Community. Limits of the permit authorizing 10 cfs will not be exceeded.

TRANSFER NO. 83875

GREGORY B JOHNSON, 2463 E GALA ST STE 120, MERIDIAN, ID 83642; has filed Application No. 83875 for changes to the following water rights within ADA, ELMORE County(s): Right No(s). 63-32616; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to add three diversion points and change the place of use for water right 63-32616 to provide for irrigation needs at the proposed Mayfield Springs Planned Community. A 145.0 acre-limit will be placed on the new 905.0 acre place of use, located at the current place of use and just southeast at the new additional place of use off of I-84 & Desert Wind Rd, on the Ada and Elmore County border.

TRANSFER NO. 78947

MIDDLETON IRRIGATION ASSN, PO BOX 848, MIDDLETON, ID 83644; has filed Application No. 78947 for changes to the following water rights within ADA County(s): Right No(s). 63-198AC; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: This transfer proposes a nature of use change from irrigation use to ground water recharge for purposes of providing mitigation for consumptive losses associated with application for permit 63-33872. Consumptive losses from the seven (7) ponds totalling 11.7 acre surface area is 30.7 af. Water under 63-198AC will be delivered to a pond within the proposed system under 63-33872 to the SW of Linder and Floating Feather Road, This transfer proposes a nature of use change from irrigation use to ground water recharge for purposes of providing mitigation for consumptive losses associated with application for permit 63-33872. Consumptive losses from the twenty-six (26) ponds totalling 46.3 acre surface area is 759.4 af. Water under 63-198AC will be delivered to a pond within the proposed system under 63-33872,

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A, 42-222 and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 03/09/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/20/2020 and 2/27/2020

MEMORANDUM

TO: Transfer No. 83875

FROM: Tyler Smith

DATE: 2/7/2020

RE: Evaluation of Application

Summary of Information Submitted

Mayfield Development LLC (Company) is a property developer that is in the process of building out a residential subdivision off of I-84 on the Ada, Elmore County border. The company filed transfer no. 83875 to change the PPU and add three (3) new POD groundwater wells for water right 63-32616. The transfer proposes to continue irrigating at the current PPU and slowly begin to irrigate at the new PPU as the development is started and continues to grow into a community.

S. Bryce Farris of Sawtooth Law Offices, PLLC is the representative for the transfer. Mr. Farris can be reached at 208-629-7447 or bryce@sawtoothlaw.com.

Authority to File

The application was filed in the name of Gregory B. Johnson. Gregory is listed as the current water right owner for water right no. 63-32616. The property owner at the PPU is Mayfield Development, LLC. Idaho Secretary of State documents provided with the application show that the applicant is the registered agent for Mayfield Development, LLC and therefore has the proper authority to file.

Water Right Validity

The right is presumed to be valid since beneficial use has occurred within the last five years. 41 acres, 0.67 cfs and 184.2 AF of water right 63-32616 are currently leased to the Water Supply Bank until 12-31-22. Further aerial imagery included with the application for transfer identify 104 acres irrigated of the 145 acres permissible under the right, confirming the 41 acres leased to the bank. The WSB was made aware of the transfer application and had no qualms with the approval of the transfer. This verification has been added to the file.

Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Overlap Analysis

Amendment of Permit application no. 83878 for water right 63-32225 was submitted with application for transfer no. 83875. The three new POD wells proposed in transfer 83875 will overlap with one existing and two new PODs of amendment of permit 83878. The change in PPU for transfer 83875 will also overlap the current PPU for permit 63-32225.

Injury to Other Water Rights

None anticipated. An opportunity to claim injury will be present to water users through public advertisement.

Enlargement of Use

Transfer is for a small acre limit in a large PPU. A map for the specific irrigation of acre limit within the large PPU has been submitted upon the Department's request to prevent enlargement of acres.

Local Public Interest

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

Beneficial Use/Conservation of Water Resources

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

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

Summary

Assuming other information not yet discovered does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Smith, Tyler

From: Buyer, Remington
Sent: Thursday, February 6, 2020 3:02 PM
To: Smith, Tyler
Cc: Ferguson, Justin
Subject: RE: Transfer 83875 (Gregory Johnson)

Hi Tyler,

Thanks for the notification. Per the applicant's statement on page 4 of the transfer application, it does not appear that they intend to draw on the portions of 63-32616 presently leased to the Bank. There shouldn't be any problem with approving the transfer while that portion remains under lease.

On a side note, could I ask you to direct future WSB inquiries to Bank@idwr.idaho.gov? That's a shared email account that goes to more individuals than just myself, so if you email it, you can reliably get a response, even if I'm unavailable.

Thanks,

Remington

From: Smith, Tyler
Sent: Thursday, February 6, 2020 2:13 PM
To: Buyer, Remington <Remington.Buyer@idwr.idaho.gov>
Subject: Transfer 83875 (Gregory Johnson)

Hi Remington,

The attached application for transfer was received at the Western Region. Part of water right 63-32616 being transferred is currently leased to the WSB until 12/31/22. This email is to notify you about this transfer and to ensure that this transfer can be approved without conflicting with the WSB.

Thanks for your attention to this matter.

Best,

Tyler Smith

Water Resource Agent
Western Region
Idaho Department of Water Resources
tyler.smith@idwr.idaho.gov
(208)334-2190

Boise Office

1101 W. River St., Ste. 110
P.O. Box 7985
Boise, Idaho 83707
Tel. (208) 629-7447

Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office

236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW

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Patxi Larrocea-Phillips

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Daniel V. Steenson

Katie L. Vandenberg

Andrew J. Waldera **

James R. Bennetts (retired)

Attorneys licensed in Idaho
** Also licensed in Washington*
*** Also licensed in Oregon*

January 31, 2020

Mr. Nick Miller, Manager
Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: Water Right No. 63-32616
Gregory B. Johnson

Dear Mr. Miller:

Gregory B. Johnson is proposing to amend existing Water Right No. 63-32616. Attached are the following items for processing this application:

1. Application for Transfer
2. Attachment WSB
3. A check for the application fee totaling: \$710.00
4. Aerial map showing existing water right prior to transfer
5. Aerial Map showing water right after transfer including:
 - a. Proposed Mayfield Springs Planned Community
 - b. Existing and new POD
 - c. Existing and new POU
6. Documentation of ownership
7. Maps of existing lease to the WSB

Water Right No. 63-32616 will become the integral irrigation supply needed for the proposed Mayfield Springs Planned Community. As this new development commences and grows to full build out, irrigation supply will gradually increase in the Planned Community (new POU) while decreasing at the existing POU. Therefore, this application proposes to keep the existing POD and PAU unchanged.

This application also proposes to add three new POD and add PAU that match the Mayfield Springs project boundary. The new POD and POU will share the same POD and PAU as existing Water Appropriation Permit No. 63-32225 (Intermountain Sewer & Water Corp).

RECEIVED
JAN 31 2020
WATER RESOURCES
WESTERN REGION

Existing Water Right 63-32616 is permitted for 145 acres. Therefore, the PAU in both existing and proposed areas will not exceed 145 acres for the designated areas to receive irrigation. These designated areas include common areas, parks, school property, and individual lots across the 760 acres of the Planned Community's project boundary.

We also want to point out that the current lease to the Water Supply Bank is 41 acres. Since the existing place of use will not change, the area designated for the lease will remain the same.

Should you have any questions for processing this application, please do not hesitate to contact me.

Sincerely,



S. Bryce Farris

Enclosure

cc: Tim Farrell, P.E., Mountain Waterworks
Client