FORM 202 Rev. 09/16

RECEIVED
DEC 16 2019
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR PERMIT

**To appropriate the public waters of the State of Idaho**

Ident. No. 63-34831

1. Name of applicant(s) TPC Brooklyn Park Investors, LLC Phone 208-461-0022
   Name connector (check one): ☐ and ☐ or ☐ and/or
   Mailing address 430 E State Street, Ste. 100 City Eagle
   State ID ZIP 83616 Email john@rennisoncompanies.com
2. Name of representative, if any SPF Water Engineering Phone 208-383-4140
   Mailing address 300 E. Mallard Dr., Ste. 350 City Boise
   State ID ZIP 83706 Email lgraves@spfwater.com
   a. ☐ 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.
   b. ☑ 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.
3. Source of water supply Ground Water which is a tributary of Boise River
4. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | ¼ | ¼ | ¼ | County | Source | Local name or tag # |
|---|---|---|---|---|---|---|---|---|---|
| 4N | 1E | 15 | | | SE | SW | Ada | Ground Water | Pond Centroid |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

5. Water will be used for the following purposes:
   Amount 288 ac-ft (cfs or acre-feet per year) for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 288 acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. 25.5-ac pond with a max depth of 45 ft on the southern 65% and a max depth of 18 ft on the northern 35% portion; 0.4 average depth correction factor used.
   b. Height of storage dam n/a feet; active reservoir capacity 230 acre-feet; total reservoir capacity 230 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☑ No
   e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

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**For Department Use**

Received by CS Date 12/16/19 Time 11:45 Preliminary check by _____
Fee $ 330.00 Receipted by CS Receipt No. W047927 Date 12/16/19

8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW. _____
   b. Stockwatering; list number and kind of livestock. _____
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
   d. Domestic; show number of households _____
   e. Other; describe fully. Aesthetic use for lake resulting from gravel mining

9. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols. AS = Aesthetic Storage

| TWP | RGE | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 4N | 1E | 15 | | | | | | | | | AS | | | AS | | | | | |
| | | | | | | | | | | | L3 | | | L3 | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

   Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? New Union Ditch Co. surface water

11. a. Who owns the property at the point of diversion? Applicant
    b. Who owns the land to be irrigated or place of use? Applicant
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water bearing zone to be appropriated is from 0 to 45 feet. As proposed on the accompanying transfer application, surface water shares from New Union Ditch Co. will be used to mitigate the the evaporative losses resulting from the pond based on a 1:1 ratio. Additional information provided in the attached narrative.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

**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.**

Signature of Applicant

Caleb Roope
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

## APPLICATION NARRATIVE & PROPOSED MITIGATION

A 25.5-acre pond is proposed for the Eagle Lakes development site. The source of the water will be shallow ground water assumed to be in hydraulic connection with the adjacent Boise River. Mitigation to Boise River flows is required to offset consumptive use resulting from the evaporation from the surface of the proposed pond and will be accomplished by changing the nature of use from irrigation to aesthetic storage for 25.5 shares/acres of New Union Ditch Co. (NUDC) water right 63-146. Water-bearing zone to be appropriated is from 0 to 45 feet.

**Consumptive Use Data & Proposed Mitigation.** The consumptive requirement and subsequent depletion rate to river flows required for shallow ponds and grass pasture, which is the typical crop grown within the NUDC service area, can be calculated based on the ET Idaho (http://data.kimberly.uidaho.edu/ETIdaho/) precipitation deficit tables for the Boise Airport climate station. The amount proposed for mitigation is based on a one to one ratio; 1 acre of irrigation for 1 acre of pond surface area. The calculations demonstrate that 25.5 acres of pond surface area will annually evaporate 57.8 acre-feet, equivalent to the consumptive use associated with 18.7 acres of grass pasture. As shown on the attached Water Balance data sheet, during the 60% Stewart Decree cut, 18.7 acres of grass pasture can sufficiently satisfy the pond's anticipated peak daily consumptive use requirement of 4.68 mm/day. As a result, 25.5 acres of NUDC water converted from irrigation to aesthetic use will more than adequately offset the consumptive use resulting development of the pond; enlargement is not a concern.

Also included are the Department's pond loss calculation spreadsheets for pond seepage, evaporation and storage capacity that support the proposed total annual pond volume.

## WATER BALANCE AND CHANGES TO 63-146

$ET_{Idaho}$ 2017, Bolse WSFO Airport (NWS--USC00101022)
Precipitation Deficit Requirements

| Grass Pasture - high management | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Growing Season[a] | Non Growing Season[b] | Annual |
| Mean | mm/day | | | | | | | | | | | | mm | | |
| Monthly[c] | -0.13 | 0.06 | 0.84 | 3.48 | 4.59 | 6.15 | 6.6 | 4.96 | 2.83 | 1.3 | -0.31 | -0.35 | 943 | -24 | 919 |

| Open Water - shallow systems (ponds/streams) | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Growing Season[a] | Non Growing Season[b] | Annual |
| Mean | mm/day | | | | | | | | | | | | mm | | |
| Monthly[c] | -0.62 | 0.11 | 0.83 | 2.07 | 2.76 | 4.12 | 4.68 | 3.95 | 2.65 | 1.41 | -0.21 | -0.78 | 642 | 0 | 642 |
| days / month | 31 | 28 | 31 | 30 | 31 | 30 | 31 | 31 | 30 | 31 | 30 | 31 | | | 365 |
| mm / month | | 3.1 | 25.7 | 62.1 | 85.6 | 123.6 | 145.1 | 122.5 | 79.5 | 43.7 | | | | | 691 |

| | | |
|---|---|---|
| a | 691 | mm/yr, Net annual positive-month precipitation-deficit lake consumptive use (from above, open water, annual use) |
| b | 2.27 | ft/yr, Net annual precipitation-deficit pond consumptive use (b = a / 304.8) |
| c | 25.5 | acres, lake surface area (from lake permit application) |
| d | 57.8 | af/yr, total annual pond consumptive use (d = b x c) and **changed to aesthetic storage** by transfer |
| e | 943 | mm/yr, net annual precipitation-deficit grass pasture consumptive use (from above, grass pasture, growing season) |
| f | 3.09 | ft/yr, Net annual precipitation-deficit grass pasture consumptive use (f = e / 304.8) |
| g | 18.7 | acres of grass pasture consumptive use required to offset lake consumptive use (g = d / f) |
| h | 0.02 | cfs/acre, the duty of water for water right 63-146 |
| i | 0.37 | cfs, quantity of New Union irrigation component dedicated to diversion to storage (i = g x h) |
| k | 4.68 | mm/day, peak daily pond Pdef (July) |
| l | 0.20 | cfs, required to meet peak daily pond Pdef at 60% Stewart Decree flow reduction (l = k / 304.8 * c / 1.9835) |
| m | 0.33 | cfs, available when 100% flow delivered (m = l / 0.60) |
| n | 16.4 | acres of transfer water right associated with above 100% flow (n = m / h) |
| p | 18.7 | acres, greater of n & g, required to offset pond evaporation. |
| | **25.50** | acres, actual amount provided per transfer application |

| Changes to 63-146 | | | |
|---|---|---|---|
| | Pre-Tranfer | Changed by Tranfer | Post-Transfer |
| Irrigation, cfs | 12.46 | 0.51 | 11.95 |
| Aesthetic Storage, afa | 140.2 | 78.9 | 219.1 |
| Diversion to Storage, cfs | 0.76 | 0.51 | 1.27 |
| Mitigation by non-use | 0.54 | 0.00 | 0.54 |
| Aesthetic Storage, afa (new) | 0.00 | 78.9 | 78.9 |
| Diversion to Storage, cfs (new) | 0.00 | 0.51 | 0.51 |
| Total, cfs | 13.76 | | 13.76 |
| Acres, combined limit | 622.8 | 25.5 | 597.3 |
| Duty, combined limit, cfs/acre | 0.02 | 0.02 | 0.02 |

# Seepage Loss Calculations

**This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.**

| | |
|---|---|
| FILE NUMBER | 63- |
| REVIEWER | Scott King |
| DATE | 10/14/2019 |

| |
|---|
| User Input |
| Calculated value |
| Formula Explanations |

## INPUTS

| | | |
|---|---|---|
| Pond Surface Area (AC.) | 25.5 | AC. |
| Pond Surface Area (SQ. FT.) | 1110780 | SQ. FT. |
| I used the following method to obtain my Soil Classification information: | NRCS Web Soil Survey | |
| My Soil Classification is | GrndWtr | |
| Suggested Seepage Rate (FT./DAY) | 0.0000 | FT./DAY |
| Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss | | |
| Convert to GPD | 0 | GPD |
| **Total Seepage Loss (AFA)** | 0.0 | AFA |

Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

| Suggested Seepage Rates for Different Soil Types: |
|---|
| **GW, GP, GM, GC, SW, SP and SM** (silty sand, sand silt mixtures and gravel mixtures) = **0.2 ft per day** |
| **OL and ML** (inorganic silts - very fine sands, silty, or clayey fine sands) = **0.02 ft per day** |
| **SC** (clayey sands, sand clay mixtures) = **0.007 ft per day** |
| **CL** (Low to medium plasticity clays) = **0.003 ft per day** |
| **MH, OH, PT and CH** (high plasticity clays) = **0.0003 ft per day** |
| **LINED PONDS** (liners can be chemical, fabric, or bentonite) = **0 ft per day** |
| **Ponds Intercepting Groundwater** (excavated ponds filled by ground water) = **0 ft per day** |

**PLEASE NOTE:** The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1) , an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2) . Use "0" if the pond fill relies on the water table.

# Evaporation Loss Calculations

**This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.**

| | |
|---|---|
| FILE NUMBE | 63- |
| REVIEWER | Scott King |
| DATE | 10/14/2019 |

| |
|---|
| User Input |
| Calculated value |
| Formula Explanations |

| The acronyms used on the Kimberly Research Center website are defined below: |
|---|
| P = Precipitation |
| ET= Evapotranspiration |
| $P_d$ = Precipitation deficit |
| $P_d$ =ET-P |

**USING THIS SPREADSHEET**

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

**Instructions:**

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: http://data.kimberly.uidaho.edu/ETIdaho/

**Precipitation Deficit**

**Station:** BOISE AIRPORT ~~Twin Falls 2 NNE (NWS -- 109284)~~

| *Month* | mm/day[1] | *Days per month* | mm/Month |
|---|---|---|---|
| *Jan* | -0.62 | 31 | 0.00 |
| *Feb* | 0.11 | 28 | 3.08 |
| *March* | 0.83 | 31 | 25.73 |
| *April* | 2.07 | 30 | 62.10 |
| *May* | 2.76 | 31 | 85.56 |
| *June* | 4.12 | 30 | 123.60 |
| *July* | 4.68 | 31 | 145.08 |
| *August* | 3.95 | 31 | 122.45 |
| *September* | 2.65 | 30 | 79.50 |
| *October* | 1.41 | 31 | 43.71 |
| *November* | -0.21 | 30 | 0.00 |
| *December* | -0.78 | 31 | 0.00 |
| Total mm/year = | | | 690.81 |

**PLEASE NOTE:** The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

**[(mm/yr) ÷ (convert to feet) ] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet**

( 690.81 ÷ 304.8 ) X 25.50 = 57.8 AFA

# Total Storage Calculations

| | |
|---|---|
| FILE NUMBER | 63- |
| REVIEWER | Scott King |
| DATE | 10/14/2019 |

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

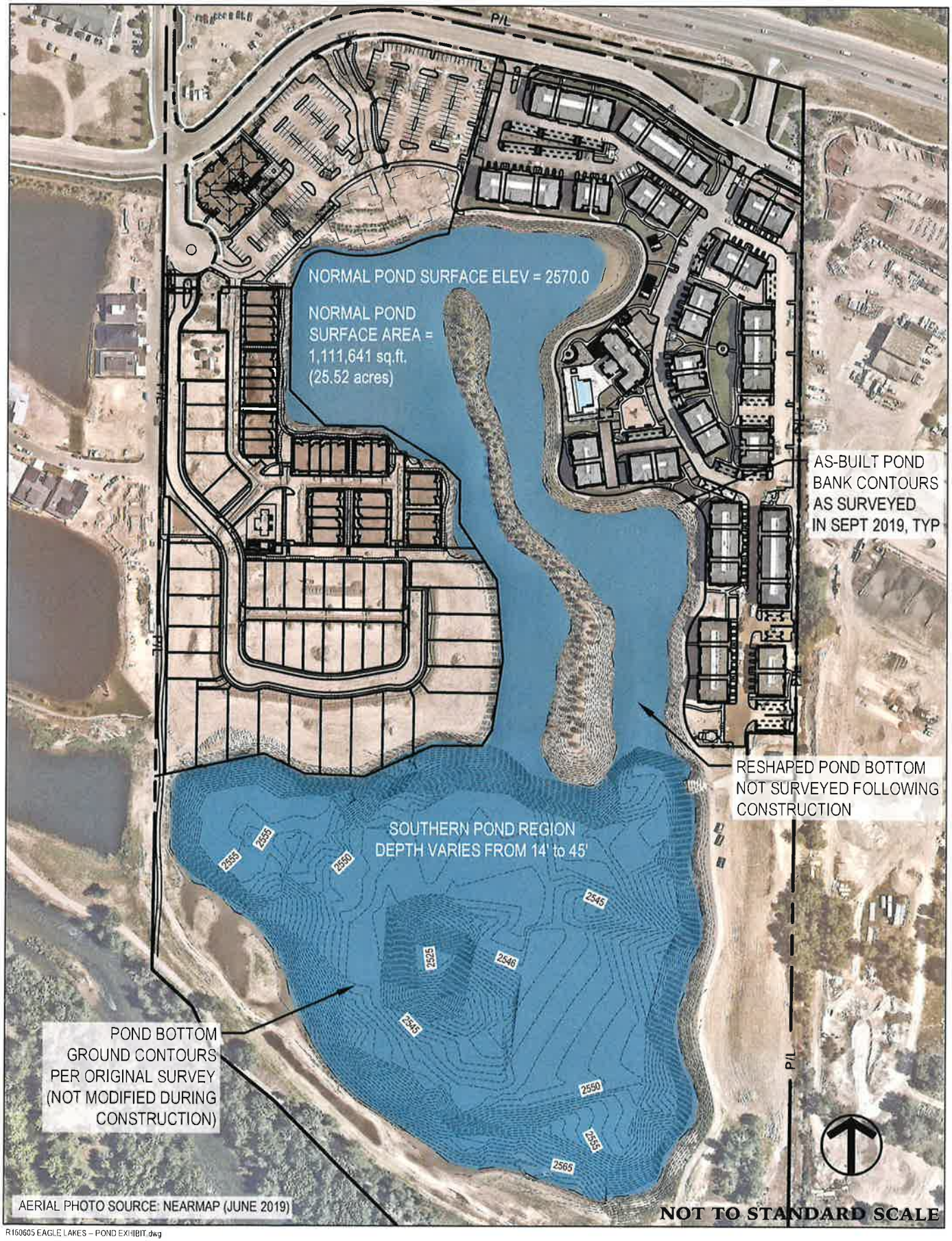
| |
|---|
| User Input |
| Calculated value |
| Formula Explanations |

| | | |
|---|---|---|
| Surface Area (AC.) | 25.5 | "Surface Area" is automatically carried over from the "Seepage Loss" sheet. |
| Average Pond Depth (FT.) | 9.0 | "Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth. |
| Pond Capacity (AF) | 230 | Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above.<br>Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use. |
| Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF) | 0 | The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a *from storage* component if the *from storage* component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed).<br>Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space. |
| Estimated Seepage Loss (AF) | 0.0 | The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet. |
| Estimated Evaporation Loss (AF) | 57.8 | The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet. |
| Total Volume Required (AF) | 287.8 | The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required. |

| | | |
|---|---|---|
| **Flow Rate into Pond (CFS)** | **1.00** | The "Flow Rate into Pond" depicts the actual flow, either measured or estimated, into the pond. For offstream facilities, this will be equivalent to "diversion to storage" rate. |
| **Highest Daily Evaporation Rate From Evaporation Tab. (mm/Day)** | **4.68** | This number is carried over from the "Evaporation Loss" sheet. It is the highest recorded number in the "Precipitation Deficit Table". |
| **Required Daily Maintenance Volume (AF/Day)** | **0.39** | "Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year to maintain pond volume. It is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement. |
| **Minimum Maintenance Flow (CFS)** | **0.20** | The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determined by dividing the "Maximum Required Daily Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level. |
| **Days Required to Fill the Pond** | **144** | The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed. If this number is *approximately* 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond. |
| **Days Required to Fill the Pond at 13,000 Gallons per Day** | **-654** | Some water users may want to fill a pond under the 13,000 gallons per day domestic exemption. The "Days Required to Fill the Pond at 13,000 Gallons per Day" is calculated by converting the "Pond Capacity" and the "Required Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Required Daily Maintenance Volume" in gallons to determine the number of days to fill pond. If this number is *approximately* 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond.<br>Negative values indicate that the supply of 13,000 gallons per day is not enough volume to overcome the required daily maintenance volume; the pond will never fill. |


Path: S:\PROJECTS\S Thru Z Projects\T Projects\TPC Brooklyn Park Investors_1394\0010_Eagle Lakes\PROJECTGIS\ArcMap_Projects\PMT Map V2.mxd

# EAGLE LAKES




R160605 EAGLE LAKES – POND EXHIBIT.dwg

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082
Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

January 8, 2020

TPC BROOKLYN PARK INVESTORS LLC
430 E STATE ST STE 100
EAGLE, ID 83616-5901

**Application For Permit No. 63-34831**

Dear Applicants:

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

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 1/16/2020 and 1/23/2020. 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 permit.

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

Sincerely,

Kensie Thorneycroft
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region • 2735 Airport Way • Boise, Idaho 83705-5082
Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 8, 2020

NEW UNION DITCH CO
PO BOX 31
EAGLE ID 83616

**Re: Application for Permit No. 63-34831**

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the Ada County *ID Statesman* for advertising. I enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you wish to formally protest the approval of the application, you must submit a protest with the $25.00 protest fee to this office by **5:00 p.m., February 03, 2020**. You must also send a copy of your protest to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Kensie Thorneycroft
Administrative Assistant
Western Regional Office

Enclosures

## Thorneycroft, Kensie

**From:** Thorneycroft, Kensie
**Sent:** Wednesday, January 08, 2020 1:10 PM
**To:** 'Waterdistrict63@qwestoffice.net'
**Subject:** Application for Transfer No. 83799 and Permit Application 63-34831
**Attachments:** Permit Application 63-34831.pdf; Transfer Application 83799.pdf; Watermaster Recommendation Form.docx

January 8, 2020

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

**RE: Application for Transfer No. 83799 & Permit Application No 63-34831**

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the application are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **February 03, 2020.**

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

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

## Thorneycroft, Kensie

**From:** Thorneycroft, Kensie
**Sent:** Wednesday, January 08, 2020 11:39 AM
**To:** 'BOI Legals'
**Subject:** Ada Legal Notice
**Attachments:** Legal Notice.docx; Cover Letter.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 01/16/2020 & 01/23/2020.

Please confirm these are okay to publish as shown.

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

January 8, 2020

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

**RE: Application For Permit No.(s): 63-34700, 63-34701, 63-34831**
**RE: Transfer No. 83799,**
**Water Right No(s): 63-146**

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 2/3/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

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

**63-34700**
ISLAND WOODS HOMEOWNERS ASSOCIATION INC
PO BOX 193
EAGLE, ID 83616-6342
Point of Diversion L6(SESW) S16 T04N R01E ADA County Source GROUND WATER
Point of Diversion L5(NWSW) S16 T04N R01E ADA County Source GROUND WATER
Point of Diversion SWSW S16 T04N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.36 CFS
Total Diversion: 0.36 CFS
Date Filed: 4/4/2019
Place Of Use: IRRIGATION
T04N R01E S16 L5(SWNW) L6(NESW) L5(NWSW) SWSW L6(SESW) L7(SWSE)
T04N R01E S21 L4(NWNW)
Total Acres: 24
Water bearing zone to be appropriated is 0 to 20 feet.
Mitigation is proposed for consumptive use.

**63-34701**
ISLAND WOODS HOMEOWNERS ASSOCIATION INC
PO BOX 193
EAGLE, ID 83616-6342
(3) Point of Diversion L5(NWSW) S16 T04N R01E ADA County Source GROUND WATER
(3) Point of Diversion SWSW S16 T04N R01E ADA County Source GROUND WATER
(6) Point of Diversion L6(SESW) S16 T04N R01E ADA County Source GROUND WATER
Point of Diversion L6(NESW) S16 T04N R01E ADA County Source GROUND WATER
Use: AESTHETIC 01/01 to 12/31 315.5 AF
Use: RECREATION STORAGE 01/01 to 12/31 315.5 AF
Total Diversion: 315.5 AF
Date Filed: 4/4/2019
Place Of Use: AESTHETIC, RECREATION STORAGE
T04N R01E S16 L6(NESW) L5(NWSW) SWSW L6(SESW)
Water bearing zone to be appropriated is from 0 to 20 feet.
Mitigation is proposed for consumptive use.

**63-34831**
TPC BROOKLYN PARK INVESTORS LLC
430 E STATE ST STE 100
EAGLE, ID 83616-5901
Point of Diversion SESW S15 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 288 AF
Total Diversion: 288 AF
Date Filed: 12/16/2019
Place Of Use: AESTHETIC STORAGE
T04N R01E S15 L3(NESW) L3(SESW)
Water bearing zone to be appropriated is from 0 to 45 feet.
Mitigation by transfer 83799 is proposed for consumptive use.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**
**TRANSFER NO. 83799**

**NEW UNION DITCH CO LTD, PO BOX 31, EAGLE, ID 83616; has filed Application No. 83799** for changes to the following water rights within ADA County(s): Right No(s). 63-146; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of this transfer is to convert 0.51 cfs and 78.9 af of water from irrigation uses to diversion to storage and aesthetic storage uses for the purpose of replacing evaporation losses from one (1) 25.5-acre pond associated with Water Right 63-34831. Water will be used within the current place of use near Eagle, 0.3 miles west of the intersection of Hwy 44 and Edgewood Ln., just south of State Hwy 44, and just north of the Boise River.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see **www.idwr.idaho.gov**. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of $25.00 for each application on or before 02/03/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/16/2020 and 1/23/2020

# MEMORANDUM

| | |
|---|---|
| TO: | Water Right File 63-34831 |
| FROM: | Anna Kaiser |
| DATE: | 12/18/2019 |
| SUBJECT: | Diversion Rate Clarification |

On 12/16/2019, The Department of Water Resources (Department) received TPC Brooklyn Park Investors, LLC's application for permit proposing an aesthetic storage use of 288 acre-feet. Using the surface area and maximum pond depths outlined under section 7 of the application, and the standard depth correction factor 0.4, the Department calculates an average pond depth of 14.2 feet and total pond capacity of 362 acre-feet. After adding estimated evaporation loss (57.8 acre-feet), the Department estimates the total volume required for the proposed pond is actually 420 acre-feet. The application contains no further information supporting the selected diversion rate of 288 acre-feet.

Via telephone conversation on 12/18/2019, TPC Brooklyn Park Investors' representative Scott King of SPF Water Engineering clarified the applicant's selected diversion rate as follows:

SPF Water Engineering used Eagle Lakes' pond-depth contours (rather than the Department's standard 0.4 average depth conversion factor) to calculate the dimensions of the pond yielding an average depth of 9 feet and a total pond capacity of 230 acre-feet. These dimensions more accurately reflect the pond's true size. When adding the estimated evaporation loss, the total volume required is 288 acre-feet.

The above clarification provides sufficient information to justify the applicant's selected diversion of 288 acre-feet per year.

## Kaiser, Anna

**From:** Scott King <SKing@spfwater.com>
**Sent:** Wednesday, December 18, 2019 9:12 AM
**To:** Kaiser, Anna
**Cc:** Lori Graves
**Subject:** RE: TPC Brooklyn Park- Permit Application
**Attachments:** EAGLE LAKES -- POND EXHIBIT.pdf

Anna,

Here's the map the applicant provided and that we just discussed.

Thank you,
Scott

**From:** Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
**Sent:** Tuesday, December 17, 2019 4:58 PM
**To:** Lori Graves <LGraves@spfwater.com>; Scott King <SKing@spfwater.com>
**Subject:** TPC Brooklyn Park- Permit Application

Good afternoon,

I am reviewing TPC Brooklyn Park Investors LLC 's Application for Permit submitted December 16, 2019. Items 5, 6 and 7 require further clarification. Using the maximum depth (45 ft. on the southern 65% and 18 ft. on the northern 35%) provided under Item 7 on the application, I get a total pond capacity of 362 AF. When adding the estimated evaporation loss, the total volume required seems like it should be 420 AF.

Under items 5 and 6, the application proposes a total volume of 288 AF, using an average pond depth of 9.0 ft. and total pond capacity of 230 AF (outlined in Total Storage Calculations spreadsheet).

Could you please further clarify the pond depth and total volume required for this application?

I attached a scan of this application for reference.

Thank you!
Anna

**Anna Kaiser** | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

SPF WATER ENGINEERING

December 11, 2019



Patrick Kelly, Water Rights Supervisor
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

***Subject:*** ***Application for Permit – TPC Brooklyn Park Investors***
***Application for Transfer – New Union Ditch Co.***

Dear Patrick,

Enclosed on behalf of TPC Brooklyn Park Investors, is an *Application for Permit* requesting aesthetic storage from shallow ground water for a pond near Eagle. Consumptive use resulting from the pond will be mitigated with Boise River water from New Union Ditch Company as proposed under the *Application for Transfer* also enclosed.

Check No. 000194 for $830 is enclosed for the filing fees; $330 for the permit application and $500 for the transfer application. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Brian Liquin, Rennison Companies Inc.
Gary Heikes, New Union Ditch Co.

Enclosures

SPF file number: 1394.0010

300 E. Mallard Drive, Suite 350, Boise, Idaho 83706 Tel: 208-383-4140 Fax: 208-383-4156