

RECEIVED
APR 04 2019
APR 03 2019
WATER RESOURCES
WESTERN REGION IDAHO DEPARTMENT OF
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 6334701

1. Name of applicant(s) Island Woods Homeowners Association, Inc. Phone 208-869-2494
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO Box 193 City Eagle
 State ID ZIP 83616 Email _____
2. Name of representative, if any Candice McHugh, McHugh Bromley, PLLC Phone 208-287-0991
 Mailing address 380 S. 4th St., Ste. 103 City Boise
 State ID ZIP 83702 Email cmchugh@mchughbromley.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: Pond Centroids

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	1E	16	6		NE	SW	Ada	Ground Water	Pond 4
			5		NW	SW	Ada	Ground Water	Pond 1
			5		NW	SW	Ada	Ground Water	Pond 2
			5		NW	SW	Ada	Ground Water	Pond 3

5. Water will be used for the following purposes:
- Amount 315.5 acre-feet for Aesthetic & Recreation Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 315.5 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. 15 acres of ponds with an average depth of 20 feet. Ponds will naturally intercept shallow ground water due to close proximity to the Boise River
- b. Height of storage dam n/a feet; active reservoir capacity 300 acre-feet; total reservoir capacity 300 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. _____.

Received by [Signature] Date 4/3/19 Time 11:15 Preliminary check by _____
 Fee \$ 3700 Received by [Signature] Receipt No. C106506 Date 4/3/19

Ident. No. _____

Attachment to: ☒ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

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.

[illegible]

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. Resulting ponds from subdivision development

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.

X = Aesthetic & Recreation 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	16					X	X		X	X	X	X	X					
							L6	L5		L6	L6	L5		L6					

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? See attached narrative

11. a. Who owns the property at the point of diversion? Applicants

b. Who owns the land to be irrigated or place of use? Applicants

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. See 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.

Deborah Miller

Signature of Applicant

Deborah Miller President

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

APPLICATION NARRATIVE AND PROPOSED MITIGATION

Applicant seeks water right coverage for 12 existing ponds located within Island Woods Subdivision. The ponds are assumed to be in direct hydraulic connection with the adjacent Boise River, and evaporation from the ponds is assumed to result in an equivalent depletion to river flow. Mitigation to Boise River flows is required to offset the evaporative losses from the ponds and will be accomplished by leaving 0.10 cfs of Thurman Mill water right 63-30130 in the river undiverted. Water-bearing zone to be appropriated is from 0 to 20 feet.

Mitigation Calculations

Evaporative Loss Data. The ponds surface area will cover an area of approximately 15 acres. The evaporation loss and subsequent depletion rate to river flows can be estimated based on the ET Idaho (<http://data.kimberly.uidaho.edu/ETIdaho/>) precipitation deficit tables for the Boise Airport weather station. The ponds have average depths of approximately 20 feet, consistent with "deep systems" (i.e., lakes and reservoirs with depths in excess of 13 feet). Evaporation data for deep systems based on Boise Airport weather station data are provided as Table 1.

Evaporative Volume Requiring Mitigation. The annual evaporation volume from the 15 acres of pond surface will be approximately 15.5 acre feet (Table 2), but the irrigation season (April-October) evaporative loss is slightly less at 15 acre feet. We assume that only the irrigation season evaporative loss must be mitigated.

Historical Consumptive Volume from Mitigation Water Right. The annual precipitation deficits (i.e., consumptive volumes) for typical crops historically grown in the Thurman Mill service area are listed in Table 3, and average 3.03 acre feet per acre. Assuming an average precipitation deficit of 3.03 acre feet per acre, the 15 acre-foot irrigation season evaporative loss from the ponds is equivalent to the annual consumption from 5 irrigated acres within the Thurman Mill service area. Therefore, 5 acres (shares) of water are required to mitigate evaporative volume.

Delivery Volume from Mitigation Water Right. Water right 63-30130 has a priority date of June 1, 1868. In a typical year, water right 63-30130 might be 100 percent deliverable through June and 60% deliverable through October; for this delivery schedule, a 0.10 cfs portion of the right would yield an annual volume of approximately 32.7 acre feet (Table 4). Upon transfer, the 32.7 acre foot delivered volume will be more than adequate to supply the 15 acre foot annual consumptive volume.

Mitigation Water Right Flow Rate. The mitigation rights must be deliverable during low-flow periods. For this project, the mitigation water right must be capable of offsetting the daily evaporative loss during the peak evaporation month of July. The average peak month daily evaporative loss from 15 acres of pond surface area is 0.099 af/day, equivalent to a flow rate of 0.05 cfs (Table 2).

Table 4 and Figure 1 provide a calculation of mitigation flow and volume availability. The table shows that 0.10 cfs (10 shares at 0.02 cfs/ac) of Thurman Mill water right 63-30130 will provide 0.06 cfs of natural flow when right 63-30130 is curtailed to 60%. This flow rate is sufficient to offset the 0.05 cfs evaporation loss from 15 acres of pond surface during the peak month of evaporative loss.

Adequacy of Thurman Mill Shares. The Thurman Mill water right portfolio is provided in Table 5 and further described below.

- Thurman Mill holds 11 Boise River water rights of varying priorities with a total diversion rate of 35.64 cfs. The water rights supply 1773.8 acres at full delivery for an average delivery rate of 0.020 cfs per acre. Boise River water rights with priority dates senior to approximately 1877 are considered deliverable all season, but are typically reduced to 60% under the Stewart Decree provisions during times of low natural flow in the River. At times of curtailment to 60% for rights senior to 1877, and full curtailment for rights junior 1877, the Thurman Mill Boise River water right portfolio will yield a diversion rate of 24.78 cfs.
- The Thurman Mill Boise River water rights are supplemented by 11.42 cfs of waste water from Drainage District No. 4 under water right 63-31936 and up to 20 cfs of waste water from Drainage District No. 4 under water right 63-31935. Water right 63-31936 is diverted from the Boise River at the Thurman Mill headgate, while right 63-31936 is diverted from the Junction Drain into the Thurman Mill Canal. These water rights are not reduced by the Stewart Decree, and are considered deliverable at 100% provided the drainage water is present.
- The Thurman Mill natural flow water rights are further supplemented with 800 acre feet of Lucky Peak storage.

Table 2. Mitigation Water Requirement for 15-Acre Pond Area

Month	Days per Month	Mean Monthly Pdef		Mean Monthly Pdef		Evaporation Loss for 15-acre Pond Surface Area		
		mm/day	mm/mo	in/day	in/mo	af/mo	af/day	cfs
Jan	31	-0.33	-10.23	-0.01	-0.40			
Feb	28	0.23	6.44	0.01	0.25	0.32	0.011	0.006
Mar	31	0.3	9.30	0.01	0.37	0.46	0.015	0.007
Apr	30	0.7	21.00	0.03	0.83	1.03	0.034	0.017
May	31	0.92	28.52	0.04	1.12	1.40	0.045	0.023
Jun	30	1.81	54.30	0.07	2.14	2.67	0.089	0.045
Jul	31	2.01	62.31	0.08	2.45	3.07	0.099	0.050
Aug	31	1.7	52.70	0.07	2.07	2.59	0.084	0.042
Sep	30	1.3	39.00	0.05	1.54	1.92	0.064	0.032
Oct	31	1.36	42.16	0.05	1.66	2.07	0.067	0.034
Nov	30	0.16	4.80	0.01	0.19			
Dec	31	-0.39	-12.09	-0.02	-0.48			
TOTAL			298.21		11.74	15.5		
APRIL-OCTOBER TOTAL						14.8		

Table 3. Annual Precipitation Deficits for Typical Crops in the Thurman Mill Service Area

Annual Precipitation Deficits for Typical Crops in the Thurman Mill Service Area			
Crop	Growing Season Pdef		
	(mm)	(in)	(ft)
Turf (lawn)	987	38.9	3.24
Garden Vegetables	775	30.5	2.54
Alfalfa (frequent cuttings)	960	37.8	3.15
Grass Pasture (high management)	943	37.1	3.09
Orchards (w/ground cover)	953	37.5	3.13
Average	923.6	36.4	3.03
Source ET Idaho 2017 - Boise WSFO Airport station			

Table 4. Typical Mitigation Water Right Delivery for 15-Acre Pond Area

Month	Days per Month	Total Mitigation Shares	cfs/share (one share = one acre)	cfs total for right 63-30130 represented by mitigation shares	% of Water Right Delivered based on Stewart Decree Cuts	Deliverable cfs for Mitigation	af/mo total for delivered mitigation shares
Jan	0		0.000	0.000	0%	0.000	0.00
Feb	0		0.000	0.000	0%	0.000	0.00
Mar	0		0.000	0.000	0%	0.000	0.00
Apr	30	5	0.020	0.100	100%	0.100	5.95
May	31	5	0.020	0.100	100%	0.100	6.15
Jun	30	5	0.020	0.100	100%	0.100	5.95
Jul	31	5	0.020	0.100	60%	0.060	3.69
Aug	31	5	0.020	0.100	60%	0.060	3.69
Sep	30	5	0.020	0.100	60%	0.060	3.57
Oct	31	5	0.020	0.100	60%	0.060	3.69
Nov	0		0.000	0.000	0%	0.000	0.00
Dec	0		0.000	0.000	0%	0.000	0.00
TOTAL							32.7

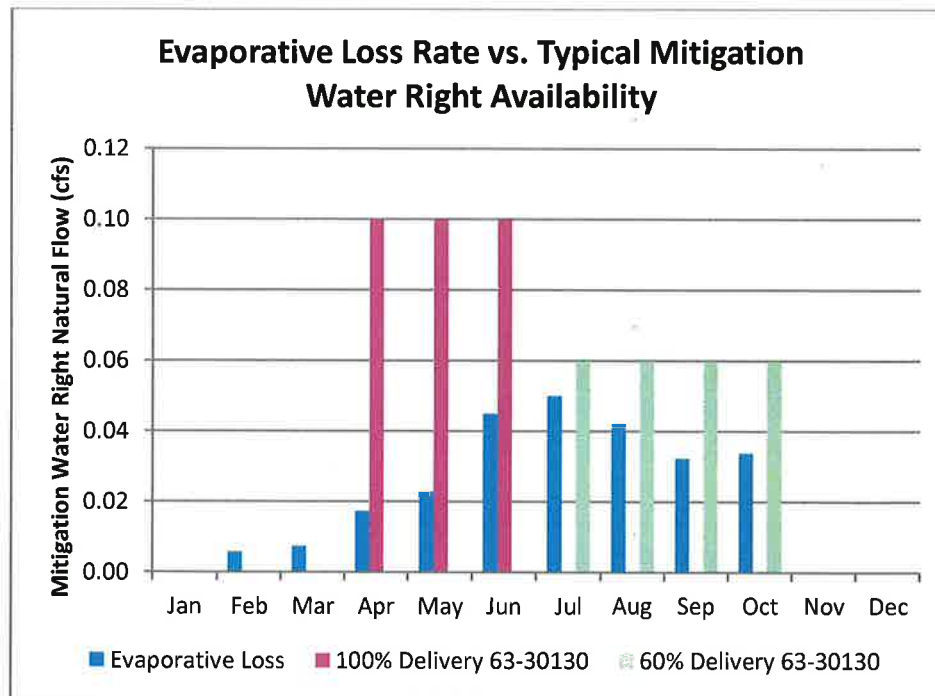


Figure 1. Mitigation Water Right Deliverability versus Evaporation Loss from 100-acre Pond

Table 5. Thurman Mill Natural Flow Water Right Portfolio

water right	Source	Priority Date	Rate (cfs)
63-135	Boise River	6/1/1864	3.30
63-30125	Boise River	6/1/1865	1.86
63-30130	Boise River	6/1/1868	15.48
63-176	Boise River	6/1/1869	1.60
63-30129	Boise River	6/1/1872	2.10
63-193	Boise River	6/1/1876	0.44
63-210	Boise River	6/1/1880	2.40
63-211	Boise River	10/20/1880	0.90
63-30131	Boise River	6/1/1882	6.00
63-221	Boise River	6/1/1883	0.90
63-250	Boise River	7/1/1895	0.66
63-31936	Waste Water	8/13/1925	11.42
63-31935	Waste Water	12/2/1940	20.00
Total			67.06
Acres (shares)		1773.8	
cfs/ac			0.03781

**PROPOSED MITIGATION PLAN FOR
ISLAND WOODS HOMEOWNERS ASSOCIATION, INC. POND WATER RIGHT APPLICATION**

To the Idaho Department of Water Resources (IDWR):

Thurman Mill Ditch Company ("Company") agrees to dedicate 5 shares representing 0.10 cfs of Boise River water right and idled irrigation of 5 acres to mitigate consumptive use of diversions under the above referenced application. Each share of the Company's water rights equals 1 miners inch or 0.02 cfs of Boise River water right for mitigation of one acre of irrigation at 100% delivery. The Company and Island Woods Homeowners Association, Inc. ("Applicant") agree to this mitigation plan as follows:

1. The Applicant propose year-round use of shallow ground water tributary to the Boise River for aesthetic & recreation storage under a proposed application for permit. Anticipated maximum volume will be 315.5 acre feet annually comprised of 300 acre feet for storage volume and 15.5 acre feet for year round evaporative losses (14.8 acre feet during the irrigation season and 0.7 acre-feet during the non-irrigation season).
2. Company water right 63-30130 provides natural flow diverted from the Boise River to the Company's place of use. Mitigation for impacts to irrigation-season Boise River natural flows resulting from the Applicant's ponds will be provided by idling irrigation of 5 acres (0.10 cfs) under the Company's Boise River and associated waste water rights. To simplify the process, the 0.10 cfs of water for mitigation should be recorded in a single water right, 63-30130 with a priority date of June 1, 1868, although reduction in irrigated acres will be recorded in all Company water rights. The Boise River Watermaster will not deliver this portion of the water right to the Company headgate while this mitigation plan is in force.
3. The Applicant and any successors in interest of the proposed ponds' water right will hold a certificate for the water shares and pay the Company assessments for the mitigation shares every year.

By: **Thurman Mill Ditch Company**

Signature: _____

Title: _____

Date: _____

By: **Island Woods Homeowners Association, Inc.**

Signature: Deborah Muller

Title: President

Date: 4-2-2019

APR 15 2019

WATER RESOURCES
WESTERN REGION

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3. The Applicant and any successors in interest of the proposed ponds' water right will hold a certificate for the water shares and pay the Company assessments for the mitigation shares every year.

By: **Thurman Mill Ditch Company**

Signature: _____

Title: _____

Date: _____

By: **Island Woods Homeowners Association, Inc.**

Signature: _____

Title: _____

Date: _____

200

35.00

PRESIDENT



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

ISLAND WOODS HOMEOWNERS ASSOCIATION INC
PO BOX 193
EAGLE, ID 83616

Application For Permit No.(s): 63-34700 & 63-34701

Dear Applicants:

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

A legal notice of the applications has been prepared and is scheduled for publication in the IDAHO STATESMAN on 1/16/2020 and 1/23/2020. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications 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 applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding these applications.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', is written over a horizontal line.

Kensie Thorneycroft
Administrative Assistant

CC:
MCHUGH BROMLEY PLLC



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

THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Re: Application for Permit No. 63-34700 & 63-34701

Dear Interested Party:

The above referenced applications may be of interest to you. I would like to inform you that the applications have been submitted to the Ada County *ID Statesman* for advertising. I enclosed a copy of the applications 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 applications, 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,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft'.

Kensie Thorneycroft
Administrative Assistant
Western Regional Office

Enclosures

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

Kelly, Patrick

From: C McHugh <cmchugh@mchughbromley.com>
Sent: Wednesday, December 11, 2019 10:14 AM
To: Kelly, Patrick
Subject: Island Woods -
Attachments: New Shares Certificate.pdf; 20191206 Island Woods Update Mit Plan.pdf

Patrick,

Here is a copy of the new shares certificate and the updated mitigation plan for the Island Woods ponds.

Is this sufficient? And, is this email adequate or do you need a hard copy? As for the application, do I need to come in and interlineate the increase pond area?

Thanks

Candice M. McHugh

McHUGH BROMLEY
ATTORNEYS AT LAW PLLC
380 S. 4th, Ste. 103
Boise, ID 83702
(208) 287-0991 – office
(208) 287-0864 – facsimile
cmchugh@mchughbromley.com
<http://www.mchughbromley.com>

Confidentiality Notice: The information in this e-mail (including attachments, if any) is considered confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this e-mail is prohibited except by or on behalf of the intended recipient. If you have received this email in error, please notify me immediately by reply email, delete this email, and do not disclose its contents to anyone. Thank you.

RECEIVED

DEC 11 2019

WATER RESOURCES
WESTERN REGION

**AMENDED PROPOSED MITIGATION PLAN FOR
ISLAND WOODS HOMEOWNERS ASSOCIATION, INC. POND WATER RIGHT APPLICATION**

To the Idaho Department of Water Resources (IDWR):

Thurman Mill Ditch Company ("Company") agrees to dedicate 26 shares representing 0.52 cfs of Boise River water right and idled irrigation of 26 acres to mitigate consumptive use of diversions under the above referenced application. Each share of the Company's water rights equals 1 miners inch or 0.02 cfs of Boise River water right for mitigation of one acre of irrigation at 100% delivery. The Company and Island Woods Homeowners Association, Inc. ("Applicant") agree to this mitigation plan as follows:

1. The Applicant propose year-round use of shallow ground water tributary to the Boise River for aesthetic & recreation storage under a proposed application for permit. Anticipated maximum volume will be 315.5 acre feet annually comprised of 300 acre feet for storage volume and 44.0 acre feet for year round evaporative losses.
2. Company water right 63-30130 provides natural flow diverted from the Boise River to the Company's place of use. Mitigation for impacts to irrigation-season Boise River natural flows resulting from the Applicant's ponds will be provided by idling irrigation of 26 acres (0.52 cfs) under the Company's Boise River and associated waste water rights. To simplify the process, the 0.52 cfs of water for mitigation should be recorded in a single water right, 63-30130 with a priority date of June 1, 1868, although reduction in irrigated acres will be recorded in all Company water rights. The Boise River Watermaster will not deliver this portion of the water right to the Company headgate while this mitigation plan is in force.
3. The Applicant and any successors in interest of the proposed ponds' water right will hold a certificate for the water shares and pay the Company assessments for the mitigation shares every year.

By: **Thurman Mill Ditch Company**

Signature: _____

Title: _____

Date: _____

By: **Island Woods Homeowners Association, Inc.**

Signature: _____

Title: _____

Date: _____

Chelsie Bardin
11/15/19

CHELSE BARDIN
Notary Public - State of Idaho
Commission Number 20181680
My Commission Expires Sep 4, 2024

NUMBER 204

SHARES 21.0



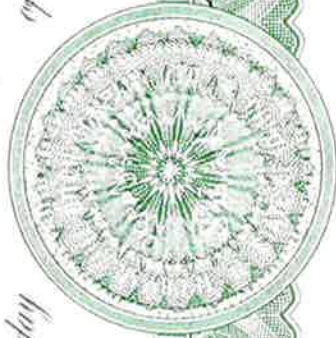
INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO
THURMAN MILL DITCH COMPANY, LTD.
CAPITAL STOCK \$1,845.00

This Certifies that *Island Woods HOA* is the
registered holder of *Twenty-One and 10/100* Shares
ATTACHED TO PARCEL # *2434118090*
transferable only on the books of the Corporation by the holder hereof in
person or by Attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed
by its duly authorized officers and its Corporate Seal to be hereunto affixed
this *17th* day of *November*, *1919*

M J C

SECRETARY



[Signature]
PRESIDENT

For Value Received, _____ hereby sell, assign and transfer

also Name: _____

Parcel # _____

represented by the within Certificate, and do hereby
irrevocably constitute and appoint Thurman Mill

Ditch Company, LTD.

Attorney
to transfer the said Shares on the books of the within named
Corporation with full power of substitution in the premises.

Dated _____ *A.D. 20* _____

In presence of _____

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE. IN EVERY PARTICULAR WITHOUT
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER.

RECEIVED

SEP 12 2019

WATER RESOURCES
WESTERN REGION

McHUGH BROMLEY
ATTORNEYS AT LAW, PLLC

Candice M. McHugh
cmchugh@mchughbromley.com

380 S. 4th Street, Ste. 103
Boise, Idaho 83702
(208) 287-0991

Chris M. Bromley
cbromley@mchughbromley.com

September 12, 2019

Patrick Kelly
IDWR
2735 W Airport Way
Boise, ID 83705

Re: July 18, 2019 Letter – Application for Permit No. 63-34701 (Ponds)

Dear Mr. Kelly:

Thank you for meeting with me today. This letter is response to your letter dated July 18, 2019 wherein you asked that Island Woods HOA provide you some additional documentation and information regarding the above listed permit.

**TOTAL POND SURFACE AREA IS 15 ACRES, EXPLANATION REGARDING
“POND 12”**

Items
5&6 – Quantity
7 – Description of POU
9 – Place of Use
13 – Map

As we discussed, the pond surface area is a total of 15 acres, not 19.5 acres. The difference of approximately 4.5 acres is due to the fact that “pond 12” is misleading when one looks only at imagery. While Island Woods owns the property in Section 21, that portion is not actually an excavated pond, but is simply land that is regularly flooded by the Boise River; this area, as shown on the attached map totals approximately 4.5 acres. The area that is actually excavated for a pond is accurately depicted on the application submitted. The rest of the area around pond 12 is simply naturally occurring marsh lands that is underwater nearly every year when the Boise River is at a high water level and the water sits in the low lying areas until it evaporates

PLACE OF USE TABLE

While at your office, I corrected the place of use table and initialed it today.

MITIGATION

As to the mitigation plan originally sent, my records show that on April 12, 2019, a signed mitigation plan was mailed to IDWR and I spoke with you to confirm that it was in the file. I am awaiting further guidance from IDWR on exactly what is expected regarding additional mitigation requirements for the ponds.

If you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Candice M. McHugh".

Candice M. McHugh

cc: client

Kelly, Patrick

From: C McHugh <cmchugh@mchughbromley.com>
Sent: Thursday, September 12, 2019 1:57 PM
To: Kelly, Patrick
Subject: RE: Island Woods mitigation
Attachments: 20190827 Response regarding irrigation application.pdf; 20190827 Response regarding pond application.pdf

Ok. Please see the attached response letters in order to meet the September 13 deadline.

Will await further instruction.

From: Kelly, Patrick [mailto:Patrick.Kelly@idwr.idaho.gov]
Sent: Thursday, September 12, 2019 12:26 PM
To: Candice McHugh (cmchugh@mchughbromley.com) <cmchugh@mchughbromley.com>
Subject: Island Woods mitigation

Candice,

Thank you for meeting with me today. I appreciate the opportunity to sit down and discuss the issues facing both sides. On recently approved transfers mitigating with Thurman Mill, we have recognized that they do not supplement with storage or waste water rights and we can consider historical beneficial use has been made with 60% delivery. This essentially negates the need to mitigate a full inch to the acre during July when rights are cut. But what stood out to me while putting this together is the month of March. Almost always with any data station, pond evaporation during this month exceeds the crop transpiration. The table below represents a 1:1 ratio comparison. To make things more complicated, in discussions with Nick this morning we pulled accounting data and found that Thurman Mill did not deliver any water until April. This is an obvious problem as it would make the mitigation plan incomplete.

I am attempting to be as transparent as possible. If applications will be denied during the irrigation season (per memo #59) without mitigation, then how can we overlook injury in this case? These are the issues that make mitigation difficult to evaluate and is certainly a frustration on your end.

The answer to the Island Woods mitigation plan would be 12.0 acres if we do not consider 60% curtailment and find no injury during the month of March. If we DO have to consider these times, the required mitigation requirement is 20.1 acres. That is also assuming we find the mitigation plan to be complete. Nick and I are to meet with the hydrology group and senior staff at the state office for further guidance on the issue. I will be in touch and look forward to having more on the topic shortly.

Regards,

Patrick Kelly

Water Rights Supervisor
Emergency Agency Coordinator
2735 Airport Way
Boise, Idaho 83705
o: 208.334.2190
patrick.kelly@idwr.idaho.gov

	Crop Loss		Pond Loss		Total Crop	Total Pond
	mm/day	cfs/acre	mm/day	cfs/acre	cfs	cfs
January	-0.03	-5E-05	-0.62	-0.00103	0	0
February	0.08	0.000132	0.11	0.000182	0.0019848	0.0027291
March	0.62	0.001025	0.83	0.001373	0.0153822	0.0205923
April	3.07	0.005078	2.07	0.003424	0.0761667	0.0513567
May	4.4	0.007278	2.76	0.004565	0.109164	0.0684756
June	5.91	0			1	0.1022172
July	6.49	0			0.109164	0.1161108
August	5.5	0.009097	3.95	0.006533	0.136455	0.0979995
September	3.87	0.006401	2.65	0.004383	0.0960147	0.0657465
October	2.21	0.003655	1.41	0.002332	0.0548301	0.0349821
November	-0.09	-0.00015	-0.21	-0.00035	0	0
December	-0.23	-0.00038	-0.78	-0.00129	0	0

Pond Acres
Mitigation Acres
Ratio

15	*Set equal to pond SA
15	*Do not change this cell value
1	*Change this value or Optimize

Optimize Ratio

Input ETIdaho station and pond and crop datasets using the button on the first tab of this workbook.



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: idwr.idaho.gov • Email: westerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 9, 2019

CANDICE MCHUGH
MCHUGH BROMLEY PLLC
VIA EMAIL: CMCHUGH@MCHUGHBROMLEY.COM

RE: Application for Permit No. 63-34700 & 63-34701 Extension Request Granted

Dear Representative,

On July 18, 2019, the Idaho Department of Water Resources (Department) sent a letter to request additional information relevant to Application for Permit No. 63-34701 and 63-34701. On August 9, 2019, the Department received an extension request from the Representative to submit the additional information until September 13, 2019.

This is notice that your request has been granted and the information outlined in IDWR's letter dated July 18, 2019 shall be received no later than September 13, 2019.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick Kelly", is written over the printed name.

Patrick Kelly
Water Rights Supervisor

COPYSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFor Office Use Only
Updated by KT
Date 8/2/19

RECEIVED

AUG 02 2019

WATER RESOURCES
WESTERN REGION**CHANGE IN ADDRESS**This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

Water Right Number(s): 63-34700, 63-34701, ^{not theirs} ~~63-32593~~, 63-32594

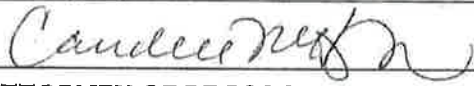
Name(s): ISLAND WOODS HOA, INC.

Old Mailing Address: ISLAND WOODS HOA, INC.
PO BOX 193
EAGLE, ID 83616

New Mailing Address: ISLAND WOODS HOA, INC.
C/O JILL BARBOUR, 774 E RIVERCHASE WAY
EAGLE, ID 83616

Telephone Number: 208-869-2494

Email: CMCHUGH@MCHUGHBROMLEY.COM

Signature(s) of Owner(s) 
ATTORNEY OF RECORD
(Include your title if on behalf of company or organization.)

Date: 7/31/19

Send a signed original to your closest regional office:

IDWR Northern Region
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161IDWR Southern Region
650 Addison Ave W, Suite 500
Twin Falls, ID 83301-5858
(208) 736-3033

SUPPORT DATA

USE FILE # 63-32594



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

August 2, 2019

ISLAND WOODS HOA, INC
C/O JILL BARBOUR
774 E RIVERCHASE WAY
EAGLE, ID 83616

**RE: Change of Address for Water Right/Permit No. 63-34700, 63-34701, and 63-32594
63-32593 could not be processed due to it being owned by a different company.**

Dear Water Right/Permit Holder:

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing the address of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

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

If you have any questions concerning the enclosed information or this letter, please feel free to contact this office at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kensie Thorneycroft', is written over a horizontal line.

Kensie Thorneycroft
Office Specialist II
Western Regional Office

Enclosures



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

July 18, 2019

COPY

ISLAND WOODS HOMEOWNERS ASSOCIATION, INC.
PO BOX 193
EAGLE, ID 83616

Re: Additional Information Request for Application for Permit 63-34701

Dear Applicant:

This office received your application for permit on April 4, 2019 for Aesthetic and Recreation Storage. Additional information is required to complete processing your application. The following items to be addressed are:

- **5&6 - Quantity**
 - ArcMap tools and aerial imagery was used to measure a pond surface area of 19.5 acres rather than 15 acres listed in the application. Please review your storage use and amend the volume accordingly.
- **7 - Description of Proposed Use**
 - ArcMap tools and aerial imagery was used to measure a pond surface area of 19.5 acres rather than 15 acres listed in the application. Your water bearing zone is dependent on the max depth of the ponds. An average depth was provided but does not fulfill the water bearing zone requirement.
- **9- Place of Use**
 - The table for the Place of Use in Item 9 of your application does not match the map submitted with your application. Place of use descriptions should be defined within the SW Quarter, rather than the NW. Additionally, the entirety of pond 12 in tax lot #10516499 includes land defined within 4N 1E Sec 21 NE¼NW¼ lot 3.
- **13 - The Map**
 - The map needs to be amended to include the entirety of pond 12.
- **Mitigation Plan**
 - The application narrative calculating evaporative volume requiring mitigation was done using a data set for deep systems reserved for lakes or reservoirs. The one acre ponds within the subdivision are subject to shallow system data set. Using the correct data set and 19.5 acre surface area, evaporative losses associated with the ponds is 44.0 afa. The application suggests a historical consumptive use of 3.03 af/ac, but when we use the correct data set, the historical crop consumptive use totals 3.2 af/ac. Using the historical beneficial use of 3.2 af/ac, 13.8 acres, or 14 shares of Thurman Mill are required to mitigate the annual evaporation volume.

