

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 83799

DEC 16 2019

WATER RESOURCES
WESTERN REGION

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) New Union Ditch Co. LTDCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

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

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

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the 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: Attachment 10a: descriptions for transfer items 5a and 5c and project narrative; Attachment 10b: property surface water share certificates

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) New Union Ditch Co. LTD Phone 208-859-9360

Mailing address PO Box 31, Eagle, ID 83616 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 Engineering Consultant: Lori Graves, SPF Water Engineering, 208-383-4140

Name of Representative Candice McHugh, McHugh Bromley, PLLC Phone 208-287-0991

Mailing address 380 South 4th Street, Suite 103, Boise, ID 83702 Email cmchugh@mchughbromley.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.


Signature of Applicant or Authorized Representative

Gary W. Heikes Pres.
Print Name and Title if applicable

11-5-19
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☒ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☐ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Applicant proposes changing the nature of use of a portion of the identified water right to provide mitigation for evaporative losses from a pond proposed in a residential subdivision development.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-146	11.95 cfs	Irrigation	3/1 to 11/15	Boise River
☐ ☐		219.1 ac-ft	Aesthetic Storage	1/1 to 12/31	
☐ ☐		1.27cfs	Diversion to Storage	3/1 to 11/15	
☐ ☐		0.54 cfs	Mitigation by Non-Use	3/1 to 11/15	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 13.76 cfs and/or 219.1 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.51 cubic feet per second and/or 78.9 acre-feet per year.

3. Point(s) of Diversion: (proposed new aesthetic storage volume)

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	15									AS			AS					
											L3			L3					
Total Acres (for irrigation use)																			

AS = Aesthetic Storage pou to be added to the right

No change in company pou boundary proposed

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:

See Attachment 10a

- b. Who owns the property at the point(s) of diversion? n/a - no change in the point of diversion

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

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

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

See Attachment 10a

- 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:

Associated application for permit for aesthetic storage from ground water for the subject pond.

- 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:

Shares associated with the pond pou are currently leased to the Water Supply Bank until 12/31/2023. Applicant will request associated water be released from the Bank upon transfer approval.

Page _____ of _____

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

Current Water Right No.: 63-146

Current Owner: NEW UNION DITCH CO LTD
Priority Date: 6/1/1865
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>
MITIGATION BY NON-USE	03/01 to 11/15	
DIVERSION TO STORAGE	03/01 to 11/15	
IRRIGATION	03/01 to 11/15	
AESTHETIC STORAGE	01/01 to 12/31	
	<u>Total Diversion</u>	

Tributary

SNAKE RIVER

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.54 CFS	
0.76 CFS	
12.46 CFS	
	140.2 AF
13.76 CFS	

Location of Point(s) of Diversion

BOISE RIVER
ADA County

L1(NE1/4SE1/4) Sec. 23, Twp 04N, Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01E S9		SESW	T04N R01E S9		SWSE
T04N R01E S9		SESE	T04N R01E S14		SWNW
T04N R01E S14		NWSW	T04N R01E S14		SWSW
T04N R01E S14		SESW	T04N R01E S15		SWNE
T04N R01E S15		SENE	T04N R01E S15		NENW
T04N R01E S15		NWNW	T04N R01E S15		SWNW
T04N R01E S15		SENW	T04N R01E S15	Lot 3	NESW
T04N R01E S15	Lot 4	NWSW	T04N R01E S15	Lot 6	SESW
T04N R01E S15		NESE	T04N R01E S15		NWSE
T04N R01E S15	Lot 2	SWSE	T04N R01E S15	Lot 1	SESE
T04N R01E S16		NENE	T04N R01E S16		NWNE
T04N R01E S16	Lot 2	SWNE	T04N R01E S16	Lot 1	SENE
T04N R01E S16		NENW	T04N R01E S16		NWNW
T04N R01E S16	Lot 3	SENW	T04N R01E S16	Lot 8	NESE
T04N R01E S22	Lot 1	NESE	T04N R01E S23	Lot 2	NWNE
T04N R01E S23	Lot 3	NENW	T04N R01E S23	Lot 4	NWNW
T04N R01E S23	Lot 5	SWNW	T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 1	NESE			

AESTHETIC STORAGE Within ADA County

T04N R01E S14		SWSW	T04N R01E S15	Lot 1	SESE
T04N R01E S16	Lot 2	SWNE	T04N R01E S16	Lot 1	SENE
T04N R01E S16		NENW	T04N R01E S16	Lot 1	NESE
T04N R01E S23	Lot 3	NENW	T04N R01E S23	Lot 4	NWNW
T04N R01E S23	Lot 5	SWNW	T04N R01E S23	Lot 6	SENW

Place of Use: MITIGATION BY NON-USE same as IRRIGATION

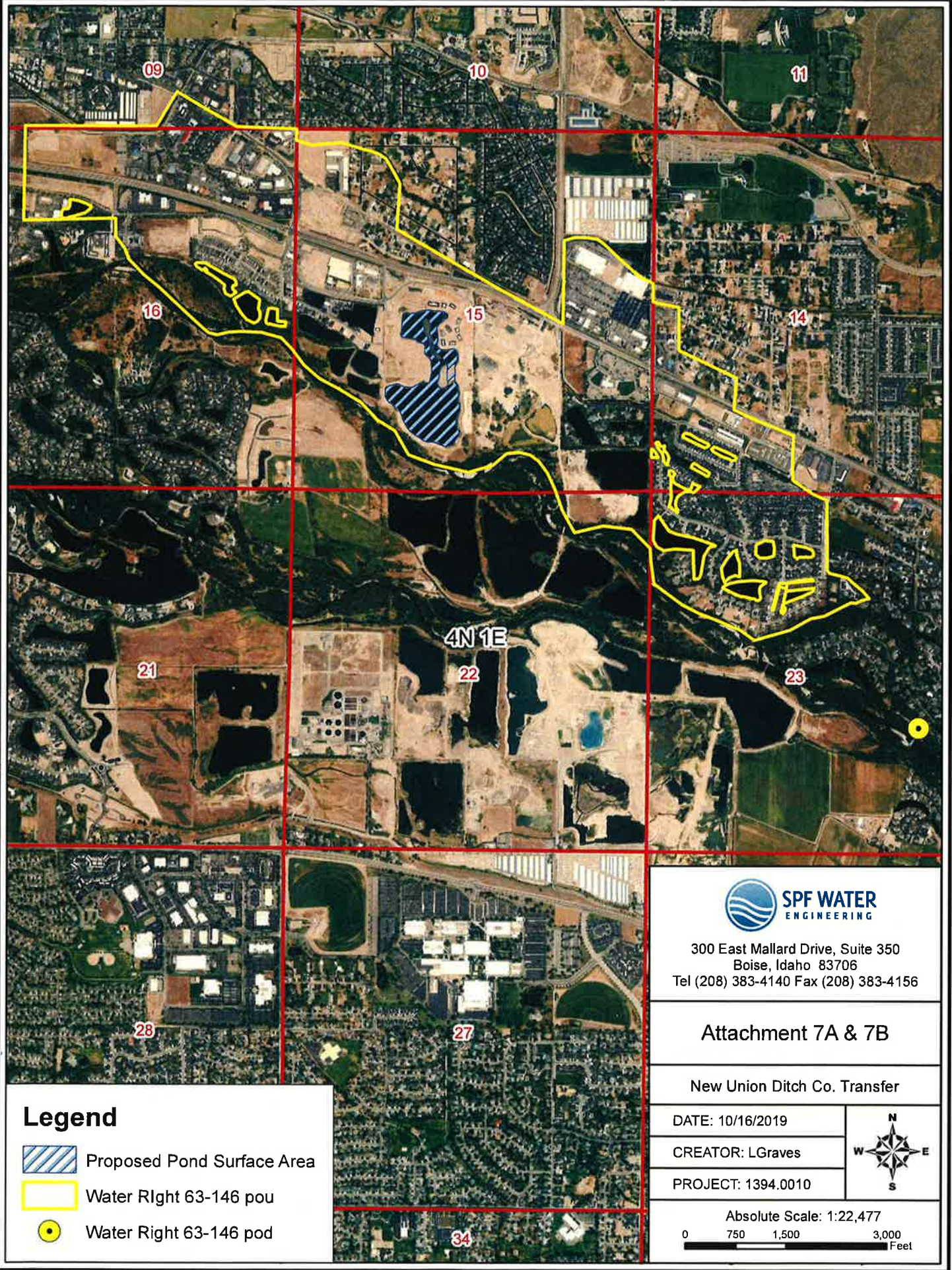
Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Conditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
2. 172 The boundary encompassing the place of use for irrigation under this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use for irrigation is attached to this approval document to illustrate the place of use described by the digital boundary.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

4. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
5. SD1 This right originated as all or part of right no. 14 in the Stewart Decree and the historic Boise River Water Masters records.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfers.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. Transfer 73632 authorizes the diversion of water in the amount of 0.36 cfs and 66.4 af to be used for replacement of losses caused by evaporation from 10 ponds associated with Right 63-31934.
9. X36 Rights 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806, and 63-31937 are also diverted through the point of diversion described above.
10. T07 The right holder shall accomplish the change authorized by this Transfer within one (1) year of the date of the approval.
11. Transfer 70266 authorizes the diversion rate in the amount of 0.03 cfs and 4.6 af to be used for replacement of losses caused by evaporation from one pond associated with Right 63-12598.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
13. Transfer 75286 authorizes the diversion of water in the amount of 0.16 cfs and 28.0 af to be used for replacement of losses caused by evaporation from three (3) ponds associated with Right 63-33631.
14. This approval (Transfer 78771) authorizes the diversion of water in the amount of 0.12 cfs and 21.0 af to be used for replacement of losses caused by evaporation from one (1) pond associated with Right 63-33792 and three (3) ponds associated with Right 63-33772.
15. Transfer 73632 authorizes the diversion of water in the amount of 0.09 cfs and 20.2 af to be used for replacement of losses caused by evaporation from one pond and evapotranspiration from the irrigation of 4 acres associated with Right 63-32143.
16. K06 This right is limited to the irrigation of 622.8 acres of the 686.5 acres decreed for this right within the place of use described above in a single irrigation season. 19.0 acres has been dedicated to mitigate right no. 63-34105. 8.0 acres has been dedicated to mitigate right no. 63-34154. 36.7 acres has been converted to diversion to storage and aesthetic storage uses as described in other conditions.

Path: S:\PROJECTS\1394\13940010_Eagle Lakes\PROJECT\GIS\Map\MapV2.mxd



Legend

-  Proposed Pond Surface Area
-  Water Right 63-146 pou
-  Water Right 63-146 pod



300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

Attachment 7A & 7B

New Union Ditch Co. Transfer

DATE: 10/16/2019

CREATOR: LGraves

PROJECT: 1394.0010



Absolute Scale: 1:22,477

0 750 1,500 3,000
Feet

Transfer Attachment 8a

Enlargement is not a concern based on the following application summary:

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.

Included are the Department's pond loss calculation spreadsheets for pond seepage, evaporation and storage capacity that further support the adequacy of the amount proposed for change to aesthetic storage.

WATER BALANCE AND CHANGES TO 63-146

ET_{Idaho} 2017, Boise 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 ($d = b \times c$) 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 ($i = g \times h$)
- 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 ($l = k / 304.8 \times c / 1.9835$)
- 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-Transfer	Changed by Transfer	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 NUMBER	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: Twin Falls 2 NNE (NWS -- 109294)

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

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.

Total mm/year = 690.81

$$\left(\frac{690.81 \text{ mm/yr}}{304.8} \right) \times 25.50 = 57.8 \text{ AFA}$$

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. 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 <i>from storage</i> component if the <i>from storage</i> 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). 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. 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.

Transfer Attachment 10a

Transfer Item 5.a. – *Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required in the future:*

Existing diversion dam in the Boise River with canal and ditches to the place of use. The 0.51 cfs aesthetic portion provides mitigation for a pond permit application in the name of TPC Brooklyn Park Investors, LLC. The aesthetic flow will be delivered to the pond via the existing New Union Ditch Co. diversion, canal and ditch system for mitigating lake surface evaporation.

Transfer Item 5.e. – *Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:*

The place of use for the pond will no longer be irrigated but the shareholder will continue to own shares for the aesthetic use. The irrigated place of use for water right 63-146 will be reduced by 25.5 acres at T4N, R1E Section 15, E ½ SW. The New Union Ditch Co.'s place of use boundary remains unchanged.

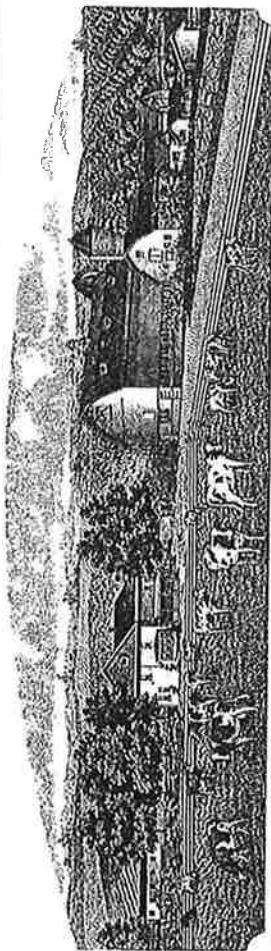
Enlargement is not a concern based on the following application summary.

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 direct hydraulic connection with the adjacent Boise River. Mitigation to Boise River flows is required to offset consumptive use resulting from 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.

146

ORGANIZED UNDER THE LAWS OF THE STATE OF IDAHO

NUMBER
146



SHARES
19.65

THE NEW UNION DITCH COMPANY, LIMITED

688 Shares

~~This certifies that~~ TPC Brooklyn Park Investors, LLC is the
registered holder of 19.65 Shares

THE NEW UNION DITCH COMPANY, LIMITED

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 5th day of SEPTEMBER A.D. 2014

Andra K. Zeddes
SECRETARY

NO PAR VALUE



[Signature]
PRESIDENT



CERTIFICATE



For 19.65 Shares

Issued to
TPC Brooklyn Park Invest

-ORS, LLC

Dated 9-5²⁰¹⁹

FROM WHOM TRANSFERRED

Charles Wood Rock Contracto

Dated 12-21²⁰¹⁵

No. ORIGINAL CERTIFICATE	No. ORIGINAL SHARES	No. OF SHARES TRANSFERRED
133	19.65	19.65

Received Certificate No. 133

For 19.65 Shares
this 5th day of Sept²⁰¹⁹

Gent to Gary
Heikes
8.2.18

May 07, 2018

Dear Mr. Heikes:

This letter pertains to the ownership of Certificate Nos. ^{F-17,} 29 and 63. At this time the shares are owned:

Chapman Ranch LLC – 28 shares

Pacific Partners Residential, Inc. – 29.27 shares

We hereby request that certificate Nos. ^{F-17} 29 and 63 be cancelled and two new certificates be issued to the above owners. The attached records show that ownership of the shares on the ditch company records are in Chapman Ranch LLC. Chapman Ranch LLC consented to the transfer of 29.27 shares to Pacific Partners Residential, Inc. by agreement, as shown in the attached documents. If you have any questions please feel free to contact me.

Barry Marcus
Barry Marcus

The forgoing request is approved:

Chapman Ranch LLC

By Barry Marcus
Its Managing Member

Pacific Partners Residential, Inc.

By [Signature]
Its Managing Member
President

TPC Brooklyn Park Investors, LLC

By [Signature]
By Its Manager



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

NEW UNION DITCH CO LTD
PO BOX 31
EAGLE, ID 83616

RE: Transfer No. 83799
Water Right No. 63-146

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 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 approval document.

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

Sincerely,

Kensie Thorneycroft
Administrative Assistant

CC:

SPF WATER ENGINEERING LLC
MCHUGH BROMLEY PLLC

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



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

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

Re: Application for Transfer No: 83799
Water Right No: 63-146

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,

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

MEMORANDUM

TO: Transfer No. 83799
FROM: Anna Kaiser
DATE: 12/20/2019
RE: Evaluation of Application

Enter this information in the "Purpose of Transfer" tab of transfer data entry.

The transfer proposes to change the nature of use of a portion of water right 63-146 to cover evaporative losses from a pond proposed in a residential subdivision development area.

The aesthetic pond described in the proposal is located 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.

Contact person for the applicant is representative Scott King of SPF Water Engineering located at 300 E Malad Dr., Ste. 350, Boise, ID, 83706, (208) 383-4140.

<u>Beneficial Use Pre-Transfer</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	12.460 CFS	
AESTHETIC STORAGE	01/01	12/31		140.2 AF
DIVERSION TO STORAGE	03/01	11/15	0.760 CFS	
MITIGATION BY NON-USE	03/01	11/15	0.540 CFS	

Total Diversion: 13.760 CFS

<u>Beneficial Use Post-Transfer</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	11.950 CFS	
AESTHETIC STORAGE	01/01	12/31		219.1 AF
DIVERSION TO STORAGE	03/01	11/15	1.270 CFS	
MITIGATION BY NON-USE	03/01	11/15	0.540 CFS	

Total Diversion: 13.760 CFS

Summary of Information Submitted

Authority to File:

The transfer application is filed in the name of New Union Ditch Company (NUDC). NUDC is the current owner of water right 63-146. The transfer application is signed by Gary Hikes. Idaho Secretary of State registry lists Mr. Hikes as president of NUDC.

Water Right Validity:

Water right no. 63-146 is presumed to be valid. A partial decree was issued on 09/21/2007. Extension of time to avoid forfeiture of water right was approved 02/26/2013. NUDC leased a portion water right 63-146 to the water supply bank in 2014 and again in 2018.

Injury to Other Water Rights:

Transfer 83799 will not harm other water rights. Consumptive loss due to pond evaporation will be offset by the nature of use transfer. All mitigation changes are proposed within NUDC's place of use boundary for water right 63-146.

Enlargement of Use:

Enlargement should not occur within transfer 83799. Water right 63-146 currently allows for 13.76 cfs of diversion- 0.54 cfs for mitigation by non use, 12.46 cfs for irrigation, and 0.76 cfs for diversion to storage. The transfer will decrease irrigation usage to 11.95 cfs to increase diversion to storage usage to 1.27 cfs maintaining a total diversion rate of 13.76 cfs. The total irrigated acres within NUDC's place of use boundary will be reduced from 622.8 acres to 597.3 acres of irrigation to accommodate a 25.5-acre pond. Total consumptive loss for crop irrigation exceeds total consumptive loss from pond evaporation. Therefore, transfer 83799 should decrease total consumptive use of water right 63-146. Period of use will remain 3/1 – 11/15.

Local Public Interest:

No information suggesting this application proposes a change inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

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

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

Summary**Water Right Overlap**

Overlap need not be considered as NUDC does not own other water rights.

Mitigation

Application for Permit No. 63-34831 proposes a 25.5-acre pond with a 230 acre foot total capacity. The source of the water will be Basin 63 shallow ground water tributary to the Boise River. This restricted ground water area requires mitigation for ground water uses within 200 feet from the surface. Transfer 83799 will provide mitigation for application 63-34831 by changing the nature of use from irrigation to aesthetic storage for 25.5 acres of water right 63-146.

According to the Evaporation Loss Calculation data, the proposed 25.5-acre pond will evaporate at an average annual rate of 57.8 acre-feet, equivalent to 18.7 acres of grass pasture irrigation. The water balance data provided by SPF Water Engineering suggests 18.7 acres of grass pasture will satisfy the pond's projected peak consumptive use requirement of 4.68 mm/day. The transfer proposes mitigation based on a 1:1 ratio 1 acre of irrigation for 1 acre of pond surface area. 63-146 is a Stuart Decree right with access to supplemental storage water within lucky peak reservoir. According to IDWR's accounting database, NUDC has had no historical need for supplementary storage water suggesting NUDC achieves beneficial use with a 60% water cut. Therefore, 25.5

acres of NUDC water converted from irrigation usage to aesthetic usage will fully account for the pond's evaporation loss.

Water right 63-146 has a priority date of 6/1/1865 and is, therefore, acceptable for mitigation purposes.

Water Supply Bank

Water Right 63-146 is partially leased to the Water Supply Bank. NUDC proposes to request water from the supply bank upon approval of Transfer Application 83799. IDWR's Water Supply Bank staff was notified of transfer on 12/20/2019.

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Kaiser, Anna

From: Kaiser, Anna
Sent: Friday, December 20, 2019 12:04 PM
To: Buyer, Remington
Subject: WSB- Transfer Application 83799
Attachments: Transfer 83799.pdf

December 20, 2019

RE: Application for Transfer No. 83799

Good afternoon,

The Department received the attached Application for Transfer for water right 63-146. The records show this water right is partially leased to the Water Supply Bank as of March, 2019. The applicant states they will request withdrawal from the bank upon approval of this application. However, if you wish to submit any comment(s) and/or recommendation(s) regarding this application before approval, you may do so within the next 30 days.

Thank you, and have a great holiday season!
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

RECEIVED

DEC 16 2019

WATER RESOURCES
WESTERN REGION

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