

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83210**

This is to certify that: TOLL SOUTHWEST LLC
3103 W SHERYL DR STE 100
MERIDIAN, ID 83642-5674

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversión Rate</u>	<u>Diversión Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-33980	WR/DECREED	12/27/1929	1.440 cfs	324.0 af	N/A	72.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-33980	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-33980	63-33980	1.440 cfs	324.0 af	72.0	254.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.440 cfs	324.0 af	72.0	254.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 3rd day of January, 2020.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-33980
As Modified by Transfer No. 83210

In accordance with the approval of Transfer No. 83210, Water Right No. 63-33980 is now described as follows:

Right Holder: TOLL SOUTHWEST LLC
 3103 W SHERYL DR STE 100
 MERIDIAN, ID 83642-5674

Priority Date: 12/29/1929

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.440 cfs	324.0 af
			1.440 cfs	324.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec 28 Twp 04N Rge 01W ADA County
GROUND WATER	NESW	Sec 28 Twp 04N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	28			15.0	7.0					40.0	32.0	40.0	40.0		40.0	40.0		254.0

Right Acre Limit: 72.0
 POU Total Acres: 254.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 324 af at the field headgate for the place of use.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. This right is limited to the irrigation of 72.0 acres within the authorized place of use in a single irrigation season.

WATER RIGHT NO. 63-33980
As Modified by Transfer No. 83210

CONDITIONS OF APPROVAL

4. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 02/16/2007.
7. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

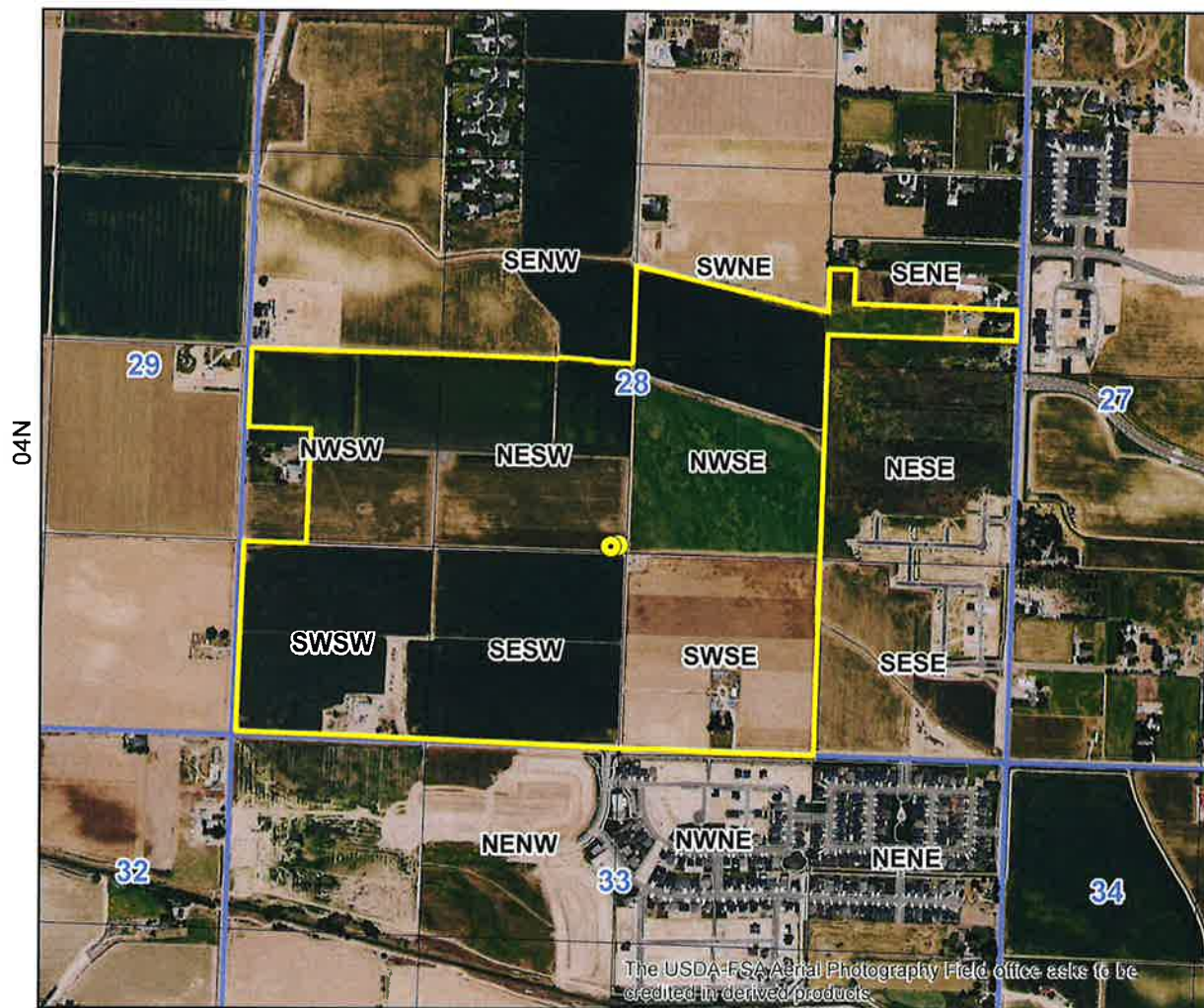
State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 83210

63-33980

This map depicts the place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

01W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.15 0.3 0.6 Miles





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 3, 2020

TOLL SOUTHWEST LLC
3103 W SHERYL DR STE 100
MERIDIAN ID 83642-5674

**Re: Application for Transfer No.: 83210
Water Right No(s): 63-33980**

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of 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.

If you have any questions, please contact me at (208) 334-2190

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', with a stylized, cursive script.

Kensie Thorneycroft
Administrative Assistant

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83210
Water Right No(s): 63-33980

TOLL SOUTHWEST LLC
3103 W SHERYL DR STE 100
MERIDIAN ID 83642-5674

SPF WATER ENGINEERING LLC
C/O SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706



Kensie Thorneycroft
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PQ	Amount	Cols	Depth
263978	0004361868	The following applications have been filed to appropriate the public waters of the State of Idaho:	F PROPOSED CHANGE OF WATER RIGHT	\$351.88	3	7.22 In

Attention: Anna Kaiser

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

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

63-34619
DALE L FORBES
BEVERLY FORBES
5616 W HOLLILYNN DR
BOISE, ID 83709
Point of Diversion NWSW S8 T02N R02E ADA County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.1 CFS
Total Diversion: 0.14 CFS
Date Filed: 9/19/2018
Place Of Use: IRRIGATION, DOMESTIC
T02N R02E S8 NWSW
Total Acres: 5
Water bearing zone to be appropriated is from 237 to 270 feet.

63-34721
TOLL SOUTHWEST LLC
3103 W SHERYL DR STE 100
MERIDIAN, ID 83642-5674
(21) Points of Diversion NESW S28 T04N R01W ADA County Source GROUND WATER
Use: AESTHETIC STORAGE 01/01 to 12/31 10 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 1.6 CFS
Use: IRRIGATION 03/01 to 11/15 1.6 CFS
Use: IRRIGATION STORAGE 01/01 to 12/31 10 AF
Total Diversion: 1.6 CFS 10 AF
Date Filed: 4/29/2019
Place Of Use: IRRIGATION
T04N R01W S28 SWNE SENE NESW NWSW SWSW SESW NWSE SWSE
Place Of Use: AESTHETIC STORAGE
T04N R01W S28 NESW
Total Acres: 80
Water bearing zone to be appropriated is from 200 to 400 ft. below ground surface.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83249

HILLSDALE ESTATES HOMEOWNERS ASSN INC, C/O RIVERSIDE MANAGEMENT 8919 W ARDEN ST, BOISE, ID 83709; has filed Application No. 83249 for changes to the following water rights within ADA, CANYON County(s): Right No(s). 63-12125, 63-31862; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to add two new wells to supply domestic water. Changes to the place of use will be made to both rights to describe the entire, connected water system. The transfer does not propose it increase beneficial use or add service to new homes. Water will be used at the current place of use approximately 1.5 miles south of Firebird Raceway, west of State Hwy 16.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83210

TOLL SOUTHWEST LLC, 3103 W SHERYL DR STE 100, MERIDIAN, ID 83642-5674; has filed Application No. 83210 for changes to the following water rights within ADA County(s): Right No(s). 63-33980; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to change the point of diversion, add a diversion point, change the place of use, and update the water right ownership for water right 63-33980. The new point of diversion will be located adjacent to the current point of diversion in the NESW quarter of section 28 Twp Q4N Rge 01W. While the amount of water used will not increase, water will be used at the current place of use and an additional 182 acres northeast of Meridian. 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 9/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/5/2019 and 9/12/2019

AMBAR LIZARRAGA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 09/05/2019

Ending issue of: 09/12/2019

[Signature]
(Legals Clerk)

On this 12th day of September in the year of 2019 before me, a Notary Public, personally appeared before me Ambar Lizarraga known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

[Signature]

Notary Public in and for the state of Texas, residing in Dallas County

