

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83249**

This is to certify that: HILLSDALE ESTATES HOMEOWNERS ASSN INC
C/O RIVERSIDE MANAGEMENT 8919 W ARDENE ST
BOISE, ID 83709

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>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-12125	WR/LICENSE	7/26/1994	0.330 cfs	63.6 af	N/A	N/A	GROUND WATER
63-31862	WR/LICENSE	1/29/2004	3.260 cfs	310.8 af	N/A	N/A	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>
63-12125	NO	NO	YES	YES	NO	NO
63-31862	NO	NO	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>
63-12125	63-12125	0.330 cfs	63.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-31862	63-31862	3.260 cfs	310.8 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.590 cfs	374.4 af	N/A	N/A		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 30th day of October, 2019.


 Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-12125

Transfer No. 83249

WATER RIGHT NO. 63-12125

As Modified by Transfer No. 83249

In accordance with the approval of Transfer No. 83249, Water Right No. 63-12125 is now described as follows:

Right Holder: HILLSDALE ESTATES HOMEOWNERS ASSN INC
C/O RIVERSIDE MANAGEMENT 8919 W ARDENE ST
BOISE, ID 83709

Priority Date: 7/26/1994

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	0.330 cfs	63.6 af
			0.330 cfs	63.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 28 Twp 05N Rge 01W ADA County
GROUND WATER	SENE	Sec 29 Twp 05N Rge 01W ADA County
GROUND WATER	SENE	Sec 29 Twp 05N Rge 01W ADA County
GROUND WATER	SWNE	Sec 29 Twp 05N Rge 01W ADA County
GROUND WATER	SESW	Sec 25 Twp 05N Rge 02W CANYON County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05N	01W	28								X	X		X	X						
05N	01W	29			X	X				X	X	X	X	X	X	X	X	X	X	
05N	01W	30		X	X	X	X			X	X		X							
05N	01W	32	X	X			X							L 3						
05N	02W	25				X								X	X	X	X	X	X	

CONDITIONS OF APPROVAL

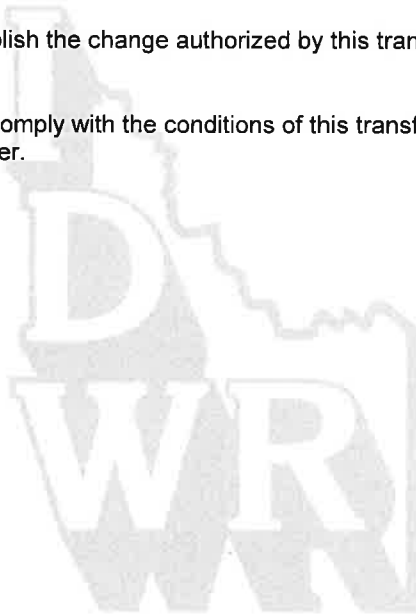
1. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
3. Domestic use is for 53 homes.
4. 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.

Transfer No. 83249

WATER RIGHT NO. 63-12125
As Modified by Transfer No. 83249

CONDITIONS OF APPROVAL

5. Point of diversion located in the SWNW, S28 is within Lot 1, Blk. 1 and point of diversion located in the SENE, S19 is within Lot 13, Blk. 3, Hillsdale Estates Subdivision No. 1.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 63-31862
As Modified by Transfer No. 83249

In accordance with the approval of Transfer No. 83249, Water Right No. 63-31862 is now described as follows:

Right Holder: HILLSDALE ESTATES HOMEOWNERS ASSN INC
 C/O RIVERSIDE MANAGEMENT 8919 W ARDENE ST
 BOISE, ID 83709

Priority Date: 1/29/2004

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	01/01	to 12/31	3.260 cfs	310.8 af
			3.260 cfs	310.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 28 Twp 05N Rge 01W ADA County
GROUND WATER	SENE	Sec 29 Twp 05N Rge 01W ADA County
GROUND WATER	SENE	Sec 29 Twp 05N Rge 01W ADA County
GROUND WATER	SWNE	Sec 29 Twp 05N Rge 01W ADA County
GROUND WATER	SESW	Sec 25 Twp 05N Rge 02W CANYON County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
05N	01W	28								X	X			X	X						
05N	01W	29			X	X				X	X	X	X	X	X	X	X	X	X		
05N	01W	30		X	X	X	X			X	X			X							
05N	01W	32	X	X				X						L 2							
05N	02W	25													X	X	X	X	X	X	

CONDITIONS OF APPROVAL

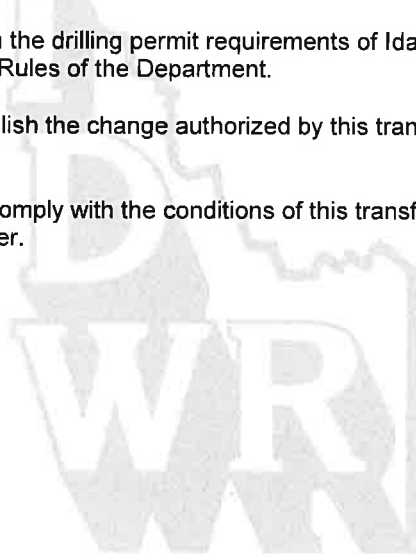
1. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
2. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
3. Domestic use is for 259 homes.
4. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

Transfer No. 83249

WATER RIGHT NO. 63-31862
As Modified by Transfer No. 83249

CONDITIONS OF APPROVAL

5. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

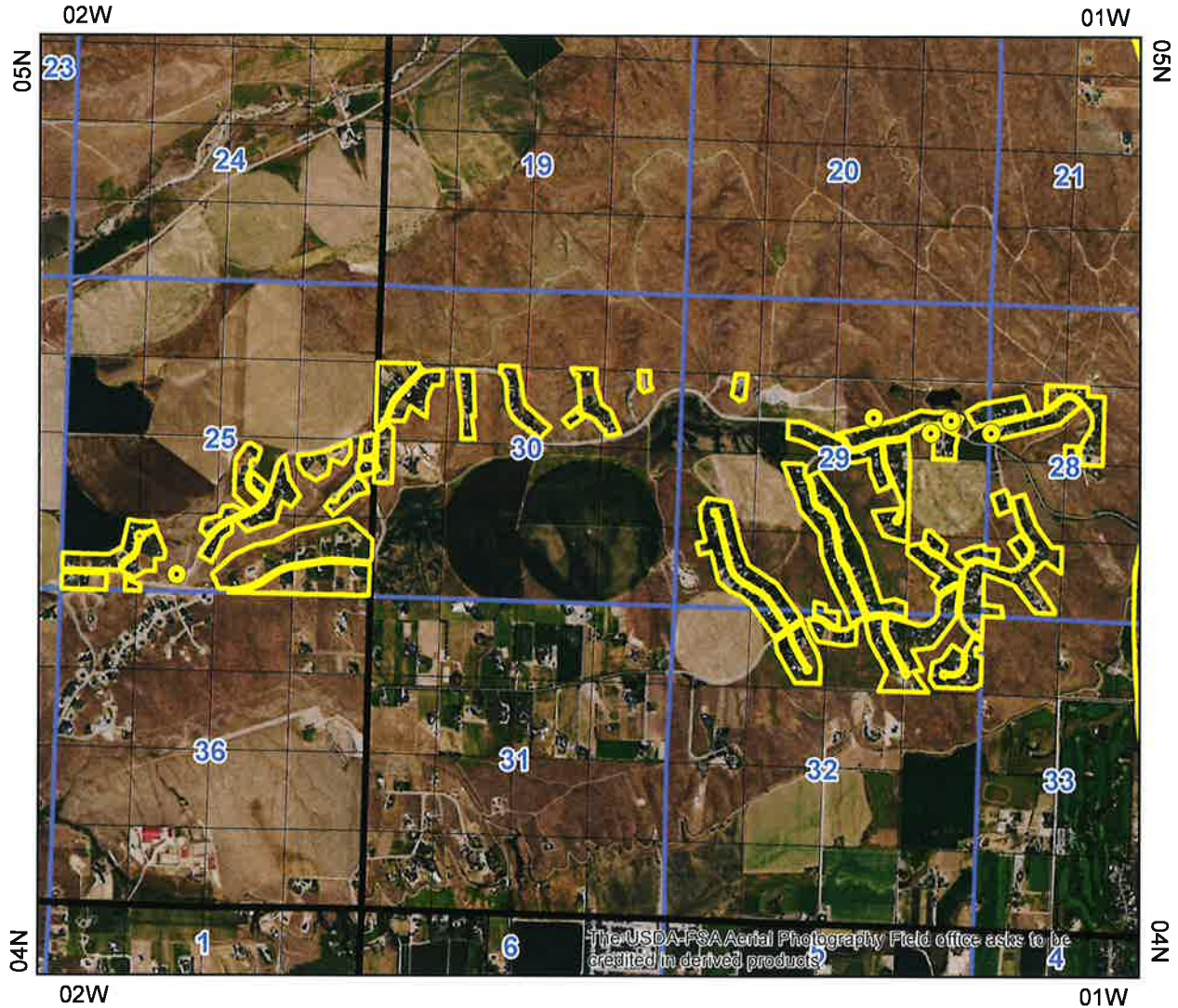







State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 83249

63-12125 and 63-31862

This map depicts the DOMESTIC 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.



-  Points of Diversion
-  Place of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.35 0.7 1.4 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

October 30, 2019

HILLSDALE ESTATES HOMEOWNERS ASSN INC
C/O RIVERSIDE MANAGEMENT 8919 W ARDENE ST
BOISE ID 83709

Re: Application for Transfer No.: 83249
Water Right No(s): 63-12125, 63-31862

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.

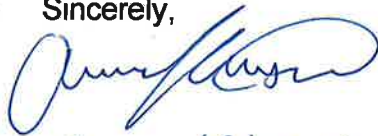
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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,



for Anna Keiser

Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2019 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.: 83249
Water Right No(s): 63-12125, 63-31862

HILLSDALE ESTATES HOMEOWNERS ASSN INC
C/O RIVERSIDE MANAGEMENT 8919 W ARDENE ST
BOISE ID 83709

MOUNTAIN WATERWORKS
C/O TIM FARRELL
3152 S BOWN WAY
BOISE ID 83706



Anna Kaiser
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	PO	Amount	Cols	Depth
263978	0004361868	The following applications have been filed to appr	F PROPOSED CHANGE OF WAT	\$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 Jok Ak 9/24/2019
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 Jok Ak 9/24/2019
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

Jok Ak 9/24/19
HILLSDALE ESTATES HOMEOWNERS ASSN INC, C/O RIVERSIDE MANAGEMENT 8919 W ARDENE 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

Jok Ak 9/21/19
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 04N 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

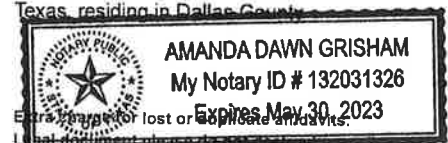


(Legals Clerk)

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.



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



LEGAL NOTICE

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

63-34766
ERIK AND SARAH HEASLEY
25523 CLUBHOUSE CT
WILDER, ID 83676-6058
Point of Diversion L1(NENW) S14 T03N R05W CANYON
County Source SNAKE RIVER Tributary - COLUMBIA
RIVER
Use: IRRIGATION 03/01 to 11/15 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 8/6/2019
Place Of Use: IRRIGATION
T03N R05W S14 L1(NENW)
Total Acres: 2

*Joe
AK
9/24/19*

63-34769
KNIFE RIVER CORPORATION MOUNTAIN WEST
5450 W GOWEN RD
BOISE, ID 83709-5625
Point of Diversion L4(NWNW) S4 T03N R02W CANYON
County Source GROUND WATER
Use: COMMERCIAL 01/01 to 12/31 1 CFS
Use: IRRIGATION 03/01 to 11/15 0.12 CFS
Total Diversion: 1 CFS
Date Filed: 8/16/2019
Place Of Use: COMMERCIAL, IRRIGATION
T03N R02W S4 NWNW
Total Acres: 6
Water bearing zone to be appropriate is from 38 to 200 ft.

*Joe
AK
9/24/19*

63-34770
CARL ANDERSON
1816 IDAHO AVE, CALDWELL, ID 83605-4916
Point of Diversion L4(NWSW) S16 T04N R03W CANYON
County Source GROUND WATER
Use: RECREATION STORAGE 01/01 to 12/31 200 AF
Use: WILDLIFE STORAGE 01/01 to 12/31 200 AF
Total Diversion: 200 AF
Date Filed: 8/14/2019
Place Of Use: WILDLIFE STORAGE, RECREATION
STORAGE
T04N R03W S16 L4(NWSW)
Water bearing zone to be appropriated is from 0 to 30 feet
below surface level.

*Joe
AK
9/24/19*

63-34774
JOSH ESTES
22550 USTICK RD
CALDWELL, ID 83607-9570
Point of Diversion SESW S32 T04N R04W CANYON
County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.13 CFS
Total Diversion: 0.17 CFS
Date Filed: 8/19/2019
Place Of Use: IRRIGATION, DOMESTIC
T04N R04W S32 SESW
Total Acres: 4.3
Water bearing zone to be appropriated is from 160 to 245 ft.

*Joe
AK
9/24/19*

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83249**

HILLSDALE ESTATES HOMEOWNERS ASSN INC, C/O RIVERSIDE MANAGEMENT 8919 W ARDENE 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. 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.

*Joe
AK
9/24/19*

GARY SPACKMAN, Director

September 5, 12, 2019

1940239

MEMORANDUM

TO: Transfer No. 83249
FROM: Patrick Kelly
DATE: 8/26/2019
RE: Evaluation of Application

Summary of Information Submitted

Hillsdale Estates Homeowners Association Inc filed transfer no. 83249 to add a fourth well/POD to domestic water rights 63-12125 and 63-31862. The transfer application includes 8 POD legal descriptions to add flexibility for the well driller and consultant to drill a well within the subdivision. While we allow such flexibility on permit applications, we do not do so with transfers. There is no follow up to where the well was actually drilled (i.e. field exam) so we need specific locations when processing transfers. This clarification was made via email with Representative Tim Farrell on 8/26/2019, reducing the total POD list to 5 wells; 3 existing and 2 new proposed.

A place of use change is proposed in the transfer application to reflect a hydraulically connected system. Both water rights reflect a partial place of use. Water is diverted throughout the entire domestic water supply as a connected system. The place of use shapes for each right pre-transfer outlines specific lots. The map included with the transfer application outlines entire 40 acre quarter-quarters within the subdivision. Both rights will be changed to reflect a place of use that covers the entire system but remain limited to serve an equal number of homes identified pre-transfer. To prevent potential enlargement, the POU shapes will remain specific to the lots. If the subdivision further develops homes and land within the sub, they should apply for additional water to deliver to new homes.

Tim Farrell of Mountain Waterworks is the Representative to the application. Mr. Farrell can be reached at 208-780-3990 or tfarrell@mountainwtr.com.

Authority to File

The application was filed in the name of Hillsdale Estates Homeowners Association Inc. Water right 63-12125 is currently in the name of Hillsdale Estates. ID SOS search finds that Hillsdale Estates Homeowners Association Inc is the current legal name to the business. 63-12125 ownership was updated. The application was signed by Richard Moore and Brenda Durgin. Mr. Moore is President according to the business registration and has authority to sign on the behalf of the business.

Water Right Validity

Validity is not a concern. The domestic rights are valid as imagery shows homes built during the beneficial use period.

Overlap Analysis

Water rights 63-12125 and 63-31862 are the only domestic rights that serve the subdivision. No additional rights should be considered for transfer.

Injury to Other Water Rights

None anticipated. The area is outside of any Ground Water Management Area. The east end of the system lies with the City of Eagle Basin 63 Area of Concern; an area of interest for the City and competing municipalities. A comment letter will be sent directly to Eagle and an opportunity to claim injury will be presented to water users through public advertisement.

Enlargement of Use

Both rights being transferred will be limited to a maximum diversion of 3.59 cfs and 374.4 af to match historic limits. The rights service a total of 312 homes (53+259), limited to 13,000 gallons of water per day per home. Limits imposed pre transfer are carried forward. The drilling of 2 new wells in the immediate vicinity is not considered an improvement to the source or more available water.

Local Public Interest

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

Beneficial Use/Conservation of Water Resources

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

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

Summary

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