

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83445**

This is to certify that: DLD'S LLC
201 E PARKWAY DR
BOISE, ID 83706-4011

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>
63-34777	WR/DECREED	12/24/1968	0.010 cfs	3.1 af	N/A	0.7	GROUND WATER
63-34778	WR/DECREED	12/24/1968	0.010 cfs	1.8 af	N/A	0.4	GROUND WATER
63-7180	WR/DECREED	12/24/1968	0.010 cfs	3.2 af	N/A	0.7	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>
63-34777	NO	YES	NO	NO	NO	NO
63-34778	NO	YES	NO	NO	NO	NO
63-7180	NO	YES	NO	NO	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>
63-34777	63-34777	0.010 cfs	3.1 af	N/A	0.7	N/A	N/A	N/A	N/A	N/A
63-34778	63-34778	0.010 cfs	1.8 af	N/A	0.4	N/A	N/A	N/A	N/A	N/A
63-7180	63-7180	0.010 cfs	3.2 af	N/A	0.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.030 cfs	8.1 af	N/A	1.8		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 September, 2019.

SUPPORT DATA

FILE #

63-7180

Chief, Water Allocation Bureau

Transfer No. 83445

WATER RIGHT NO. 63-34777

As Modified by Transfer No. 83445

In accordance with the approval of Transfer No. 83445, Water Right No. 63-34777 is now described as follows:

Right Holder: DLD'S LLC
201 E PARKWAY DR
BOISE, ID 83706-4011

Priority Date: 12/24/1968

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	04/01	to 10/31	0.010 cfs	3.1 af
			0.010 cfs	3.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 23 Twp 03N Rge 02E 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	
03N	02E	23		0.7															0.7

POU Total Acres: 0.7

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83445

WATER RIGHT NO. 63-34777
As Modified by Transfer No. 83445

CONDITIONS OF APPROVAL

6. 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.



WATER RIGHT NO. 63-34778
As Modified by Transfer No. 83445

In accordance with the approval of Transfer No. 83445, Water Right No. 63-34778 is now described as follows:

Right Holder: ROD DANIEL WESTON AND/OR
DIANE WESTON
201 E PARKWAY DR
BOISE, ID 83706-4011

Priority Date: 12/24/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.010 cfs	1.8 af
			0.010 cfs	1.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNW Sec 23 Twp 03N Rge 02E 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	
03N	02E	23		0.4															0.4

POU Total Acres: 0.4

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 83445

WATER RIGHT NO. 63-34778
As Modified by Transfer No. 83445

CONDITIONS OF APPROVAL

6. 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.



WATER RIGHT NO. 63-7180**As Modified by Transfer No. 83445**

In accordance with the approval of Transfer No. 83445, Water Right No. 63-7180 is now described as follows:

Right Holder: DLD'S LLC
201 E PARKWAY DR
BOISE, ID 83706-4011

Priority Date: 12/24/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.010 cfs	3.2 af
			0.010 cfs	3.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNE Sec 23 Twp 03N Rge 02E 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	
03N	02E	23		0.7															0.7

POU Total Acres: 0.7

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. 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.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 83445

WATER RIGHT NO. 63-7180

As Modified by Transfer No. 83445

CONDITIONS OF APPROVAL

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

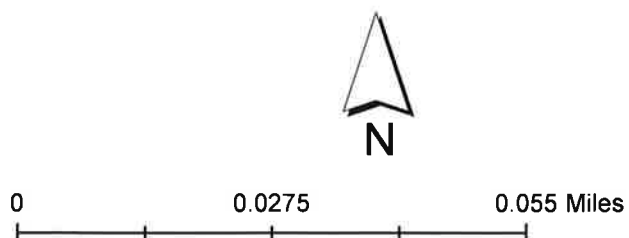


State of Idaho
Department of Water Resources
Attachment to Transfer No. 83445
Water Rights: 63-34777, 63-34778, 63-7180

This map depicts the IRRIGATION 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.



-  Transfer POD
-  Transfer POU
-  Township/Range
-  Sections
-  QQ



RECEIVED

JUL 05 2019

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

RESOURCES

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☒ Ownership change ☒ Ownership split
- ☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** DLD's LLC, Diane and Rod D. Weston Phone 208-343-7878

2. MAILING ADDRESS 201 E. Parway Dr. City Boise

State ID Zip 83706 Email westondesign14@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-7180

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.05 cubic feet per second and/or acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. 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:

The existing well will serve Parcel B. A new well is proposed for each of the other three parcels.
Measuring devices and lockable controlling works will be accommodated upon Department request.

- b. Who owns the property at the point(s) of diversion? Parcels A-C: DLD's LLC; Weston Parcel: Rod D. and Diane Weston
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Daniel Weston - managing member Diane Weston
Signature of applicant or authorized agent Print name and title if applicable

7.2.19
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by LT Date 7/5/19

Fee paid 925⁰⁰ Date 7/5/19 Received by LT Receipt # W047511

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 -- confidential information is held by fiscal only)

Application Explanation

Water right 63-7180 is currently listed in the name of Darrell Leatham authorizing irrigation of 2.5 acres from a single well. Darrell Leatham is deceased and the property is now owned by the three surviving children. Future parcels A through C are owned by all three siblings under the name of DLD's LLC and the fourth parcel is owned independently by one of the siblings and her husband, Diane Weston and Rod D. Weston. The purpose of the enclosed transfer application is to split the 2.5-acre water right place of use into four pieces and add three additional points of diversion (wells), one for each parcel. Applicant's propose the water right be apportioned as follows:

- 0.008 cfs and 0.4 acres to 201 East Parkway (Weston Parcel) and new well. Diane and Rod D. Weston will be listed as owner
- 0.014 cfs and 0.7 acres to 203 East Parkway (Parcel A) and new well. DLD'S LLC will be listed as owner.
- 0.014 cfs and 0.7 acres to 205 East Parkway (Parcel B) and existing well. DLD'S LLC S will be listed as owner.
- 0.014 cfs and 0.7 acres to 207 East Parkway (Parcel C) and new well. DLD'S LLC will be listed as owner.

A Notice of Change in Water Right Ownership and associated warranty deed have been included for each of the four parcels.

IDAHO Department of Water Resources



WATER RIGHT REPORT

6/21/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-7180

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DARRELL E LEATHAM 205 PARKWAY DR BOISE, ID 83706 2083449711

Priority Date: 12/24/1968

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.05 CFS	11.25 AFA
Total Diversion			0.05 CFS	

Location of Point(s) of Diversion:

GROUND WATER | NWNWNE | Sec. 23 | Township 03N | Range 02E | ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	02E	23		NWNE	2.5									

Total Acres: 2.5

Conditions of Approval:

83445

1. S41 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Dates:

Licensed Date:

Decreed Date: 02/16/2007

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Legend

Parcel Splits Places of Use

-  Parcel A
-  Parcel B
-  Parcel C
-  Weston Parcel

Legend

Parcel Splits Points of Diversion

-  Parcel A (new well)
-  Parcel B (existing well)
-  Parcel C (new well)
-  Weston Parcel (new well)

3N2E

23

NWNE

Parcel A
0.7 ac, 0.014 cfs

Parcel B
0.7 ac, 0.014 cfs

Parcel C
0.7 ac, 0.014 cfs

Weston Parcel
0.4 ac, 0.008 cfs



SPF WATER
ENGINEERING

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

DLD's LLC/Weston
Application for Transfer

Water Right 63-7180

DATE: 6/21/2019

CREATOR: LGraves

PROJECT: 1497.0010



Absolute Scale: 1:1,303

0 50 100 200
Feet

83445

[illegible]

THIS IS TO CERTIFY THAT I, COLLEEN MARKS, B
LAND SURVEYOR IN THE STATE OF IDAHO, HERE
IS AN ACCURATE REPRESENTATION OF SURVEY
IS IN CONFORMITY WITH THE CORNER PERPETUA
- IDAHO CODE 55-1601 THROUGH 55-1613.

COLLEEN MARKS, L.S. 7045

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS
AT THE REQUEST OF ROD D. & DIANE L. WESTC
PAST ____ O'CLOCK ____M., THIS ____ DAY (____)
2019.

EX-OFF

SECTION _____
PROPERTY LINE _____
OTHER PROPERTY _____

-

1. REFERENCE IS MADE TO THE FOLLOWING RECORD OF SURVEY NOS.: 0022, 0106, B124, 1058, 4754, 6192, 7304, 7601, 8668 & 10143; RECORDS OF ADA COUNTY, IDAHO.
2. REFERENCE IS MADE TO THE FOLLOWING SUBDIVISION PLATS: H.G. MYERS COUNTRY ACRES SUBDIVISION NO. 1, BOOK 18, PAGE 1175, NELSON'S RIVER PARKWAY SUBDIVISION - UNIT NO. 1, BOOK 46, PAGE 681, RECORDS OF ADA COUNTY, IDAHO.
3. THE PROPERTY IS CURRENTLY ZONED R-1B.
4. THIS RECORD OF SURVEY HAS BEEN APPROVED BY BOISE CITY UNDER APPLICATION R0519-_____

LINE TABLE		
	BEARING	DISTANCE
	S 10°31'00"E.	30.60'
	S 10°31'00"E.	10.20'
	S 10°31'00"E.	51.0'
	S 10°31'00"E.	15.30'
	S 00°47'00"W.	29.40'
	S 00°47'00"W.	3.60'
	S 00°48'43"W.	22.00'
	N 89°11'17"W.	20.00'
	N 00°48'43"E.	22.00'
	N 89°11'17"W.	65.79'
	N 34°44'08"E.	6.03'
	S 89°11'17"E.	24.42'

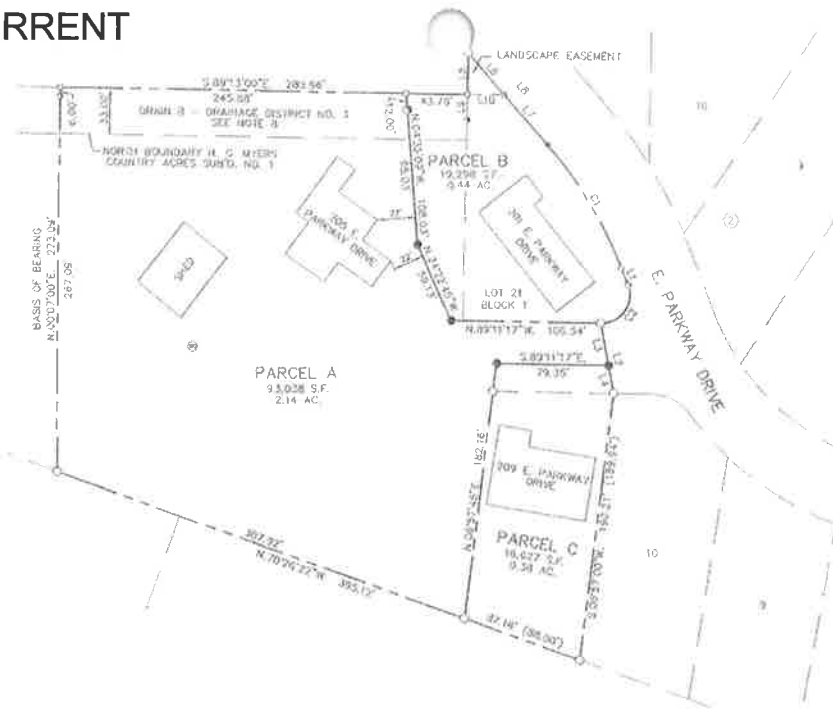
FOR

WESTON, DLD'S LLC & BIGELOW

PARCELS OF LAND BEING PORTIONS OF LOT 13, BLOCK 2,
H.G. MYERS COUNTRY ACRES SUBDIVISION NO. 1,
BOOK 18, PAGES 1175-1176, ALL OF LOT 21, BLOCK 1,
NELSON'S RIVER PARKWAY SUBDIVISION - UNIT NO. 1,
BOOK 19, PAGES 1232-1233, RECORDS OF ADA COUNTY, IDAHO
AND A PORTION OF THE NW1/4 NE1/4, ALL LOCATED IN
SECTION 23, T.3N., R.2E., BOISE MERIDIAN,
CITY OF BOISE, ADA COUNTY, IDAHO
2019

LEGEND

- PROPERTY LINE
- ADJUSTED PROPERTY LINE
- OTHER PROPERTY LINE
- SECTION LINE
- EASEMENT LINE
- ⊕ FOUND BRASS CAP MONUMENT
- ⊕ FOUND ALUMINUM CAP REFERENCE MONUMENT
- FOUND 5/8" IRON PIN
- SET 5/8" IRON PIN W/ PLASTIC CAP MARKED LS 7045
- ⊙ WITNESS CORNER-SET 5/8" IRON PIN W/ PLASTIC CAP MARKED LS 7045
- FOUND 1/2" IRON PIN
- ⊙ WITNESS CORNER-FOUND 1/2" IRON PIN W/ PLASTIC CAP MARKED LS 5617
- ⊙ POINT ON LINE-SET 1/2" IRON PIN W/ PLASTIC CAP MARKED LS 7045 & MARKING THE SE CORNER OF A LANDSCAPE EASEMENT
- ★ SET 1/2" IRON PIN W/ PLASTIC CAP MARKED LS 7045
- CALC POINT
- () DATA OF RECORD
- ⊙ EXISTING WELL HEAD LOCATION



NOTES

1. REFERENCE IS MADE TO THE FOLLOWING RECORD OF SURVEY NOS: 0022, 0106, 8124, 1058, 4754, 6152, 7304, 7801, 8668 & 10143; RECORDS OF ADA COUNTY, IDAHO.
2. REFERENCE IS MADE TO THE FOLLOWING SUBDIVISION PLATS: H.G. MYERS COUNTRY ACRES SUBDIVISION NO. 1, BOOK 18, PAGES 1175-1176, NELSON'S RIVER PARKWAY SUBDIVISION-UNIT NO. 1, BOOK 19, PAGES 1232-1233, NELSON'S RIVER PARKWAY SUBDIVISION-UNIT NO. 2, BOOK 20, PAGES 1352-1353, RECORDS OF ADA COUNTY, IDAHO.
3. THE PROPERTY IS CURRENTLY ZONED R-1B.
4. THIS RECORD OF SURVEY HAS BEEN APPROVED BY BOISE CITY UNDER APPLICATION 18019-00029.
5. THIS RECORD OF SURVEY ESTABLISHES PARCELS THAT MEET THE APPLICABLE REQUIREMENTS OF SECTION 11-09-02.1.B.
6. ALL EXISTING BUILDINGS ARE ACCURATELY DEPICTED.
7. THESE PARCELS MAY NOT BE DIVIDED UNLESS APPROVED BY THE CITY OF BOISE. THE PREVIOUS PARCELS ARE NO LONGER BUILDABLE PARCELS PURSUANT TO THIS RECORD OF SURVEY.
8. DRAINAGE DISTRICT NO. 3 HAS CONTROL OF DRAIN B WHICH LIES NEAR THE NORTH BOUNDARY OF PARCELS A & B, AS SHOWN HEREON. THE TOTAL WIDTH OF THE DISTRICT EASEMENT ACROSS DRAIN B IS SIXTY-SIX FEET (66'), EIGHTEEN FEET (18') NORTH & FORTY-EIGHT FEET (48') SOUTH OF THE CENTERLINE OF THE EXISTING DITCH. THIS EASEMENT CAN BE REDUCED TO TWELVE AND ONE-HALF FEET (12.5') EACH SIDE OF CENTERLINE BY FILLING THE DITCH.

LINE	BEARING	DISTANCE
L1	S.21°22'00"E	12.60'
L2	S.10°31'00"E	51.00'
L3	S.10°31'00"E	50.00'
L4	S.10°31'00"E	20.40'
L5	N.00°47'00"E	20.40'
L6	S.41°00'00"E	29.43'
L7	S.41°00'00"E	47.03'
L8	S.41°00'00"E	66.16'
L9	S.00°47'00"W	15.00'
L10	S.00°47'00"E	16.27'

CURVE	DELTA	ARC	RADIUS	TANGENT	CHORD	CH. BEARING
C1	19°58'52"	102.59'	302.00'	21.91'	102.20'	S.31°11'00"E
C2	112°10'41"	39.19'	39.59'	39.75'	33.20'	S.34°43'22"W

SCALE IN FEET
50 0 25 50 100



INDEX NO. 221-23-140-18-1175-1176 & 19-1232-13
MARKS LAND SURVEYING LL
COLLEEN MARKS, L.S. 7045
2419 W. STATE STREET STE. 7
BOISE, IDAHO 83702
PH: (208) 378-7703

83445

State of Idaho
Department of Water Resources

Water Right
63-7180

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

02E



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

0 0.035 0.07 0.14 Miles



83445



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

September 30, 2019

DLDS LLC
201 E PARKWAY DR
BOISE ID 83706-4011

Re: Transfer No.: 83445
Water Right Nos: 63-7180, 63-34777, 63-34778

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,



Anna Kaiser



Nick Miller
Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

CERTIFICATE OF SERVICE

I hereby certify that on September 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.: 83445

Water Right No(s): 63-37180, 63-34777, 63-34778

DLDS LLC
201 E PARKWAY DR
BOISE ID 83706-4011

SPF WATER ENGINEERIN
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660



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.

MEMORANDUM

TO: Transfer no. 8445 file
FROM: Cody Parker
RE: Evaluation of sufficiency of submitted information
DATE: September 5, 2019

This transfer application proposes to split water right 63-7180 into four separate rights and change the point of diversion for three of those four splits; the remaining portion will use the existing point of diversion. New wells will be drilled for the three new points of diversion. Water will continue to be used for irrigation at the current place of use.

Pursuant to Section 42-222, Idaho Code, The Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Authority to File:

The transfer application was submitted and signed by Diane Weston. The ownership change put three of the four splits into the name of DLD's LLC of which Ms. Weston is the managing member. The remaining split is in the name of Diane Weston. Therefore, Ms. Weston is authorized to file the application for transfer.

Water Right Validity:

Right 63-7180 was decreed in 2007. Aerial imagery from the previous consecutive five-year period shows that the full acreage has been irrigated in accordance with this water right. The right is presumed valid.

Injury to Other Water Rights:

None anticipated so long as no enlargement occurs. The same water will be taken from separate wells likely at different times, reducing the instantaneous stress on the local aquifer. The original point of diversion appears to be an irrigation well drilled for Darrell Leatham in 2003 (D0030861). That well was drilled to a total depth of 64 ft, so no change to the impact on the Boise River system is anticipated.

Enlargement of Use:

The application does not propose any change to the number of acres of irrigation, the diversion rate, nor the annual volume. No enlargement is anticipated.

Local Public Interest:

None of the available information suggests conflict with the local public interest.

Beneficial Use/Conservation of Water Resources:

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

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



July 2, 2019

RECEIVED

JUL 05 2019

WATER RESOURCES
WESTERN REGION

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

Subject: Application for Transfer of Water Right 63-7180

Dear Patrick,

Enclosed on behalf of DLD's LLC and Diane and Rob D. Weston is an *Application for Transfer* proposing property splits and new wells for water right 63-7180, currently listed in the name of Darrell Leatham, who is now deceased. As we discussed on the phone, the surviving three children now own the property and wish to split the water right into four pieces and add three additional points of diversion (wells), one for each parcel. Parcels A through C are owned by all three siblings under the name of DLD's LLC and the fourth parcel is owned independently by one of the siblings and her husband, Diane and Rod D. Weston. Further details are provided in the explanation attached to the transfer application.

Notices of Change in Water Right Ownership have been included for each of the water right splits. The following parcels are described in the deeds attached to the notices:

- DLD's LLC Parcel A. This parcel is the current entirety of the DLD's LLC property, with a current address of 205 East Parkway, and totals 2.14 acres. It is being divided into three parcels described as future Parcel A (0.75 acres, 203 East Parkway), future Parcel B (0.70 acres, 205 East Parkway), and future Parcel C (0.69 acres, 207 East Parkway). The existing well is located on future Parcel B.
- Weston Parcel B. This parcel is the entirety of the 201 Parkway property and totals 0.44 acres. It includes the Weston Add Parcel of 0.12 acres.

A Check from DLD's LLC for \$925 is enclosed for the filing fee; \$200 each for three new independent ground water systems proposed on the transfer application, \$100 each for three resulting water right splits and \$25 for changing ownership of the remaining right and existing well for Parcel B. 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: Diane Leatham Weston (owner)
Corrie Jeglum (realtor)

Enclosures

SPF file number: 1497.0010