

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82681**

This is to certify that: **WILLIAMSON RIVER RANCH LLC**
28281 CROWN VALLEY PKWYSTE 200
LAGUNA NIGUEL, CA 92677

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>
63-34432	WR/DECREED	3/1/1865	1.070 cfs	241.7 af	N/A	53.7	BOISE RIVER

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>
63-34432	NO	NO	YES	NO	NO	YES

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>
63-34432	63-34432	1.070 cfs	225.0 af	45.7	74.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.070 cfs	225.0 af	45.7	74.0		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 24th day of September, 2019.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-34432**As Modified by Transfer No. 82681**

In accordance with the approval of Transfer No. 82681, Water Right No. 63-34432 is now described as follows:

Right Holder: WILLIAMSON RIVER RANCH LLC
28281 CROWN VALLEY PKWYSTE 200
LAGUNA NIGUEL, CA 92677

Priority Date: 3/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	03/01	to 11/15	0.910 cfs	205.7 af
DIVERSION TO STORAGE	03/01	to 11/15	0.160 cfs	
AESTHETIC STORAGE	01/01	to 12/31	1.070 cfs	19.3 af
				225.0 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L6 (SWNE) Sec 22 Twp 04N Rge 01E ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	15										X	X						
													L 5						0
04N	01E	16													X			X	
														L 8				L 8	0
04N	01E	22						X											
								L 4											0

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	15										3.5	34.0						37.5
													L 5						
04N	01E	16													12.0			18.0	30.0
														L 8				L 8	
04N	01E	21	0.5																0.5
04N	01E	22						6.0											6.0
								L 4											

Right Acre Limit: 45.7

POU Total Acres: 74.0

Transfer No. 82681

WATER RIGHT NO. 63-34432

As Modified by Transfer No. 82681

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 45.7 acres within the authorized place of use in a single irrigation season.
2. Right(s) 63-34432 and 63-34607 authorize total annual storage volume of 95.3 acre-feet, 76.0 acre-feet to be used for the initial filling or carryover storage of the pond(s) and 19.3 acre-feet for the replacement of losses caused by evaporation.
3. Transfer 82681 authorizes the diversion and delivery of 0.16 cfs and 19.3 af of water to storage for replacement of evaporation losses from the ponds authorized by Right 63-34607.
4. The eight (8) pond(s) established by the storage of water under this right shall not exceed a total capacity of 76.0 acre-feet or a total surface area of 8.0 acre(s).
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
7. Use of water under this right may 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.
8. 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(s).
9. This right originated as all or part of right no. 8-C in the Stewart Decree and the historic Boise River Water Masters records.
10. 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 proceeding 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 proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

WATER RIGHT NO. 63-34432

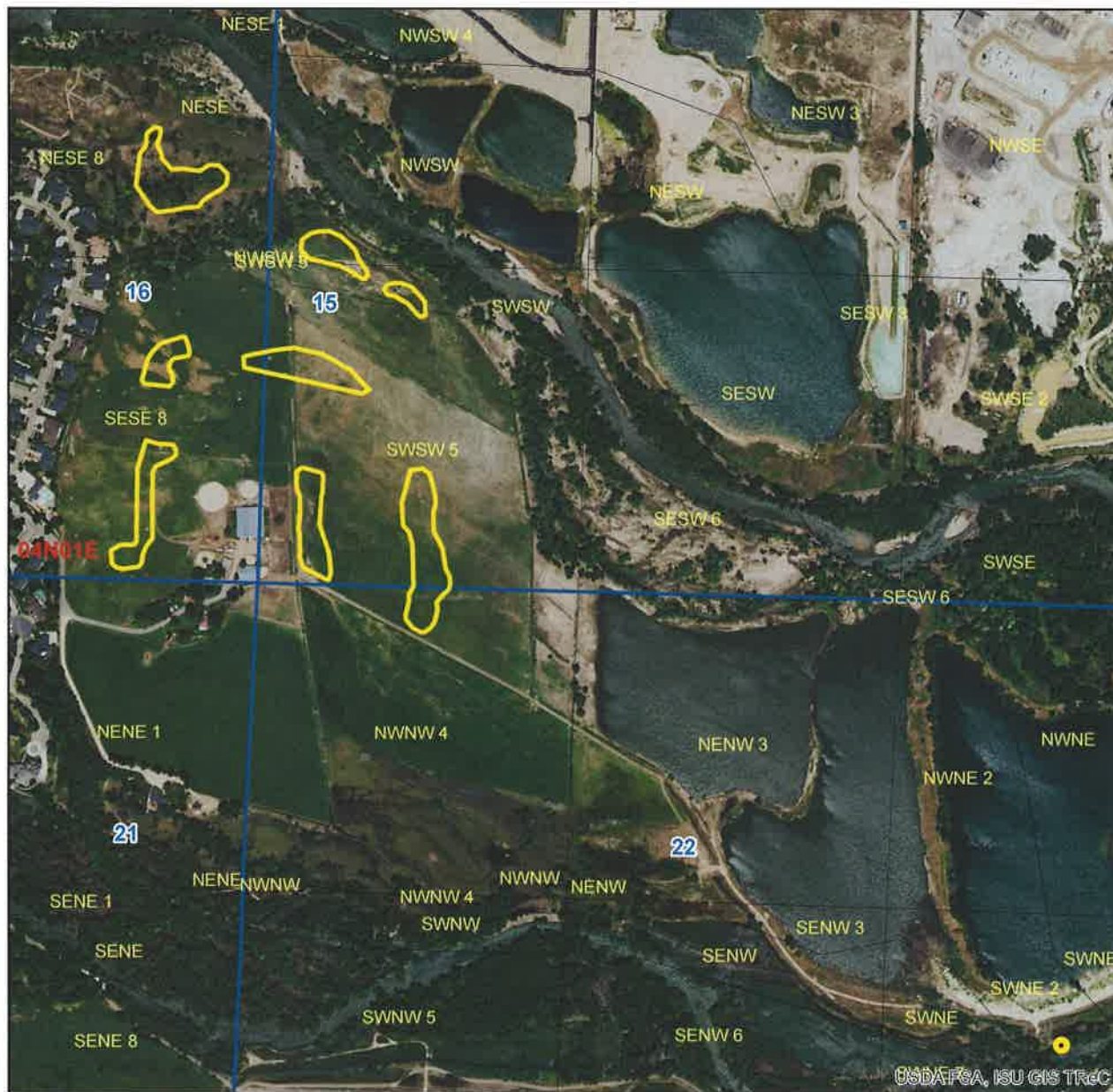
As Modified by Transfer No. 82681

CONDITIONS OF APPROVAL

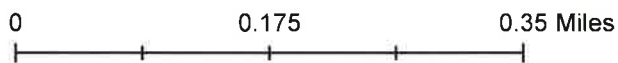
11. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements 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 Reservoirs 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.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

State of Idaho
Department of Water Resources

This map depicts the AESTHETIC STORAGE 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.



-  Point of Diversion
-  Place of Use
-  Township/Range
-  Sections
-  QQ

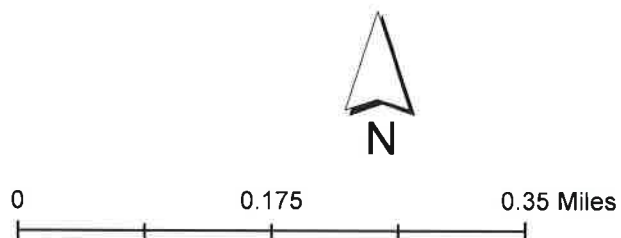


State of Idaho
Department of Water Resources
Attachment to Transfer No. 82681
Water Rights: 63-34432

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.



-  Point of Diversion
-  Place of Use
-  Township/Range
-  Sections
-  QQ





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

September 24, 2019

WILLIAMSON RIVER RANCH LLC
28281 CROWN VALLEY PKWY
STE 200
LAGUNA NIGUEL CA 92677

RE: Permit No. 63-34607
RE: Transfer No. 82681

Permit & Transfer Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right and the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review all the conditions of approval listed on the approved documents. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your

proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,



Anna Kaiser

For

Nick Miller

Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2019, I served a true and correct copy of Permit to Appropriate Water No. 63-34607 by U.S. Mail, postage prepaid, to the following:

WILLIAMSON RIVER RANCH LLC (Current Owner)
28281 CROWN VALLEY PKWY
STE 200
LAGUNA NIGUEL CA 92677

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



Anna Kaiser
Administrative Assistant 1

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 application no. 82681 file
FROM: Cody Parker
RE: Sufficiency of Information Submitted
DATE: 09/11/2018

Application for Transfer No. 81797 was submitted by Williamson River Ranch LLC, on August 27, 2018. The application proposes to change the nature of use for a portion of water right 63-34432 (priority date of 1865). The nature of use will be changed from irrigation to aesthetic storage and diversion to storage. The transfer also proposes to establish a permissible place of use for the remaining irrigation component. Transferred water will be diverted into the ponds proposed in application for permit no. 63-34607 to cover evaporative losses. The water will continue to be used at the current place of use approximately 1.4 miles southeast of Eagle, Idaho, just east of Riversong Dr.

Summary of Information Submitted

Authority to File: The transfer application was submitted in the name of Williamson River Ranch LLC and was signed by Tucker Johnson, who is listed as the “Development Manager”. The recorded owner of the right is the same Williamson River Ranch LLC (IDSOS Organizational ID W140521). The applicant provided a document title “Amended Resolution” which demonstrates that Mr. Johnson is a representative of the applicant and is authorized to sign on the applicant’s behalf. According to tax parcel information the same company owns the land onto which water is applied. The applicant appears to have the authority to file the application.

Water Right Validity: Right 63-34432 was decreed in May of 2007 and authorizes the diversion of 1.07 cfs from the Boise River to irrigate 53.7 acres. The transfer proposes to change the nature of use for 8 acres of irrigation to aesthetic storage. 2015 and 2017 aerial imagery confirms that the full acreage has been irrigated. The right is presumed valid.

Injury to Other Water Rights: None anticipated. The application proposes to use a senior water right to offset the evaporation of water from multiple proposed ponds. Annual evaporation from the ponds is anticipated to be 19.3 afa. The transfer proposes to divert up to 36.0 afa into the ponds under the senior right. The diversion and conveyance of water to the place of use is unchanged. As long as there is no enlargement, no injury is anticipated.

Enlargement of Use: Right 63-34432 authorizes diversion of 1.07 cfs and up to 241.7 afa from the Boise River to irrigate 53.7 acres. The transfer would convert 8 acres (0.16 cfs 36.0 afa) irrigation to aesthetic storage. The remaining irrigation would be: 45.7 acres, 0.91 cfs, 205.7 afa. The proposed season of use for the diversion to storage is the same as the irrigation season. No enlargement is anticipated.

Public Interest: The application proposes a change consistent with the local public interest. The application has been advertised to allow the opportunity for public protest. No protests were filed.

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.

Evaluation of mitigation: Associated application for permit no. 63-34067 proposes the construction of eight ponds which collect shallow groundwater tributary to the Boise River. The ponds have a combined surface area of 8 acres. The total annual evaporation from the ponds is anticipated to be 19.3 afa. The ponds are located in an area where shallow groundwater is considered tributary to the fully-appropriated reach of the Boise River. Therefore, the evaporation from the ponds must be mitigated.

This application for transfer proposes to convert 8 acres of irrigation from right 63-34432 to aesthetic storage. According to the application, we estimate 19.3 afa consumptive use from the ponds (evaporation) throughout the year. The crop historically grown on the land to be retired is grass pasture according to the applicant. Grass pasture for this area has a consumptive volume of 3.16 afa/acre according to the ETIdaho data. This indicates that the number of acres required for full mitigation of evaporation is 6.1. Furthermore, a 1 to 1 mitigation plan appears to offset the instantaneous evaporation rate from the pond for each month in the irrigation season. 60% cuts are not considered because there is not storage water available to irrigate the land when the mitigating right is cut to 60% of its value. The water proposed for aesthetic storage appears to fully mitigate depletion of the fully appropriated groundwater source.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0003901527	LEGAL NOTICE The following applications have	Kenrick Thomas	\$347.60	2	112

Attention: RACHEL NEELY

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

LEGAL NOTICE

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

63-34573
KENRICK THOMAS *VOR RN 11/5/18*
PO BOX 8104
BOISE, ID 83707
(2) Points of Diversion SWSE S11 T05N R01E ADA County Source
GROUND WATER
Point of Diversion SESE S11 T05N R01E ADA County Source
GROUND WATER
Use: DOMESTIC 01/01 to 12/31 4.46 CFS
Total Diversion: 4.46 CFS
Date Filed: 7/20/2018
Place of Use: DOMESTIC
T05N R01E S1 L1(NENE) L2(NWNE) SWNE SENE L3(NENW)
L4(NWNW) SWNW SENW SWALL SE(ALL)
T05N R01E S10 SWNE SWNW SENW SE(ALL)
T05N R01E S11 SWNE SENE SWALL SE(ALL)
T05N R01E S12 NE(ALL) NWALL SE(ALL)
T05N R01E S13 NE(ALL) NWALL NESW NWSW SE(ALL)
T05N R01E S14 NENE NWNE NENW NWNW
T05N R01E S24 NENE NWNE
T05N R02E S6 L3(NENW) L4(NWNW) L5(SWNW) SENW NESW
L6(NWSW) L7(SWSW) SESW
T05N R02E S7 NENW L1(NWNW) L2(SWNW) SENW NESW
L3(NWSW) L4(SWSW) SESW
T05N R02E S18 NENW L1(NWNW) L2(SWNW) SENW NESW
L3(NWSW) L4(SWSW) SESW
Water bearing zone to be appropriated is from 200 to 600 feet.
Domestic use is for 4,752 homes within Avimor subdivision.

63-34603
MELANIE TURNER *VOR RN 11/5/18*
7657 W HILLAMOOK ST
BOISE, ID 83709
Point of Diversion SWNW S26 T02N R01E ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.1 CFS
Total Diversion: 0.1 CFS
Date Filed: 8/28/2018
Place of Use: IRRIGATION
T02N R01E S26 SWNW
Total Acres: 5
Water bearing zone to be appropriated is from 276 to 381 feet.

63-34607
WILLIAMSON RIVER RANCH LLC *VOR RN 11/5/18*
28281 CROWN VALLEY PKWY
STE 200
LAGUNA NIGUEL, CA 92677
(2) Points of Diversion L8(SESE) S16 T04N R01E ADA County Source
GROUND WATER Tributary BOISE RIVER
(3) Points of Diversion L5(SWSW) S15 T04N R01E ADA County
Source GROUND WATER Tributary BOISE RIVER
Points of Diversion NWSW SWSW S15 T04N R01E ADA County
Source GROUND WATER Tributary BOISE RIVER
Point of Diversion L8(NESE) S16 T04N R01E ADA County Source
GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 95.3 AF
Total Diversion: 95.3 AF
Date Filed: 8/27/2018
Place of Use: AESTHETIC STORAGE
T04N R01E S15 NWSW L5(SWSW)
T04N R01E S16 L8(NESE) L8(SESE)
T04N R01E S22 L4(NWNW)
Water bearing zone to be appropriated is from 0 to 20 feet.
Mitigation is proposed for consumptive use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82681
WILLIAMSON RIVER RANCH LLC, 28281 CROWN VALLEY PKWY
STE 200, LAGUNA NIGUEL, CA 92677, has filed Application No.
82681 for changes to the following water rights within ADA
County(s): Right No(s). 63-34432. The purpose of this transfer is to
change the nature of use of 8 acres of irrigation to aesthetic stor-
age. Aesthetic storage water will be stored in 8 constructed ponds.
The transfer also proposes to change the place of use for the re-
maining 45.7 acres irrigation to be described within a 74-acre per-

JANICE HILDRETH, 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: 10/18/2018

Ending issue of: 10/25/2018

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 29th day of October in the year
of 2018 before me, a Notary Public,
personally appeared before me
Janice Hildreth 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.

Anna Gomm



missible place of use. Water will continue to be used at or near the current place of use, approximately 1.5 miles southeast of Eagle, Idaho.

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 11/5/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Oct. 18, 25, 2018

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