

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83159**

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

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-10536	WR/LICENSE	9/15/1987	1.600 cfs	360.0 af	N/A	80.0	GROUND WATER
63-11060	WR/LICENSE	12/1/1989	1.540 cfs	502.6 af	N/A	N/A	GROUND WATER
63-25981	WR/DECREED	9/8/1951	0.670 cfs	110.1 af	N/A	N/A	GROUND WATER
63-25982	WR/DECREED	10/1/1935	1.150 cfs	69.7 af	N/A	N/A	GROUND WATER
63-31725	WR/DECREED	10/8/1962	0.270 cfs	15.4 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>
63-10536	NO	YES	YES	YES	YES	YES
63-11060	NO	YES	YES	YES	YES	YES
63-25981	NO	YES	YES	YES	YES	YES
63-25982	NO	YES	YES	YES	YES	YES
63-31725	NO	YES	YES	YES	YES	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>
63-10536	63-10536	1.600 cfs	360.0 af	205.0	345.0	N/A	N/A	N/A	N/A	N/A
63-11060	63-11060	1.540 cfs	501.4 af	205.0	345.0	N/A	N/A	N/A	N/A	N/A
63-25981	63-25981	0.670 cfs	110.1 af	205.0	345.0	N/A	N/A	N/A	N/A	N/A
63-25982	63-25982	1.150 cfs	69.7 af	205.0	345.0	N/A	N/A	N/A	N/A	N/A
63-31725	63-31725	0.270 cfs	15.4 af	205.0	345.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.410 cfs	878.0 af	205.0	345.0		N/A	N/A	N/A	N/A

SUPPORT DATA

FILE # 63-10536

Transfer No. 83159

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT
TRANSFER NO. 83159

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 4th day of September, 2019.



for Chief, Water Allocation Bureau



AMENDED**WATER RIGHT NO. 63-11060****As Modified by Transfer No. 83159**

In accordance with the approval of Transfer No. 83159, Water Right No. 63-11060 is now described as follows:

Right Holder: NORTH EAGLE 413 LLC
3103 W SHERYL DR
STE 100
MERIDIAN, ID 83642

Priority Date: 12/1/1989

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DIVERSION TO STORAGE	03/01	to 11/15	1.000 cfs	
IRRIGATION	03/01	to 11/15	1.540 cfs	501.4 af
IRRIGATION STORAGE	01/01	to 12/31		6.0 af
IRRIGATION FROM STORAGE	03/01	to 11/15	1.540 cfs	6.0 af
				501.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L1 (NENE)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	NESE	Sec 3	Twp 04N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2							3.0										3.0
04N	01W	3	42.0	14.0	40.0	40.0	10.0			40.0	40.0				40.0	40.0	22.0	14.0	342.0
			L 1	L 2			L 3												

Right Acre Limit: 205.0

POU Total Acres: 345.0

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2							3.0										3.0
04N	01W	3	42.0	14.0	40.0	40.0	10.0			40.0	40.0				40.0	40.0	22.0	14.0	342.0
			L 1	L 2			L 3												

Right Acre Limit: 205.0

POU Total Acres: 345.0

Transfer No. 83159

AMENDED**WATER RIGHT NO. 63-11060****As Modified by Transfer No. 83159****PLACE OF USE: IRRIGATION 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	01W	3													X				

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 205 acres within the authorized place of use in a single irrigation season.
2. Rights 63-11060, 63-25981 and 63-25982 when combined shall not exceed a total diversion rate of 1.54 cfs, a total annual maximum diversion volume of 501.4 af at the field headgate.
3. Rights 63-10536, 63-11060, 63-25981, 63-25982 and 63-31725 when combined shall not exceed a total irrigation of 205 acres.
4. The one irrigation pond established by the storage of water under 63-11060, 63-25981 and 63-25982 shall not exceed a total capacity of 6.0 acre-feet or a total surface area of 0.6 acre.
5. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 923 af at the field headgate for the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
8. 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.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
11. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 83159

AMENDED

WATER RIGHT NO. 63-11060

As Modified by Transfer No. 83159

CONDITIONS OF APPROVAL

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.



AMENDED**WATER RIGHT NO. 63-10536****As Modified by Transfer No. 83159**

In accordance with the approval of Transfer No. 83159, Water Right No. 63-10536 is now described as follows:

Right Holder: NORTH EAGLE 413 LLC
3103 W SHERYL DR
STE 100
MERIDIAN, ID 83642

Priority Date: 9/15/1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	1.600 cfs	360.0 af
			1.600 cfs	360.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L1 (NENE)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	NESE	Sec 3	Twp 04N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2							3.0										3.0
04N	01W	3	42.0	14.0	40.0	40.0	10.0			40.0	40.0				40.0	40.0	22.0	14.0	342.0
			L 1	L 2			L 3												

Right Acre Limit: 205.0

POU Total Acres: 345.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 205 acres within the authorized place of use in a single irrigation season.
2. Rights 63-10536, 63-11060, 63-25981, 63-25982 and 63-31725 when combined shall not exceed a total irrigation of 205 acres.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

AMENDED

WATER RIGHT NO. 63-10536

As Modified by Transfer No. 83159

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 923 af at the field headgate for the place of use.
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. 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.
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
9. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
10. This right does not grant any right-of-way or easement across the land of another.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

AMENDED

WATER RIGHT NO. 63-25982**As Modified by Transfer No. 83159**

In accordance with the approval of Transfer No. 83159, Water Right No. 63-25982 is now described as follows:

Right Holder: NORTH EAGLE 413 LLC
3103 W SHERYL DR
STE 100
MERIDIAN, ID 83642

Priority Date: 10/1/1935

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION	03/01	to 11/15	1.110 cfs	69.7 af
DIVERSION TO STORAGE	03/01	to 11/15	0.830 cfs	
IRRIGATION FROM STORAGE	03/01	to 11/15		6.0 af
IRRIGATION STORAGE	01/01	to 12/31	1.150 cfs	6.0 af
				69.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L1 (NENE)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	NESE	Sec 3	Twp 04N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2							3.0										3.0
04N	01W	3	42.0	14.0	40.0	40.0	10.0			40.0	40.0				40.0	40.0	22.0	14.0	342.0
			L 1	L 2			L 3												

Right Acre Limit: 205.0

POU Total Acres: 345.0

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2							3.0										3.0
04N	01W	3	42.0	14.0	40.0	40.0	10.0			40.0	40.0				40.0	40.0	22.0	14.0	342.0
			L 1	L 2			L 3												

Right Acre Limit: 205.0

POU Total Acres: 345.0

Transfer No. 83159

AMENDED

WATER RIGHT NO. 63-25982**As Modified by Transfer No. 83159****PLACE OF USE: IRRIGATION 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	01W	3													X				

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 205 acres within the authorized place of use in a single irrigation season.
2. Rights 63-11060, 63-25981 and 63-25982 when combined shall not exceed a total diversion rate of 1.54 cfs, a total annual maximum diversion volume of 501.4 af at the field headgate.
3. Rights 63-10536, 63-11060, 63-25981, 63-25982 and 63-31725 when combined shall not exceed a total irrigation of 205 acres.
4. The one irrigation pond established by the storage of water under 63-11060, 63-25981 and 63-25982 shall not exceed a total capacity of 6.0 acre-feet or a total surface area of 0.6 acre.
5. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 923 af at the field headgate for the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
8. 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.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
11. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 83159

AMENDED

WATER RIGHT NO. 63-25982

As Modified by Transfer No. 83159

CONDITIONS OF APPROVAL

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.

IDAHO
DWR

AMENDED

WATER RIGHT NO. 63-25981**As Modified by Transfer No. 83159**

In accordance with the approval of Transfer No. 83159, Water Right No. 63-25981 is now described as follows:

Right Holder: NORTH EAGLE 413 LLC
3103 W SHERYL DR
STE 100
MERIDIAN, ID 83642

Priority Date: 9/8/1951

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
IRRIGATION FROM STORAGE	03/01	to 11/15		6.0 af
IRRIGATION STORAGE	01/01	to 12/31		6.0 af
DIVERSION TO STORAGE	03/01	to 11/15	0.500 cfs	
IRRIGATION	03/01	to 11/15	0.670 cfs	110.1 af
			0.670 cfs	110.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L1 (NENE)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3	Twp 04N Rge 01W ADA County
GROUND WATER	NESE	Sec 3	Twp 04N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2							3.0										3.0
04N	01W	3	42.0	14.0	40.0	40.0	10.0			40.0	40.0				40.0	40.0	22.0	14.0	342.0
			L 1	L 2			L 3												

Right Acre Limit: 205.0

POU Total Acres: 345.0

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2							3.0										3.0
04N	01W	3	42.0	14.0	40.0	40.0	10.0			40.0	40.0				40.0	40.0	22.0	14.0	342.0
			L 1	L 2			L 3												

Right Acre Limit: 205.0

POU Total Acres: 345.0

Transfer No. 83159

AMENDED

WATER RIGHT NO. 63-25981

As Modified by Transfer No. 83159

PLACE OF USE: IRRIGATION 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	01W	3													X				

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 205 acres within the authorized place of use in a single irrigation season.
2. Rights 63-11060, 63-25981 and 63-25982 when combined shall not exceed a total diversion rate of 1.54 cfs, a total annual maximum diversion volume of 501.4 af at the field headgate.
3. Rights 63-10536, 63-11060, 63-25981, 63-25982 and 63-31725 when combined shall not exceed a total irrigation of 205 acres.
4. The one irrigation pond established by the storage of water under 63-11060, 63-25981 and 63-25982 shall not exceed a total capacity of 6.0 acre-feet or a total surface area of 0.6 acre.
5. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 923 af at the field headgate for the place of use.
7. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
8. 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.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
10. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
11. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 83159

WATER RIGHT NO. 63-25981

As Modified by Transfer No. 83159

CONDITIONS OF APPROVAL

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.

ATTENDED

WATER RIGHT NO. 63-31725

As Modified by Transfer No. 83159

In accordance with the approval of Transfer No. 83159, Water Right No. 63-31725 is now described as follows:

Right Holder: NORTH EAGLE 413 LLC
3103 W SHERYL DR
STE 100
MERIDIAN, ID 83642

Priority Date: 10/8/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	01/01	to 12/31	0.270 cfs	15.4 af
			0.270 cfs	15.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 3 Twp 04N Rge 01W ADA County
GROUND WATER	L1 (NENE)	Sec 3 Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3 Twp 04N Rge 01W ADA County
GROUND WATER	L3 (NENW)	Sec 3 Twp 04N Rge 01W ADA County
GROUND WATER	NESE	Sec 3 Twp 04N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	2							3.0										3.0
04N	01W	3	42.0	14.0	40.0	40.0	10.0			40.0	40.0				40.0	40.0	22.0	14.0	342.0
			L 1	L 2			L 3												

Right Acre Limit: 205.0

POU Total Acres: 345.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 205 acres within the authorized place of use in a single irrigation season.
2. Rights 63-10536, 63-11060, 63-25981, 63-25982 and 63-31725 when combined shall not exceed a total irrigation of 205 acres.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

AMENDED

WATER RIGHT NO. 63-31725

As Modified by Transfer No. 83159

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 923 af at the field headgate for the place of use.
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. 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.
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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

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 4, 2019

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

Re: Transfer No.: 83159
Water Right Nos: 63-10536, 63-11060, 63-25981, 63-25982, 63-31725

Amended Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Amended 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

for Nick Miller
Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING
ATTN: SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Amended Transfer) to the person(s) listed below:

Re: (Amended) Transfer No.: 83159

Water Right No(s): 63-10536, 63-11060, 63-25981, 63-25982, 63-31725

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

SPF WATER ENGINEERING
ATTN: SCOTT KING
300 E MALLARD DR STE 350
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.