

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
 To appropriate the public waters of the State of Idaho

Ident. No. 63-34721

1. Name of applicant(s) Toll Southwest LLC Phone 208-424-0020
 Name connector (check one): and or and/or
 Mailing address 3103 W Sheryl Dr, Ste 100 City Meridian
 State ID _____ ZIP 83642 Email acapell@tollbrothers.com

2. Name of representative, if any SPF Water Engineering Phone 208-383-4140
 Mailing address 300 E Mallard Dr, Ste 350 City Boise
 State ID _____ ZIP 83706 Email sking@spfwater.com

- a. Send all correspondence for this application to the representative and not to the applicant OR
 Send original correspondence to the applicant and copies to the representative.
- b. The representative may submit information for the applicant but is not authorized to sign for the applicant OR
 The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply Ground Water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
4N	1W	28			NE	SW	Ada	Ground Water	
4N	1W	28			NE	SW	Ada	Ground Water	

5. Water will be used for the following purposes:

Amount 1.6 cfs for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 1.6 cfs for Diversion to Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 10 afa for Irrigation/Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 1.6 cubic feet per second (cfs) and/or (b) 10 acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. One existing well, one proposed well, pond, integrated pressurized irrigation system.
- b. Height of storage dam n/a feet; active reservoir capacity 7.2 acre-feet; total reservoir capacity 7.2 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No
- c. Proposed well diameter is 12 inches; proposed depth of well is 400 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? Yes No
- e. If well is already drilled, when? unknown; drilling firm unknown; well was drilled for (well owner) unknown; Drilling Permit No. unknown

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by [Signature]
 Fee \$ 290 Received by KT Receipt No. W1047358 Date 4/29/19

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - d. Domestic; show number of households _____
 - e. Other; describe fully, Irrigation and aesthetic storage in a pond associated with the irrigation system.

9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols. X = Irrigation & Aesthetic Storage

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
4N	1W	28			15	7							40	32	40	40		40	40		254	
													X									

Total number of acres to be irrigated: 80 acres irrigation within a 254-acre permissible place of use

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 63-33980, surface water from Settlers Irrigation District and Nampa and Meridian Irrigation District.
11. a. Who owns the property at the point of diversion? Applicant
 b. Who owns the land to be irrigated or place of use? Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached narrative
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Thomas Coleman
 Signature of Applicant
Thomas Coleman, Division President
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

Permit Application Narrative

Applicant: Toll Southwest LLC

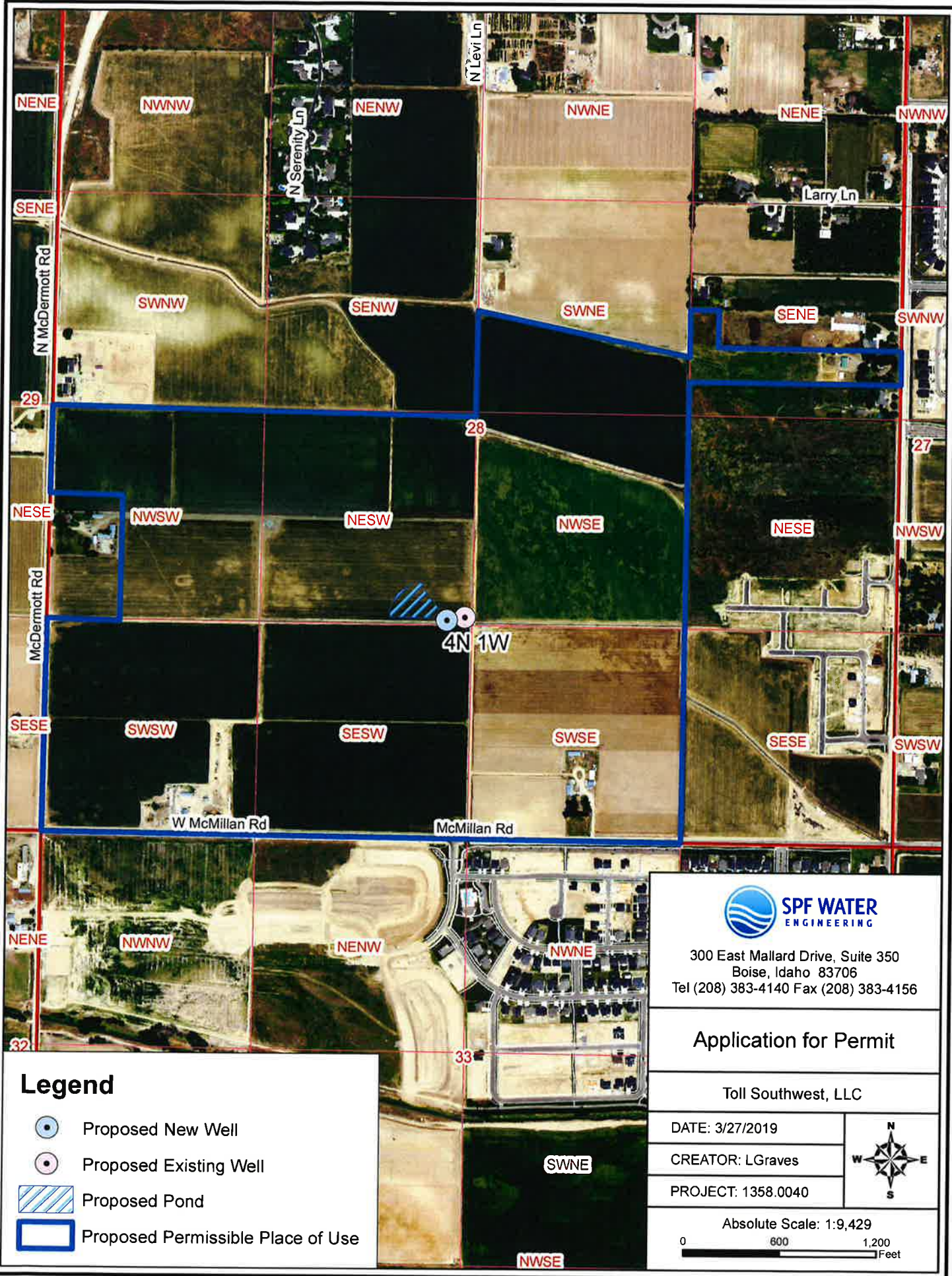
Proposed Irrigation

The 254-acre property located at T04N R01W Section 28, is planned for residential development. Irrigated open space and residential lots is expected to total 152 acres, which equates to about 60% of the total acres. Surface water provided by Settlers Irrigation District and Nampa & Meridian Irrigation District serves as the property's primary irrigation source. Currently, ground water right 63-33980 authorizes supplemental irrigation of 72 acres within the property boundary. The purpose of this application is to cover the remaining 80 acres (152 – 72) with supplemental ground water. The well authorized for water right 63-33980 is located outside the property boundary on land the applicant does not own. As part of this application and an accompanying transfer application, a new well and an existing well located within the property boundary are being proposed for diversion of applicant's proposed and authorized supplemental ground water. The property is within the Basin 63 restricted area for ground water tributary to the Boise River above Star Bridge requiring appropriation from aquifer zones deeper than 200 feet below ground surface. The anticipated water bearing zone to be appropriated for the proposed well is from 200 to 400 feet. The existing well will be camera-surveyed to identify its potential water bearing zones to ensure it meets the above requirement.





Proposed Pond

A pond with a 1.1-acre surface area and maximum depth of 15 feet will be utilized as part of the development's pressurized irrigation system. Ground water will be used to maintain pond water levels for year-round storage. Pond designers determined the storage volume is 7.23 af. Pond evaporation loss of 2.8 afa was calculated using ET Idaho (<http://data.kimberly.uidaho.edu/ETIdaho/>) precipitation deficit table for open water-shallow systems from the Caldwell weather station. The proposed well and existing well are located adjacent to the pond.

Path: S:\PROJECTS\SS\Inr_Z\Projects\T\Projects\Toll Brothers_13580040\The Oaks\PROJECT\GIS\src\Map_Projects\XFER_Map_7B.mxd



Legend

-  Proposed New Well
-  Proposed Existing Well
-  Proposed Pond
-  Proposed Permissible Place of Use



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

Application for Permit

Toll Southwest, LLC

DATE: 3/27/2019
 CREATOR: LGraves
 PROJECT: 1358.0040



Absolute Scale: 1:9,429
 0 600 1,200 Feet

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	Toil SW
REVIEWER	Lori Graves
DATE	3/27/2019

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Caldwell

Month	mm/day ¹	Days per month	mm/Month
Jan	-0.84	31	0.00
Feb	0.12	28	3.36
March	1.17	31	36.27
April	2.54	30	76.20
May	3.69	31	114.39
June	4.21	30	126.30
July	4.81	31	149.11
Aug	4.05	31	125.55
Sept	2.86	30	85.80
October	1.73	31	53.63
November	-0.08	30	0.00
December	-0.75	31	0.00

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total mm/year = **770.61**

56.99

[(mm/yr) ÷ (convert to feet)] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet

(**770.61** ÷ **304.8**) X **1.10** = **2.8 AFA**

Total Storage Calculations

FILE NUMBER	63-34620
REVIEWER	Lori Graves
DATE	12/6/2018

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	1.1	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	6.57	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	7.227	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.

Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a " <u>From Storage</u> " component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	2.8	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	10.0	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST STREET SOUTH, NAMPA, ID 83651-4395

Assessment #

1156 - -

Assessment Number Report

MailTo: NEW OAKS LLC
 5662 CALLE REAL APT 254
 GOLETA CA 93117-2317

Deeded To: NEW OAKS LLC

Property Address: 5390 N MCDERMOTT ROAD
 MERIDIAN ID

Ada County Parcel #: S0428314850

Legal Description:

N-HF SW QTR SEC 28 4N 1W EXCEPT COM NW COR SW QTR SEC 28 4N 1W, TH S 540.97 FT RPB; TH E 450 FT, TH S 774.4 FT, TH W 450 FT, TH N 774.4 FT TO BEG

Status:	Active	Actual Acres:	72.00	<u>Rental Roll 2019</u>	
Roll:	Rental Roll	District Land:	No	Assessment Expense:	16.75
Tax Group:	Rental Code 1	Urban Irrigation:		Ridenbaugh Maintenance:	5,400.00
TCCA:	No	Pending Segregation:	No	Total:	\$5,416.75
LID:		Pending Exclusion:	No		
Bankruptcy:	No	Tax Deed:	No		
Delinquent:	No				

Water and Drainage Rights:

Ridenbaugh Miner's Inches:	54.00	Ridenbaugh Drainage Acres:		Ridenbaugh Acre Feet:	
Ridenbaugh Acres:	72.00	Project Drainage Acres:		Project Acre Feet:	
Project Miner's Inches:		Settlers Drainage Acres:		Arrowrock Acre Feet:	
Project Acres:		New York Drainage Acres:			

Water Delivery:

Delivery Agent	Lateral	Tap	Rotate	RMI	RA	PMI	PA
NMID	CREA	16804	No	54.00	72.00		

Lateral	Rider Name	Primary Phone	Secondary Phone
CREA	Wes King	887-1117	

Comments:

History Log:

13. Update (09-Feb-2018 09:11 AM sburnham)

Changed From:

Name/Address:

Modified:

Type: MailTo

Name: NEW OAKS LLC

Address: 1116 VISTA AVE #471

City: BOISE

State: ID

Zip: 83705-2429

12. Update (09-Feb-2018 09:04 AM sburnham)

Changed From:

Legal Description: N-HF SW QTR SEC 28 4N 1W EXCEPT COM NW COR SW QTR SEC 28 4N 1W, TH S 540.97 FT RPB; TH E 450 FT, TH S 774.4 FT, TH W 450 FT,

NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST STREET SOUTH, NAMPA, ID 83651-4395

Assessment #
1157 - -

Assessment Number Report

MailTo: NEW OAKS LLC
 5662 CALLE REAL APT 254
 GOLETA CA 93117-2317

Deeded_1: NEW OAKS LLC

Property Address: 5380 W MCMILLAN ROAD
 MERIDIAN ID

Ada County Parcel #: S0428420000

Legal Description:
 W-HF SE QTR SEC 28 4N 1W

Status: Active	Actual Acres: 0.00	<u>Rental Roll 2019</u>	
Roll: Rental Roll	District Land: No	Assessment Expense:	16.75
Tax Group: Rental Code 1	Urban Irrigation:	Ridenbaugh Maintenance:	6,500.00
TCCA: No	Pending Segregation: No	Total:	<u>\$6,516.75</u>
LID:	Pending Exclusion: No		
Bankruptcy: No	Tax Deed: No		
Delinquent: No			

Water and Drainage Rights:

Ridenbaugh Miner's Inches: 65.00	Ridenbaugh Drainage Acres:	Ridenbaugh Acre Feet:
Ridenbaugh Acres: 80.00	Project Drainage Acres:	Project Acre Feet:
Project Miner's Inches:	Settlers Drainage Acres:	Arrowrock Acre Feet:
Project Acres:	New York Drainage Acres:	

Water Delivery:

Delivery Agent	Lateral	Tap	Rotate	RM1	RA	PMI	PA
NMID	CREA	16804	No	65.00	80.00		

Lateral	Rider Name	Primary Phone	Secondary Phone
CREA	Wes King	887-1117	

Comments:

History Log:

11. Update (09-Feb-2018 09:11 AM sburnham)

Changed From:

Name/Address:

Modified:

Type: MailTo
 Name: NEW OAKS LLC
 Address: 1116 VISTA AVE #471
 City: BOISE
 State: ID
 Zip: 83705-2429

10. Update (24-Mar-2017 04:46 PM koconnor)

Changed From:

Comments: new mailing address 1116 VISTA AVE #471 boISE, ID 83705 PER PHONE CALL WITH JEN

ELECTRONICALLY RECORDED - DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT.

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=10 BONNIE OBERBILLIG
PIONEER TITLE COMPANY OF ADA COUNTY

2018-117967
12/14/2018 12:07 PM
\$15.00

AFTER RECORDING MAIL TO:

GRANT DEED

Date: December 14, 2018

For Value Received, **NEW OAKS LLC, an Idaho limited liability company**, hereinafter referred to as Grantor, does hereby grant and convey unto **TOLL SOUTHWEST LLC, a Delaware limited liability company**, hereinafter referred to as Grantee, whose current address is 3103 West Sheryl Drive, Suite 100, Meridian, ID 83642, the following described premises, situated in Ada County, Idaho, to wit:

LEGAL DESCRIPTION: Real property in the County of Ada, State of Idaho, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever.

SUBJECT TO: taxes, levies, and assessments for the current year and subsequent years and the matters set forth on Exhibit "B" attached hereto.

NEW OAKS LLC,
an Idaho limited liability company

By: Coleman Real Estate Management LLC,
an Idaho limited liability company

Its: Manager

By: [Signature]
Name: NOELLE GAMBILL
Its: Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Santa Barbara) ss.)

On December 11, 2018 before me, Monica M. Schlagel, Notary Public, personally appeared Noelle Gambill, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature] (seal)

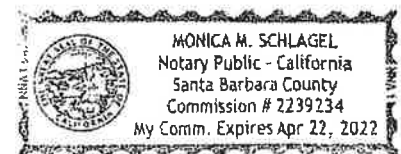
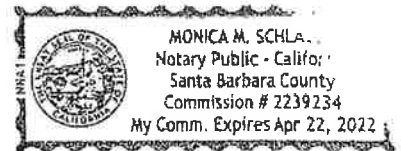


EXHIBIT A

A parcel of land located in Section 28, T.4N., R.1W., B.M., Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at the Southwest corner of the said Section 28, from which the S1/4 corner of said section bears South 89°16'58" East, 2635.25 feet;

thence along the West boundary of said section North 01°00'42" East, 1315.47 feet to the S1/16 corner of said Section 28;

thence along the North boundary of the SW1/4 of the SW1/4 of said Section 28 South 89°18'59" East, 450.00 feet;

thence leaving said North boundary North 01°00'42" East, 774.71 feet;

thence North 89°21'17" West, 450.00 feet to a point on the West boundary of said Section 28;

thence along said West boundary North 01°00'42" East, 540.97 feet to the W1/4 corner of said Section 28;

thence along the North boundary of the SW 1/4 of said Section 28 South 89°21'17" East, 1311.11 feet to the C-W 1/16 corner of said Section 28;

thence along the East boundary of the SW1/4 of the SW1/4 of said Section 28 South 00°52'12" West, 16.99 feet;

thence leaving said East boundary South 89°14'34" East, 789.50 feet;

thence North 64°03'54" East, 27.64 feet;

thence South 86°53'48" East, 189.53 feet;

thence South 89°14'51" East, 20.04 feet;

thence South 70°27'50" East, 25.64 feet;

thence South 81°00'03" East, 36.69 feet;

thence South 88°50'13" East, 85.57 feet;

thence South 86°14'58" East, 63.62 feet;

thence North 89°18'37" East, 45.49 feet;

thence South 78°07'47" East, 19.68 feet;

thence North 53°05'44" East, 16.53 feet to a point on the East boundary of the SW1/4 of said Section 28;

thence along said East boundary North 00°43'42" East, 24.90 feet to the C1/4 corner of said Section 28;

thence along the West boundary of the NE1/4 of said Section 28 North 00°43'58" East, 625.84 feet;

thence South 77°58'14" East, 1338.14 feet to a point on the East boundary of the SW1/4 of the NE1/4 of said Section 28;

thence a long said East boundary North 00°36'34" East, 297.33 feet;

thence South 89°22'11" East, 175.08 feet;

thence South 00°29'20" West, 230.00 feet;

thence South 89°22'02" East, 1136.34 feet to a point on the East boundary of said Section 28, said point also being on the existing Meridian City Limits boundary;

thence along said East boundary and said City Limits boundary South 00°29'20" West, 214.64 feet;

thence leaving said East boundary line North 89°21'07" West, 1312.36 feet to a point of the West boundary of the SE1/4 of the NE1/4 of said Section 28;

thence a long said West boundary South 00°36'34" West, 214.87 feet to the C-E 1/16 corner of said Section 28;

thence along the East boundary of the W1/2 of the SE1/4 of said Section 28 South 00°37'35" West, 2635.76 feet to a point on the South boundary of the SE1/4 of said Section 24;

thence along said South boundary North 89°16'45" West, 1317.68 feet to the S1/4 corner of said Section 28;

thence along the South boundary of the SW 1/4 of said Section 28 North 89°16'58" West, 2635.25 feet to the POINT OF BEGINNING.

EXCEPTING therefrom that portion lying within the following described parcel:

A parcel located in the SW1/4 and the W1/2 of the SE1/4 of Section 28, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a brass cap monument marking the southwest corner of said SW1/4 of Section 28, from which a brass cap monument marking the southeast corner of said SW1/4 bears S89°16'58"E a distance of 2635.25 feet;

Thence S89°16'58"E along the southerly boundary of said SW1/4 a distance of 856.37 feet to the POINT OF BEGINNING;

Thence leaving said southerly boundary N0°43'02"E a distance of 37.00 feet to a point;

Thence N45°42'28"E a distance of 52.53 feet to a point;

Thence N0°42'28"E a distance of 383.06 feet to a point;

Thence N44°12'21"W a distance of 28.24 feet to a point;

Thence N0°34'09"E a distance of 50.00 feet to a point;

Thence N5°24'27"W a distance of 137.10 feet to a point;

Thence N0°52'51"E a distance of 143.72 feet to a point;

Thence N86°25'38"E a distance of 42.70 feet to a point;
Thence N67°48'07"E a distance of 60.98 feet to a point;
Thence N18°04'56"W a distance of 100.26 feet to a point;
Thence N22°11'53"W a distance of 50.00 feet to a point;
Thence N6°25'06" W a distance of 85.90 feet to a point;
Thence N0°52'51"E a distance of 103.70 feet to a point;
Thence N1°00'42"E a distance of 49.37 feet to a point;
Thence S88°59'18"E a distance of 5.23 feet to a point;
Thence N46°00'42"E a distance of 7.07 feet to a point;
Thence N1°00'42"E a distance of 130.00 feet to a point;
Thence N88°59'18"W a distance of 75.00 feet to a point;
Thence N1°00'42"E a distance of 125.02 feet to a point;
Thence N1°00'01"E a distance of 50.00 feet to a point;
Thence N1°00'42"E a distance of 131.27 feet to a point;
Thence S80°25'38"E a distance 75.85 feet to a point;
Thence S89°42'52"E a distance of 75.01 feet to a point;
Thence N88°27'49"E a distance of 75.07 feet to a point;
Thence N67°41'09"E a distance of 67.88 feet to a point;
Thence N64°43'16"E a distance of 50.00 feet to a point;
Thence S25°16'44"E a distance of 55.37 feet to a point;
Thence N69°33'38"E a distance of 132.92 feet to a point;
Thence S30°14'17"E a distance of 107.59 feet to a point;
Thence S21°54'36"E a distance of 195.75 feet to a point;
Thence S1°00'42"W a distance of 75.00 feet to a point;
Thence S88°59'18"E a distance of 154.37 feet to a point;
Thence a distance of 40.94 feet along the arc of a 55.00 foot radius non-tangent curve left, said curve having a central angle of 42°38'51" and a long chord bearing S88°59'18"E a distance of 40.00 feet to a point.

Thence S88°59'18"E a distance of 136.71 feet to a point;
Thence N1°00'42"E a distance of 149.95 feet to a point;
Thence N17°35'33"E a distance of 75.05 feet to a point;
Thence N21°27'47"E a distance of 75.42 feet to a point;
Thence N24°38'44"E a distance of 65.00 feet to a point;
Thence N39°30'44"E a distance of 65.00 feet to a point;
Thence N53°30'14"E a distance of 66.87 feet to a point;
Thence N61°02'56"E a distance of 166.67 feet to a point;
Thence N54°03'09"E a distance of 95.88 feet to a point;
Thence S41°55'50"E a distance of 123.35 feet to a point;
Thence N56°00'22"E a distance of 11.24 feet to a point;
Thence S33°59'38"E a distance of 50.00 feet to a point;
Thence S38°50'20"E a distance of 121.28 feet to a point;
Thence S81°24'59"E a distance of 13.53 feet to a point;
Thence N56°00'22"E a distance of 331.12 feet to a point;
Thence N52°10'28"E a distance of 136.18 feet to a point;
Thence N9°05'40"E a distance of 166.97 feet to a point;
Thence N75°18'34"E a distance of 227.86 feet to a point;
Thence N63°08'06"E a distance of 110.19 feet to a point;
Thence N71°17'14"E a distance of 70.04 feet to a point;
Thence N75°33'47"E a distance of 610.00 feet to a point;
Thence N41°21'08"E a distance of 24.18 feet to a point;
Thence N75°33'47"E a distance of 50.00 feet to a point;
Thence S89°29'26"E a distance of 131.09 feet to a point on the easterly boundary of the W1/2 of the SE1/4 of Section 28;
Thence S0°37'35"W along said easterly boundary a distance of 1154.33 feet to a point;
Thence leaving said easterly boundary N89°22'25"W a distance of 1341.24 feet to a point;

Thence S0°43'02"W a distance of 1019.17 feet to a point;

Thence S7°43'25"E a distance of 124.64 feet to a point;

Thence S44°16'52"E a distance of 138.09 feet to a point;

Thence S0°43'15"W a distance of 74.00 feet to a point on the southerly boundary of said W1/2 of the SE1/4;

Thence N89°16'45"W along said southerly boundary a distance of 90.29 feet to a brass cap monument marking the southeast corner of the SW1/4 of said Section 28;

Thence N89°16'58"W along the southerly boundary of said SW1/4 a distance of 1778.88 feet to the POINT OF BEGINNING.

EXHIBIT B

1. Rights of way as disclosed by available maps. For: East Tap Lateral
2. Rights of way as disclosed by available maps. For: N. Black Cat Road
3. Rights of way as disclosed by available maps. For: McDermott Road
4. Rights of way as disclosed by available maps. For: Middle Tap Sublateral
5. Rights of way as disclosed by available maps. For: McMillan Road
6. Rights of way as disclosed by available maps. For: Creason Lateral
7. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein
In Favor of: Idaho Power Company
Recorded: August 23, 1967
Instrument No.: 672021
8. Terms, conditions, and provisions of Right-of-Way Certificate Agreement
Between: Creason Lateral Association and Land Owners Dated: October 30, 1967
Recorded: November 2, 1967
Instrument No.: 677040
9. Matters disclosed by Record of Survey
Survey No.: 2712
Recorded: January 3, 1994
Instrument No.: 94000017
As Follows:
McDermott Right of Way
10. Matters disclosed by Record of Survey
Survey No.: 5362
Recorded: April 25, 2001
Instrument No.: 101038517
As Follows:
McMillan Road Right of Way McDermott Road Right of Way
11. Master Pathway Agreements upon the terms, provisions and consequences arising therefrom.
Between: Nampa Meridian Irrigation District, the City of Meridian, the City of Boise and the County of Ada County
Instrument Nos.: 100102999, 101002090, 101002091, 101009649, 101013585

12. Matters disclosed by Record of Survey
Survey No.: 6715
Recorded: December 8, 2004
Instrument No.: 104155006

As Follows:

25' Prescriptive easement for McMillan Road

13. Matters disclosed by Record of Survey
Survey No.: 6717
Recorded: December 8, 2004
Instrument No.: 104155008

As Follows:

McDermott Road Right of Way

25' Prescriptive Easement for McMillan Road

14. Matters disclosed by Record of Survey
Survey No.: 6918
Recorded: May 26, 2005
Instrument No.: 105066988

As Follows:

N. Black Cat Road Right of Way

15. Ordinance No. 09-1393 by City of Meridian upon the terms and provisions set forth therein.
Dated: January 6, 2009
Recorded: January 9, 2009
Instrument No.: 109002090

16. Terms, conditions, and provisions of Development Agreement
Between: City of Meridian and Coleman Homes, LLC Dated: April 22, 2014
Recorded: April 25, 2014
Instrument No.: 114030972

Assignment of Grantor's Rights and Coordinated Development Agreement for the Oaks
By and Between: Oakcreek LLC, an Idaho limited liability company and Toll ID I LLC, an Idaho
limited liability company
Recorded: November 4, 2016
Instrument No.: 2016-107409

17. Ordinance No. 14-1602 by City of Meridian upon the terms and provisions set forth therein.
Recorded: April 25, 2014
Instrument No.: 114030973

18. Terms, conditions, and provisions of Oaks Lift Station and Pressure Sewer Reimbursement
Agreement for Infrastructure Enhancement
Between: New Oaks LLC, an Idaho limited liability company and City of Meridian Dated:
February 9, 2016
Recorded: February 11, 2016
Instrument No.: 2016-011639

19. Terms, conditions, and provisions of Road Easement Agreement
Between: Toll Southwest LLC, a Delaware limited liability company and New Oaks LLC, an Idaho
limited liability company
Dated: October 29, 2018
Recorded: October 29, 2018
Instrument No.: 2018-103078



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

August 29, 2019

SETTLERS IRRIGATION DISTRICT
1910 N GARDEN ST
BOISE ID 83706

NAMPA & MERIDIAN IRRIGATION DISTRICT
1503 FIRST ST SOUTH
NAMPA ID 83651

Re: Application for Permit No. 63-34721

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to *The Idaho Statesman* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **September 23, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser'.

Anna Kaiser
Administrative Assistant
Western Regional Office

Enclosures



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

August 28, 2019

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

**Application for Permit No. 63-34721
Transfer No. 83210**

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 9/5/2019 and 9/12/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser'.

Anna Kaiser
Administrative Assistant

CC:

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

Kaiser, Anna

From: Kaiser, Anna
Sent: Wednesday, August 28, 2019 2:39 PM
To: 'BOI Legals'
Subject: Ada Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 9/5/2019 & 9/12/2019.

Please confirm these are okay to publish as shown.

Thank You,

Anna Kaiser | Administrative Assistant I

IDWR-Western Region

2735 W Airport Way, Boise ID 83705

(208).334.2190 | anna.kaiser@idwr.idaho.gov

August 28, 2019

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No.(s): 63-34619, 63-34721
RE: Transfer No. 83249, 83210

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 9/23/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

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

63-34619

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

63-34721

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

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

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

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83210**

TOLL SOUTHWEST LLC, 3103 W SHERYL DR STE 100, MERIDIAN, ID 83642-5674; has filed Application No. 83210 for changes to the following water rights within ADA County(s): Right No(s). 63-33980; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to change the point of diversion, add a diversion point, change the place of use, and update the water right ownership for water right 63-33980. The new point of diversion will be located adjacent to the current point of diversion in the NESW quarter of section 28 Twp 04N Rge 01W. While the amount of water used will not increase, water will be used at the current place of use and an additional 182 acres northeast of Meridian.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 9/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

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



RECEIVED

April 26, 2019

APR 29 2019

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
2735 W Airport Way
Boise, ID 83705-5082

Dear Nick,

On behalf of our client, Toll Southwest LLC, are the following documents:

- Application for permit to appropriate groundwater for irrigation and irrigation storage.
- Application for transfer changing the place of use of a supplemental irrigation water right so that it can be used within a permissible place of use, and changing the point of diversion to an existing well and a new well.

A check for \$870 is enclosed for application fees based on \$290 for the Permit application, and \$580 for the Transfer application.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott N. King".

Scott N. King, P.E.
Supervising Engineer

cc: Toll Southwest LLC (via email)
Michael Lawrence (via email)

File: 1358.0040

Smith, Tyler

From: Scott King <SKing@spfwater.com>
Sent: Wednesday, August 14, 2019 4:06 PM
To: Smith, Tyler; acapell@tollbrothers.com
Subject: RE: Application for permit 63-34721 & Transfer Application 83210
Attachments: NMID & Settlers Entitlements.pdf

Tyler,

Thank you for the telephone call to discuss these items. We are pleased to see this application moving along and are looking forward to advertising. Following is a written reply to confirm our discussion.

1. We don't believe that the existing water right being transferred requires a change in the nature of use. The new application for permit covers groundwater storage in the pond. The existing right 63-33980, when used, will "skim over the top" and not fulfill a storage component. Changing the nature of use on the existing right would be redundant with the application for permit. This approach is consistent with our prior experience. I understand you'll check into this and let us know.
2. Attached describes the Irrigation District entitlements. The first page was provided by Vickie Keen at Settlers Irrigation District showing acres and Miners Inches for accounts 1, 59, 124, 490, 491 and 794. The following two pages are NMID's assessment for accounts 1156 and 1157.
3. The pond will be membrane-lined.
4. The application map correctly identifies the pond in Section 28 NESW. The application is incorrect in SWNE and should be changed to NESW.
5. In the time since submitting the application, testing of the existing well proved that it will be insufficient and the well will be abandoned. The new well will be constructed with water bearing zones deeper than 200 feet below ground surface with an anticipated production zone from 200 to 400 ft bgs.

Please let me know if you have further questions.

Thank you,
Scott King
SPF Water Engineering
208-383-4140

From: Smith, Tyler <Tyler.Smith@idwr.idaho.gov>
Sent: Wednesday, August 14, 2019 2:57 PM
To: acapell@tollbrothers.com
Cc: Scott King <SKing@spfwater.com>
Subject: Application for permit 63-34721 & Transfer Application 83210

Thomas,

The Idaho Department of Water Resources (IDWR) is seeking additional information from you regarding your application for permit 63-34721 and your transfer application for water right number 63-33980.

In regards to the transfer application, clarification is needed as to why the storage pond mentioned in your application for permit is noted in your transfer application for a diversion system, but it does not mention a change in nature of use. This new use would be irrigation from storage, which is not covered in right 63-33980 or included on the transfer

application. Ultimately, this would result in a change in the nature of use of water right 63-33980, which would need to include the \$250 fee associated with such a change. Additionally, IDWR is seeking documentation showing that the applicant holds enough shares from Settlers Irrigation District and Nampa and Meridian Irrigation Districts to cover the 152 acres of irrigation the groundwater diversions are going to supplement.

In regards to the new application for permit, it is anticipated but needs to be confirmed that the proposed irrigation and aesthetic storage pond will have a liner. This is to ensure that the storage does not intercept shallow groundwater. Additionally, the POU table indicates the irrigation and aesthetic storage as being located in the SWNE ¼ but the map shows it in the NESW ¼. Please indicate which description is correct. Lastly, although it is included in the narrative that the proposed well's water bearing zone will be 200 to 400 ft below surface level, the applicant needs to state that both the existing well and the proposed well will not intercept shallow groundwater due to the points of diversion being within the basin 63 groundwater restricted zone.

This additional information will allow the Department to move forward in processing your application for permit and transfer application. If you have any questions or concerns feel free to contact me at this email or at 208-334-2190.

Best,

Tyler Smith

Idaho Dept. of Water Resources

Water Resource Agent

208.334.2190

tyler.smith@idwr.idaho.gov