

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**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

IN FILE # 63-10536

Transfer No. 83159

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 22nd day of August, 2019.


for Chief, Water Allocation Bureau



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	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

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 502.6 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. 63-11060
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.



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.

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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.

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

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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		6.0 af
			1.150 cfs	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

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	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

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	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

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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

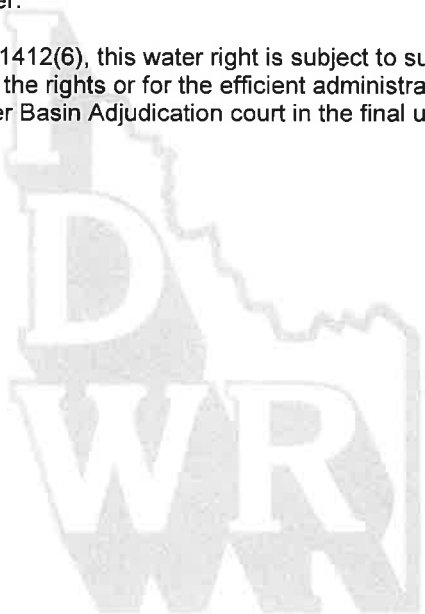
1. This right is limited to the irrigation of 205 acres within the authorized place of use in a single irrigation season.
2. Rights 63-11060, 63-25981 and 63-25982 when combined shall not exceed a total diversion rate of 1.54 cfs, a total annual maximum diversion volume of 502.6 af at the field headgate.
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.

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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.



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

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 502.6 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.

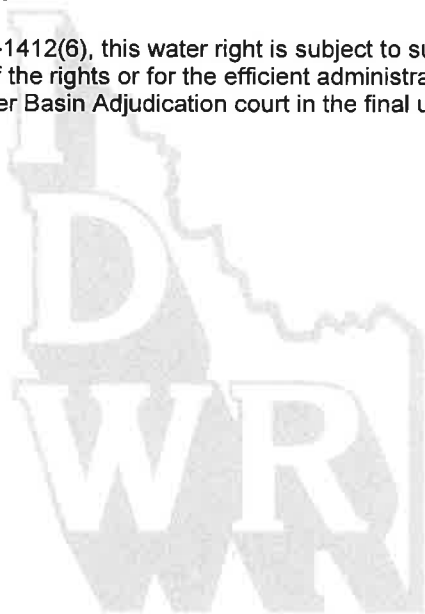
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WATER RIGHT NO. 63-25981

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.



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

BENEFICIAL USE
 IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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.

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WATER RIGHT NO. 63-31725
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CONDITIONS OF APPROVAL

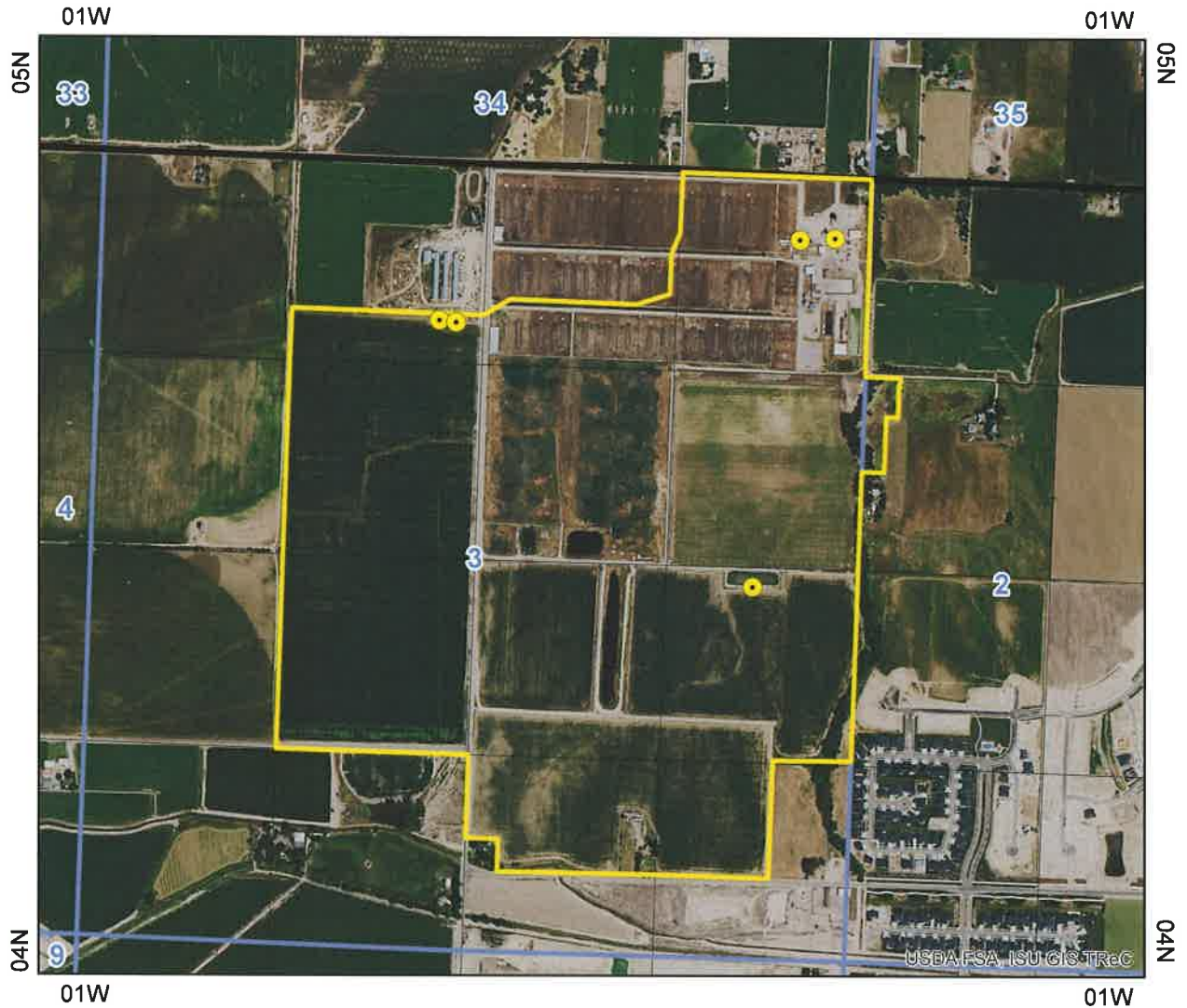
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 923 af at the field headgate for the place of use.
5. The right holder shall make full beneficial use of all surface water available to the right holder 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

Attachment to Water Right Transfer 83320

63-10536, 63-11060, 63-25981, 63-25982 and 63-31725

This map depicts the IRRIGATION and IRRIGATION FROM 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.



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

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 22, 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

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190

Sincerely,



Anna Kaiser

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 August 22, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 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.

MEMORANDUM

TO: Transfer No. 83159
FROM: Patrick Kelly
DATE: 8/2/2019
RE: Evaluation of Application

Summary of Information Submitted

Toll Southwest LLC (Company) is a property developer that plans to build out a residential subdivision in north Eagle, ID. The development property was partially a dairy farm operated by North Eagle 413 LLC. The company filed transfer no. 83159 to create a PPU on irrigation rights and a nature of use change to convert the stockwater and commercial use to irrigation. The residential development will irrigate common land using a mix of surface water delivered by New Dry Creek Ditch Co. and ground water via wells.

Lori Graves of SPF Water Engineering is the representative for the transfer. Ms. Graves can be reached at 208-383-4140 or lgraves@spfwater.com.

Authority to File

The application was filed in the name of Toll Southwest LLC. North Eagle 413 LLC is current water right owner to all rights listed in the transfer application. An affidavit from North Eagle grants Toll Southwest to submit the transfer on the owners behalf. An owners certificate shows that Thomas Coleman is the Division President and has authority to sign on the applicants behalf.

Water Right Validity

Validity is not a concern. The stockwater/commercial rights are valid as imagery shows a cattle yard present for some time. Irrigation water right 63-10536 shows 80 acres have been irrigated within its place of use in the last 5 years and is conditioned to be supplemental.

Overlap Analysis

All of the North Eagle rights from the dairy are included in the transfer application. Water rights 63-4148A and 63-25733 are de minimis rights that are likely to become forfeit if they intend to sell the property and never divert water for the purposes of the rights. These should either be placed in the water supply bank or abandoned. No additional rights should be considered for transfer.

Injury to Other Water Rights

None anticipated. The applicant is claiming that less water will be consumed as a result of the project going from fully consumptive stockyard to a sub division. Land use in the area is heavily agriculture. An opportunity to claim injury will be presented to water users through public advertisement.

Enlargement of Use

The stockwater/commercial rights being transferred are considered fully consumptive and are changing to an irrigation use that recognizes a portion of the rights are not fully consumed. The group of rights being transfer will still be limited to a maximum diversion of 3.41 cfs and 878 af. See the email to Scott King dated 6/7/19 for more detail.

Local Public Interest

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

Beneficial Use/Conservation of Water Resources

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

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

Summary

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

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263892	0004261117	The following applications have been filed to appropriate the public waters of the State of Idaho:	63-34702	\$508.48	2	16.22 In

Attention: Anna Kaiser

JENNINGS LYN
12663 W FREEDOM DR
BOISE, ID 837130007

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

63-34702
CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE, ID 83706-2898
Point of Diversion NESE S36 T04N R01E ADA County Source
GROUND WATER
Use: AESTHETIC STORAGE 01/01 to 12/31 8.8 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.32 CFS
Use: IRRIGATION 03/01 to 11/15 0.32 CFS
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 4 AF
Use: IRRIGATION STORAGE 03/01 to 11/15 4 AF
Total Diversion: 0.32 CFS 8.8 AF
Date Filed: 4/5/2019
Place Of Use: IRRIGATION, IRRIGATION STORAGE, AESTHETIC STORAGE, IRRIGATION FROM STORAGE
T04N R01E S36 NESE
Total Acres: 16
Water bearing zone to be appropriated is from 200 to 400 feet.

63-34713
CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY, ID 83714-1347
Point of Diversion SWSW S24 T04N R01E ADA County Source
GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 41.3 AF
Total Diversion: 41.3 AF
Date Filed: 4/15/2019
Place Of Use: AESTHETIC STORAGE
T04N R01E S23 SESE
T04N R01E S24 L5(SWSW)
Water bearing zone to be appropriated is from 0 to 15 feet.
Mitigation is proposed for consumptive use.

63-34714
CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY, ID 83714-1347
Point of Diversion NWNE S25 T04N R01E ADA County Source
GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 24.8 AF
Total Diversion: 24.8 AF
Date Filed: 4/15/2019
Place Of Use: AESTHETIC STORAGE
T04N R01E S24 SWSE
T04N R01E S25 NWNE
Water bearing zone to be appropriated is from 0 to 15 feet.
Mitigation is proposed for consumptive use.

63-34737
GERALD CARLSON
SHERRON CARLSON
912 W HEATHER WOODS DR
NAMPA, ID 83686-2679
Point of Diversion L1(NENE) S1 T02N R01W ADA County Source
GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Date Filed: 5/31/2019
Place Of Use: DOMESTIC
T02N R01W S1 L1(NENE)
Water bearing zone to be appropriated is from 138 to 210 feet.

63-34717
EG JOHNSON FARMS INC

VICTORIA RODELA, 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

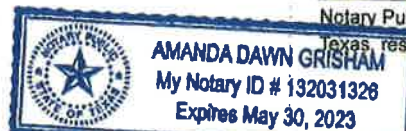
Beginning issue of: 06/20/2019

Ending issue of: 06/27/2019

V. Rodela
(Legals Clerk)

On this 9th day of July in the year of 2019 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

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



Legal document please do not destroy!

2400/ HIGHWAY 20/2b
 PARMA, ID 83660-7221
 Point of Diversion SENE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NESW S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion SESW S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NESE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NWSE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion SWSE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NWSW S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion SESE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NENE S10 T05N R04W CANYON County Source
 GROUND WATER
 Point of Diversion SWNE S10 T05N R04W CANYON County Source
 GROUND WATER
 Point of Diversion SENW S10 T05N R04W CANYON County Source
 GROUND WATER
 Point of Diversion NENW S11 T05N R04W CANYON County Source
 GROUND WATER
 Point of Diversion NWNW S11 T05N R04W CANYON County Source
 GROUND WATER
 Use: IRRIGATION 03/01 to 11/15 11 CFS
 Total Diversion: 11 CFS
 Date Filed: 4/18/2019
 Place Of Use: IRRIGATION
 T05N R04W S3 SWNE SENE SWNW SENW NESW NWSW
 SESW NESE NWSE SWSE SESE
 T05N R04W S10 NENE NWNE SWNE NENW SENW
 T05N R04W S11 NENW NWNW
 Total Acres: 691.8

Water bearing zone to be appropriated is from 300 to 1000 feet.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
 TRANSFER NO. 83159**

TOLL SOUTHWEST LLC, 3103 W SHERYL DR STE 100, MERIDIAN, ID 83642-5674, has filed Application No. 83159 for changes to the following water rights within ADA County(s): Right No(s): 63-10536, 63-11060, 63-25981, 63-25982, 63-31725; 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 convert the stockwater and commercial uses to irrigation for a new subdivision being developed 0.8 miles east of intersection Hwy 16 and W Beacon Light Rd. The user proposes to utilize existing wells with potential to drill one new well. Water bearing zone is from 66 to 620 feet.

JoK
 AK
 7/19/19

TRANSFER NO. 83320

NEW DRY CREEK DITCH CO, C/O KARI ROSTI 1460 N POLLARD LN, STAR, ID 83669, has filed Application No. 83320 for changes to the following water rights within ADA County(s): Right No(s): 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806; 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 place of use increase the service area of New Dry Creek Ditch Co (company) by 167 acres. All rights owned by the company will remain limited to 2,964 acres and is not an application to increase water diverted or acres irrigated. The increased service boundary will be used at the proposed place of use 0.8 miles east of State Hwy 16, south of Beacon Light Rd. Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region of ice 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 7/8/2019. The protestant must also send a copy of the protest to the applicant.

JoK
 AK
 7/19/19

GARY SPACKMAN, Director

Published on 6/20/2019 and 6/27/2019

000426111701