

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 83159MAY 23, 2019
AMENDED
WATER RESOURCES
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Toll Southwest LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B for each water right](#) for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 23 2019

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Toll Southwest LLC Phone 208-424-0020
Mailing address 3103 W Sheryl Dr, Ste 100, Meridian, ID 83642 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140
Mailing address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Email sking@spfwater.com

- ☐ 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.
- ☒ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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, Division President 5/22/19
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Proposed changes: (1) convert stockwater and commercial uses to irrigation and storage use; (2) add a new well and combine existing wells; (3) move the pond location; (4) allow a permissible place of use to reflect an integrated irrigation system.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-11060	1.54 / 496.4	Irrigation	3/1 to 11/15	Ground Water
☐ ☐		7.1 afa	Irrigation Storage	1/1 to 12/31	
☐ ☐		1.0 cfs	Diversion to Storage	1/1 to 12/31	
☒ ☐	63-25981	0.67 / 103	Irrigation	3/1 to 11/15	Ground Water
☐ ☐		7.06 afa	Irrigation Storage	1/1 to 12/31	
☐ ☐		0.5 cfs	Diversion to Storage	1/1 to 12/31	
☒ ☐	63-25982	1.11 / 62.6	Irrigation	3/1 to 11/15	Ground Water
☐ ☐		7.06 afa	Irrigation Storage	1/1 to 12/31	
☐ ☐		0.83 cfs	Diversion to Storage	1/1 to 12/31	

Total authorized under rights 3.41 cfs and/or acre-feet. Rights 63-11060, 63-25981, & 63-25982 limited to 1.54 cfs & 502.6 afa when combined. Also see supplement page.

2. Total amount of water proposed to be transferred or changed 3.41 cubic feet per second and/or 7.1 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SE	3	4N	1W	Ada	Ground Water	
N	1		NE	NE	3	4N	1W	Ada	Ground Water	
N	1		NE	NE	3	4N	1W	Ada	Ground Water	
N	3		NE	NW	3	4N	1W	Ada	Ground Water	
N	3		NE	NW	3	4N	1W	Ada	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	2							3										3
		3	42	14	40	40	10			40	40				40	40	22	14	342
			L1	L2			L3								X				
Total Acres (for irrigation use)																			*345

X represents storage pond

*Propose 205 acres irrigation within a 345-acre permissible place of use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

[illegible]

Total authorized under rights 3.41 cfs and/or 2.1 ac-ft

****Insert this page into Part 1B of the Application for Transfer of a Water Right.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

4 existing wells, 1 proposed well, pond, integrated pressurized irrigation system.

Measuring devices and lockable controlling works will be accommodated upon Department's request.

- b. Who owns the property at the point(s) of diversion? **North Eagle 413 LLC**

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See attached authorization. Toll Southwest LLC has a contract to purchase the property.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete **Attachment WSB**.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Property is subject to residential development. See attached narrative.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

4 shares of surface water (27 inches per share) from New Dry Creek Ditch Company

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

See attached narrative.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-11060

Current Owner: NORTH EAGLE 413 LLC

Priority Date: 12/1/1989

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	1.54 CFS	215 AF
COMMERCIAL	12/16 to 03/14	0.04 CFS	0.9 AF
COMMERCIAL	03/15 to 12/15	0.81 CFS	285.5 AF
COMMERCIAL STORAGE	01/01 to 12/31		2.1 AF
COMMERCIAL FROM STORAGE	01/01 to 12/31		2.1 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
DIVERSION TO STORAGE	01/01 to 12/31	1 CFS	
<u>Total Diversion</u>		1.54 CFS	502.6 AF

Location of Point(s) of Diversion

GROUND WATER	L2(NW1/4NE1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
ADA County				
GROUND WATER	L1(NE1/4NE1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
ADA County				
GROUND WATER	L1(NE1/4NE1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
ADA County				

Place of Use

Page _____ of _____

STOCKWATER Within ADA County

T04N R01W S3	Lot 1	NENE	T04N R01W S3	Lot 2	NWNE
T04N R01W S3		SWNE			

COMMERCIAL Within ADA County

T04N R01W S3	Lot 1	NENE	T04N R01W S3	Lot 2	NWNE
T04N R01W S3		SWNE			

COMMERCIAL STORAGE Within ADA County

T04N R01W S3	SWNE
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COMMERCIAL FROM STORAGE Within ADA County

T04N R01W S3	Lot 1	NENE	T04N R01W S3	Lot 2	NWNE
T04N R01W S3		SWNE			

DOMESTIC Within ADA County

T04N R01W S3	Lot 1	NENE
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Place of Use: DIVERSION TO STORAGE same as STOCKWATER

Conditions of Approval:

1. Commercial use is for an office, two shops, truck and horse washing facilities, feed mixing facility and dust abatement.
2. X01 Domestic use is for 1 home.
3. Some of the water use authorized by this right is claimed with an earlier priority date on Snake River Basin adjudication Claim numbers 63-25981 and 63-25982. If Claims 63-25981 and 63-25982 are decreed as claimed, this right shall be diminished by the amount necessary to avoid any redundancy of water rights.

Licensed Date: 10/18/2004

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-25981

Current Owner: NORTH EAGLE 413 LLC

Priority Date: 9/8/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.67 CFS	108 AF
COMMERCIAL STORAGE	01/01 to 12/31		2.06 AF
COMMERCIAL FROM STORAGE	03/15 to 12/15		2.06 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.5 CFS	
<u>Total Diversion</u>		0.67 CFS	110.06 AF

Location of Point(s) of Diversion

GROUND WATER L2(SW1/4NW1/4NE1/4) Sec. 3, Twp 04N, Rge 01W B.M.
ADA County

Place of Use

STOCKWATER Within ADA County

T04N R01W S3	NENE	T04N R01W S3	NWNE
T04N R01W S3	SWNE		

COMMERCIAL FROM STORAGE Within ADA County

T04N R01W S3	NENE	T04N R01W S3	NWNE
T04N R01W S3	SWNE		

Place of Use: COMMERCIAL STORAGE same as STOCKWATER

Place of Use: DIVERSION TO STORAGE same as STOCKWATER

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E60 Right Nos. 63-25982, 63-25981 and 63-11060 are limited to a total combined diversion rate of 1.54 cfs and to a total combined annual diversion volume of 502.6 AF.
3. X02 Stockwater use is for 8090 head of cattle.

Decreed Date: 5/16/2007

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-25982

Current Owner: NORTH EAGLE 413 LLC

Priority Date: 10/1/1935

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	1.11 CFS	67.6 AF
COMMERCIAL STORAGE	01/01 to 12/31		2.06 AF
COMMERCIAL FROM STORAGE	03/15 to 12/15		2.06 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.83 CFS	
<u>Total Diversion</u>		1.15 CFS	69.66 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	L1(NE1/4NE1/4NE1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
GROUND WATER ADA County	L1(NE1/4NE1/4NE1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.

Place of Use

STOCKWATER Within ADA County

T04N R01W S3	NENE	T04N R01W S3	NWNE
T04N R01W S3	SWNE		

COMMERCIAL FROM STORAGE Within ADA County

T04N R01W S3	NENE	T04N R01W S3	NWNE
T04N R01W S3	SWNE		

DOMESTIC Within ADA County

T04N R01W S3	NENE
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Place of Use: COMMERCIAL STORAGE same as STOCKWATER

Place of Use: DIVERSION TO STORAGE same as STOCKWATER

Page _____ of _____

Conditions of Approval:

1. F02 2 points of diversion located in T04N R01W, S3, NENE
2. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. X02 Stockwater use is for 5045 head of cattle.
5. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. E60 Right Nos. 63-25982, 63-25981 and 63-11060 are limited to a total combined diversion rate of 1.54 cfs and to a total combined annual diversion volume of 502.6 AF.
8. X01 Domestic use is for 1 home.

Decreed Date: 5/17/2007

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-31725

Current Owner: NORTH EAGLE 413 LLC

Priority Date: 10/8/1962

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.27 CFS	15.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
	Total Diversion	0.27 CFS	15.4 AF

Location of Point(s) of Diversion

GROUND WATER

L3(NE1/4NW1/4)

Sec. 3, Twp 04N, Rge 01W B.M.

ADA County

Place of Use

STOCKWATER Within ADA County

T04N R01W S3	Lot 3	NENW	T04N R01W S3	SEnw
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DOMESTIC Within ADA County

T04N R01W S3	Lot 3	NENW
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Conditions of Approval:

1. X60 Place of use is located within Parcel No. S0403213500.
2. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
3. X01 Domestic use is for 1 home.
4. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 3/23/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-10536

Current Owner: NORTH EAGLE 413 LLC
Priority Date: 9/15/1987
Origin: Water Right
Status: Active
Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.6 CFS	360 AF
	<u>Total Diversion</u>	1.6 CFS	360 AF

Location of Point(s) of Diversion

GROUND WATER
ADA County

L3(N/E1/4NW1/4) Sec. 3, Twp 04N, Rge 01W B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01W S3	Lot 3	NENW	10.00	T04N R01W S3	SEnw	35.00
T04N R01W S3		NESW	35.00			

Total Acres: 80

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
2. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

Licensed Date: 7/18/1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

The groundwater right 63-10536 has supplemented New Dry Creek Ditch Company. This transfer changes the place of use of this supplemental right, but it will continue to supplement New Dry Creek Ditch Company. The availability and reliability of the New Dry Creek Ditch Company water, the primary right, is not expected to change.

FOR DEPARTMENT USE ONLY

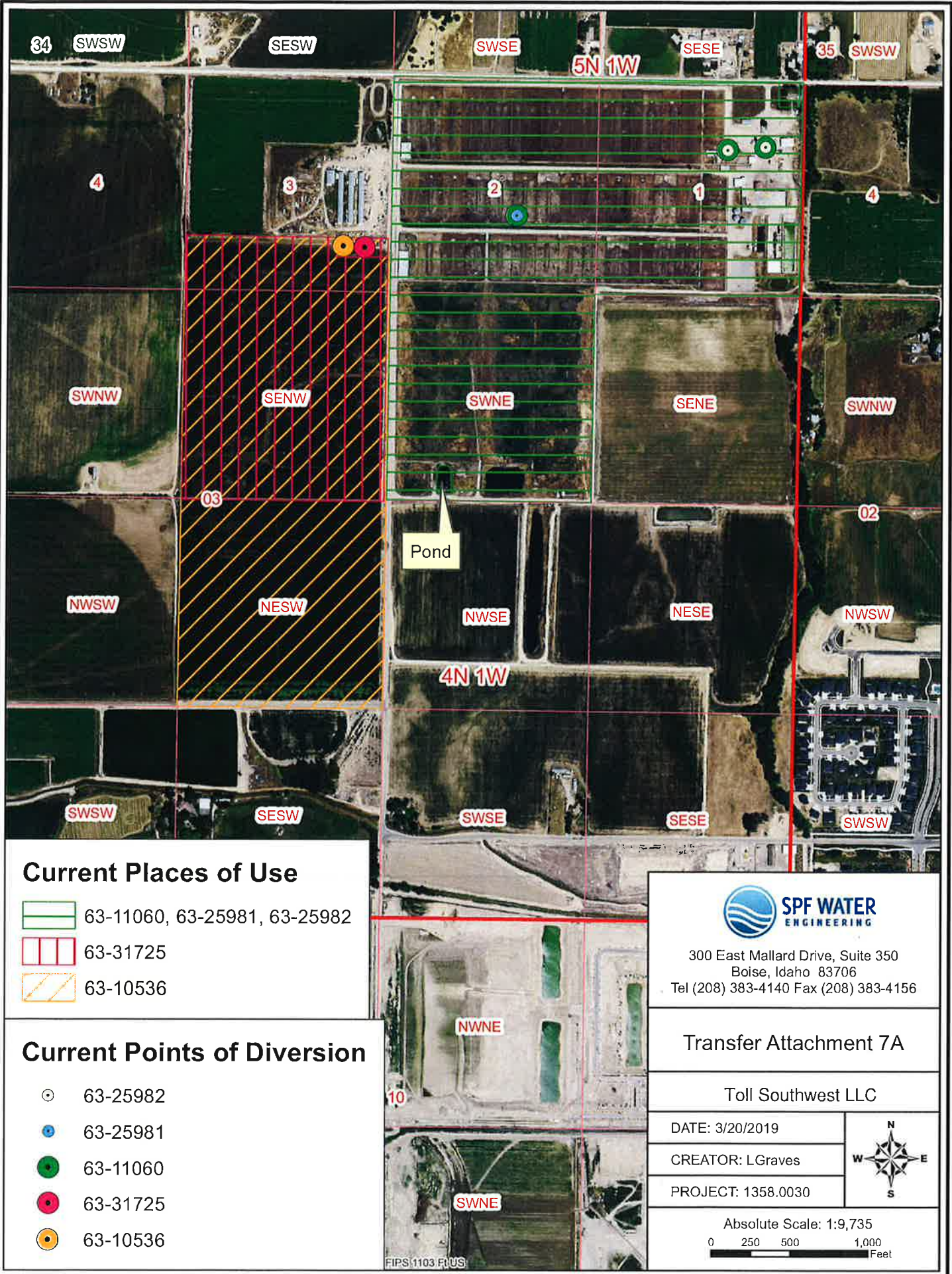
Transfer contains _____ pages and _____ attachments.

Received by KT Date 5-23-19 Preliminary check by _____ Date _____

Fee paid \$990 Date 4-15-19 Received by KT Receipt # W047317

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



Current Places of Use

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

Current Points of Diversion

-  63-25982
-  63-25981
-  63-11060
-  63-31725
-  63-10536



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

Transfer Attachment 7A

Toll Southwest LLC

DATE: 3/20/2019

CREATOR: LGraves

PROJECT: 1358.0030



Absolute Scale: 1:9,735

0 250 500 1,000 Feet

FIPS 1103 F US

SPF WATER
ENGINEERING

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

Transfer Attachment 7B

Toll Southwest LLC

DATE: 3/20/2019

CREATOR: LGraves

PROJECT: 1358.0030



Absolute Scale: 1:9,735

A horizontal scale bar with tick marks at 0, 250, 500, and 1,000. The word "Feet" is written at the right end of the bar.

Legend

-  Proposed Wells (existing)
-  Proposed Well (new)
-  Proposed Pond
-  Proposed Permissible Place of Use

Transfer Attachment 8a

Water Right Transfer Application (Amended) Narrative with Water Balance

Applicant: Toll Southwest LLC

The 345-acre property located at T04N R01W Section 3, formerly a cattle feedlot operation, is planned for residential development. Irrigated open space and residential lots is expected to total 205 acres. The property has 4 shares of New Dry Creek Ditch Company (NDCDC) water, which at 27 Miner's Inches per share, provide a primary supply for approximately 108 acres. Groundwater will supply the 97-acres not covered by NDCDC, and will also be a supplemental supply to the NDCDC acres.

Groundwater rights associated with the property include the following (see also Table 1):

- 63-10536 provides 1.6 cfs and 360 afa for irrigation of 80 acres, supplementing NDCDC.
- 63-11060, 63-23981 & 63-25982 together provide 1.54 cfs and 502.6 afa for commercial, stockwater, and domestic uses.
- 63-31725 that provides 0.27 cfs and 15.4 afa for stockwater. This right also has a domestic component.

The applicant proposes changing the commercial and stockwater components of these rights to irrigation use. Commercial storage and a portion of the irrigation use is changed to irrigation storage for a pond. Irrigation right 63-10536 is changed so that it can be used within the 345-acre permissible place of use, remaining supplemental to the NDCDC supply.

Water Right	Priority Date	Water Use	Div. Rate (cfs)	Div. Volume (afa)	Total Acres	Combined Use Limits	
						Div. Rate (cfs)	Div. Volume (afa)
63-10536	9/15/1987	IRRIGATION	1.60	360	80.0		
63-11060	12/1/1989	STOCKWATER	1.54	215	0.0	1.54	502.6
		DOMESTIC	0.04	1.2			
		COMMERCIAL	0.81	285.5			
		COMMERCIAL STORAGE		2.1			
		COMMERCIAL FROM STORAGE		2.1			
		DIVERSION TO STORAGE	1.0				
63-25981	9/8/1951	STOCKWATER	0.67	108	0.0		
		COMMERCIAL STORAGE		2.06			
		COMMERCIAL FROM STORAGE		2.06			
		DIVERSION TO STORAGE	0.50				
63-25982	10/1/1935	STOCKWATER	1.11	67.6	0.0		
		DOMESTIC	0.04	13,000 gpd			
		COMMERCIAL STORAGE		2.06			
		COMMERCIAL FROM STORAGE		2.06			
		DIVERSION TO STORAGE	0.83				
63-31725	10/8/1962	STOCKWATER	0.27	15.4	0.0		
		DOMESTIC	0.04	13,000 gpd			

Table 1: Transferred Water Rights

NDCDC water will be directed to an irrigation storage pond. The pond will include a pumping station to deliver the water into the pressurized irrigation (PI) system. The property's existing wells are not near the pond and it is anticipated that if these wells are serviceable, diversions from the wells will be pumped directly into the PI system. If the existing wells are insufficient to meet project needs, one new well is anticipated for construction adjacent to the pond.

The City of Eagle requires an average irrigation flow of 0.017 cfs per acre, and a peak flow of 0.0215 cfs per acre. This peak flow exceeds the Idaho standard of 0.02 cfs per acre. The pond described above will provide storage to meet peak demands.

Water right 63-10536 provides 360 afa for 80 acres as a supplemental supply. The transfer of stockwater and commercial rights provides 7.1 afa for storage and 496.4 afa for irrigation. The 2.1 afa commercial storage portion of the existing rights will be changed to irrigation storage for the pond with an additional 5 afa of commercial & stockwater changed to storage to accommodate the full 7.1 afa of storage.

Consumptive water use is calculated for 205 acres of turf using ET_{Idaho}2017 based on the Emmett climate station, which is nearest to this site (see Table 2). The mean annual consumptive irrigation requirement (CIR) is 836 mm per year, equivalent to 2.74 ft per year ($836 / 304.8 = 2.74$). The peak irrigation requirement is 5.58 mm/day, equivalent to 0.22 in/day ($5.58 / 25.4 = 0.22$).

Grass - Turf (lawns) - Irrigated															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
mm/day on Monthly Basis	-0.01	0.06	0.46	2.56	3.97	4.96	5.58	4.86	3.3	1.59	-0.21	-0.15	836	-11	825
Days per Month	31	28	31	30	31	30	31	31	30	31	30	31			365
Monthly Total		1.7	14.3	76.8	123.1	148.8	173.0	150.7	99.0	49.3			837		
Shoulder Season		1.7	14.3	38.4						49.3			104		

Table 2. Precipitation-deficit (Pdef) consumptive irrigation requirements for turf, Emmett climate station.

NDCDC will provide 0.36 in/day at 75% delivery, which exceeds the peak CIR. Therefore, NDCDC supplies are sufficient to meet the CIR for at least 108 acres during the portion of the irrigation season they are available. Water right 63-10536 supplies the shoulder season CIR for 80 acres of NDCDC's 108-acre, leaving 28 acres of shoulder season CIR that is accommodated with the transfer of stock and commercial rights. Shoulder season used for this analysis is prior to April 15 and after September 30. Shoulder-season CIR is calculated at 104 mm per year, equivalent to 0.34 feet per year ($104 / 304.8 = 0.34$). Therefore, groundwater CIR is 9.5 afa for these 28 acres ($0.34 \times 28 = 9.5$).

CIR for the 97 acres not supplied by NDCDC is calculated at 266 afa ($2.74 \text{ ft/yr} \times 97 \text{ acres} = 266 \text{ afa}$). Therefore, the total consumptive groundwater requirement is 275.5 afa ($9.5 + 266 = 275.5$).

Transfer of Commercial and Stockwater Rights to Irrigation Use

It is fairly standard practice to change irrigation water rights to other uses, such as stockwater and commercial for a feedlot or a dairy, or to industrial use for a cheese processing facility for example. These

changes typically require the transferred volume be limited to the consumptive irrigation portion of the irrigation right. There is an assumed expectation that feedlot, dairy, or industrial water use is fully consumptive. It is therefore reasonable to conclude all or a majority of the former feedlot water use was consumptive. The field examiner for 63-11060 did note that on occasion, the fresh water pond overflowed into a nearby drain, a portion that would be non-consumptive.

Consumptive Use Under Feedlot Operation

The water rights file for 63-11060 provides a detailed analysis of water use for this right and rights 63-25981 and 63-25982. The volume calculations include the following:

- Commercial use included an office, outside workers, shop use, truck wash, horse wash, and feed mixing totaling 3.5 afa.
- Commercial use for dust abatement totaled 282.9 afa. Water was applied via sprinkler and truck systems.
- Stockwater use totaled 215 afa based on 16,000 head of cattle at 12 gpd per head.



Figure 1: Cross-hatched area is 83 acres of feedlot area sprinkled for dust abatement. Image 2011 NAIP.

The stockyard area where sprinklers were used for dust control totals about 83 acres. When 282.9 acre-feet of dust abatement water is applied over this area, the annual application depth is 3.42 acre-feet per

acre. Dr. Richard Allen with the University of Idaho suggested the following as a method to estimate consumptive use¹:

“As a quick estimate, you could take about 0.9 of the alfalfa reference ETr as an upper limit, given a daily wetting frequency, and cap that estimate by the gross amount of water applied. You can subtract out the ETIdaho estimate for bare soil as evaporation that would occur in the absence of the added water.”

Dr. Allen’s instructions yield a consumptive evaporation of 994 mm per year, equivalent to 3.26 acre-feet per acre ($994 / 304.8 = 3.26$). Calculations are provided in Table 3, which includes the alfalfa reference evaporation (ETr); calculates 90% of ETr; lists bare soil evaporation; subtracts bare soil evaporation from 90% of ETr; lists days per month of allowed dust abatement use; and calculates monthly potential dust abatement evaporation. For 83 acres, this totals 271 acre-feet ($3.26 \times 83 = 271$). This consumptive volume is less than the 282.9 acre-feet of water applied, and thus the consumptive component of dust abatement water use is capped at 271 acre-feet. Previously in this narrative, the projected CIR for groundwater was determined to be 275.5 afa, which is slightly more than the consumption for dust abatement alone.

Alfalfa Reference Evapotranspiration															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^d	mm/day												mm		
ETr, mm/day on monthly basis	0.56	1.37	3.01	4.73	5.98	6.74	6.99	6.14	4.49	2.78	1.17	0.55	0	1360	1360
90% of ETr	0.50	1.23	2.71	4.26	5.38	6.07	6.29	5.53	4.04	2.50	1.05	0.50			
Bare Soil Monthly ^c	0.05	0.24	0.47	0.66	0.64	0.71	0.71	0.63	0.42	0.16	-0.15	-0.03	137	0	137
90% of ETr - Bare Soil	0.45	0.99	2.24	3.60	4.74	5.36	5.58	4.90	3.62	2.34	1.05	0.50			35
Days / month allowed use	0	0	15	30	31	30	31	31	30	31	30	15			274
Total monthly ET	0	0	34	108	147	161	173	152	109	73	32	7			994

Table 3. Calculation of dust abatement consumptive use.

Prior transfers from irrigation to stockwater use presume the stockwater use is 100% consumptive. A transfer on the parent right of 63-31725, approved in 2006, changed a portion of stockwater use to aesthetic storage to mitigate for evaporation from a pond surface. This transfer treated the stockwater use as 100% consumptive. Therefore, the 215 afa of stockwater use under rights 63-11060, 63-25981 and 63-25982, and the 15.4 afa of stockwater use under 63-31725, is expected to be fully, or very nearly fully consumptive. The dust abatement consumptive component alone nearly matches the anticipated groundwater CIR. The additional 230.4 afa of consumptive stockwater use further clarifies that

¹ Personal communication, February 26, 2019.

enlargement in consumptive use is not proposed. Post transfer, there will be a significant decrease in groundwater consumption.

Water Bearing Zone

The property is outside of the Basin 63 area of concern for groundwater tributary to the Boise River above star bridge. Well Driller's Reports for wells constructed on the property indicate water bearing zones from 66 to 620 feet. This range of water bearing zones is consistent with the range anticipated for a new well if a new well is required.

APR 15 2013

WATER RESOURCES
WESTERN REGION

AFFIDVIT OF LEGAL INTEREST

STATE OF See Attached California AcknowledgmentCOUNTY OF " ") ss.
)

I, Noelle Gambill, Manager of Coleman Real Estate Management LLC, which is the Manager of North Eagle 413 LLC, 5662 Calle Real #254, Goleta, CA 93117, being first duly sworn, upon, oath, depose and say:

1. That North Eagle 413 LLC is the record owner of the property described on the attached, and I grant my permission to:

Toll Southwest, LLC
250 Gibraltar Road
Horsham, PA 19044

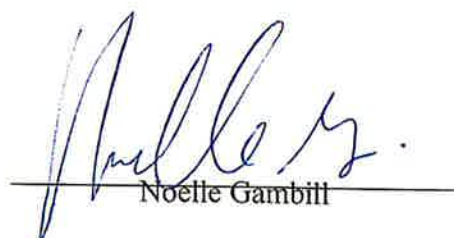
to submit the accompanying application with respect to that property.

Address or location of property: East and West of N. Palmer Lane, S. of Beacon Light Road and N. of Floating Feather Road, Eagle, Idaho

2. North Eagle 413 LLC agrees to indemnify, defend and hold the Idaho Department of Water Resources and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of this application. The undersigned is executing this affidavit solely in her capacity as an authorized representative of the Manager of North Eagle 413 LLC and not in her individual capacity. Accordingly, the undersigned will have no liability to Idaho Department of Water Resources hereunder.

Type of Application: IDWR Transfer and New Water Right Applications

Dated this 2nd day of April, 2019


Noelle Gambill

SUBSCRIBED AND SWORN to before me the day and year first above written.

Notary Public for Idaho
Residing at _____
My Commission Expires: _____
See Attached California Acknowledgment

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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.

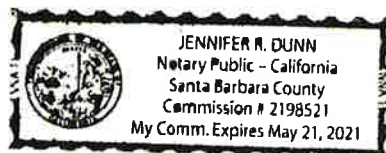
State of California

County of Santa Barbara }

On 4-02-19 before me, Jennifer R. Dunn, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Noelle Gambill
Name(s) of Signer(s)

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.

Place Notary Seal and/or Stamp Above

Signature Jennifer R. Dunn
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: _____

Signer is Representing: _____

**DESCRIPTION FOR
BELVOIR ESTATES SUBDIVISION**

A parcel of land located in the SW 1/4 of the NW 1/4 of Section 2 and in Section 3, Township 4 North, Range 1 West, Boise Meridian, Eagle, Ada County, Idaho being more particularly described as follows:

BEGINNING at the NE corner of said Section 3, said point being the NE corner of Government Lot 1 of said Section 3, from which the N 1/4 corner of said Section 3 bears North 89°04'58" West, 2617.71 feet;

Thence along the East boundary line of said Section 3 South 00°50'51" West, 1,369.53 feet to the SE corner of said Government Lot 1;

Thence along the North boundary line of the SW 1/4 of the NW 1/4 of said Section 2 South 89°14'40" East, 235.00 feet;

Thence leaving said North boundary line South 00°50'51" West, 291.00 feet;

Thence North 89°14'40" West, 80.00 feet;

Thence South 00°50'51" West, 377.00 feet;

Thence North 89°14'40" West, 155.00 feet to a point on the East boundary line of said Section 3;

Thence along said East boundary line South 00°50'51" West, 657.78 feet to the E 1/4 corner of said Section 3;

Thence continuing along said East boundary line South 00°48'34" West, 1,307.30 feet;

Thence leaving said East boundary line North 89°43'32" West, 541.20 feet;

Thence South 00°48'34" West, 805.20 feet;

Thence North 89°43'32" West, 1,863.58 feet;

Thence North 00°46'58" East, 206.88 feet;

Thence North 89°13'02" West, 208.70 feet to a point on the North-South centerline of said Section 3;

Thence along said North-South centerline North 00°46'58" East, 584.03 feet to the C-S 1/16 corner of said Section 3;

Thence along the South boundary line of the NE 1/4 of the SW 1/4 of said Section 3 North 89°12'24" West, 1,318.26 feet to the SW 1/16 corner of said Section 3;

Thence along the West boundary line of the NE 1/4 of the SW 1/4 of said Section 3 North 00°46'05" East, 1,326.90 feet to the C-W 1/16 corner of said Section 3;

Thence along the West boundary line of the SE 1/4 of the NW 1/4 of said Section 3 North 00°45'59" East, 1,676.20 feet;

Thence leaving said West boundary line South 89°08'39" East, 1,293.91 feet;

Thence South 00°46'37" West, 10.33 feet;

Thence South 89°22'51" East, 25.00 feet to a point on North-South centerline of said Section 3;

Thence along said North-South centerline North 00°46'37" East, 1,052.96 feet to the N1/4 corner of said Section 3;

Thence along the North boundary line of said Section 3 South 89°04'58" East, 2617.71 feet to **POINT OF BEGINNING**. Containing 372.30 acres, more or less.



RECEIVED

APR 15 2018

WATER RESOURCES
WESTERN REGION

TOLL SOUTHWEST LLC

OFFICER'S CERTIFICATE

I, Kenneth J. Greenspan, Vice President and Assistant Secretary of Toll Southwest LLC, a Delaware limited liability company (the "Company"), do hereby certify and confirm that the following individuals are duly appointed to the offices next to their names and they are individually authorized, empowered and directed to execute and deliver, for and on behalf of the Company, (i) any performance agreement, bond, escrow agreement, easement, permit application, license application, deed, record plat and any and all ancillary documents which may be required by various governmental municipalities and agencies; (ii) any agreement, easement and any and all related documents which may be required by utility companies and (iii) any agreement, deed or document with respect to the sale and conveyance of individual homes, lots or units owned by the Company:

Gary M. Mayo

Group President

Thomas Coleman

Division President

Ryan Hammons
Susan Stanley

Division Senior Vice President
Division Senior Vice President

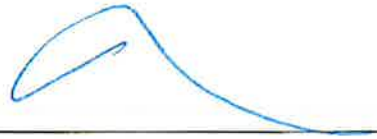
William E. Stanton

Division Vice President

IN WITNESS WHEREOF, the undersigned has executed this Officer's Certificate on this 26th day of July 2018.

TOLL SOUTHWEST LLC

By:


Kenneth J. Greenspan
Vice President and Assistant Secretary

Sworn and subscribed before me this 26th day of July 2018.


Notary Public

My commission expires: 4/6/19

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

ELIZABETH L. SELF, Notary Public
Horsham Township, Montgomery County
My Commission Expires April 6, 2019

City of Eagle, Idaho Pressure Irrigation Standards

USER INSTRUCTIONS AND GENERAL INFORMATION

These standards supplement the Idaho Standards for Public Works Construction (ISPWC) to guide the design and construction of pressure irrigation systems in subdivisions. The standards were created to define implementation of city ordinances, 9-4-1-9 of Water Supply and Sewer Systems, approved by the City of Eagle and of the pertinent requirements of IC 31-3805.

This document is not meant to replace use of the ISPWC, it is supplemental and does not include all specifications for use on public works projects due to many specialized applications. However, in the event of direct conflict between ISPWC and this document, this document shall govern.

IRRIGATION SYSTEMS

I. Existing Ground and Surface Water Use

Designer shall supply information and discuss each of the following:

- A. Available groundwater rights or surface rights (or shares) including the history of irrigation practice for the site including all parcels or phases.
- B. Availability and timing of surface water for distribution. Note if a specific amount of water is available certain days of the week or similar restrictions.
- C. Seasonal fluctuations including history of reduced availability
- D. Acres historically served versus development irrigable acres.
- E. Amenities served and anticipated consumptive water use.
- F. Requirements for supplemental irrigation needs before and after water is distributed by an irrigation company or district.
- G. Downstream obligations.

II. Ownership of the Irrigation System

Developer shall provide for the following:

- A. The entire pressure distribution system including but not limited to gravity supply or well, pump station, controls and distribution piping will be owned and maintained by a homeowners association. System management calculations and guidelines shall be developed and included with plans, specifications and CC&Rs.
- B. Developer's contractor shall coordinate on and offsite irrigation construction with the irrigation company or district of record, owner's engineer, and adjacent property owners associated with the existing irrigation system.

- C. Developer shall demonstrate compliance with Title 31, Chapter 38, Idaho Code.
- D. The city's engineer may make periodic visit(s) during construction and shall be present during testing of the system. As-built drawings and specifications shall be submitted to the City as a condition of final acceptance of the subdivision or development.
- E. DEVELOPER SHALL RETAIN FULL RESPONSIBILITY FOR THE MAINTENANCE AND OPERATION OF THE SYSTEM UNTIL THE HOMEOWNERS OBTAIN MAJORITY SHARE OF VOTING RIGHTS IN THEIR ASSOCIATION.
- F. It is not the intent of these provisions that larger systems service more than one development should be prohibited. Such systems are to be encouraged, but are subject to review by all concerned officers and advisers of the City on a case-by-case basis. Assurance of the presence of a competent permanent operating entity is the crucial concern in such cases.

III. Defined Water Source determined by availability

Irrigation water shall be supplied in sufficient amounts to meet the requirements of each development. Developments are encouraged to incorporate a variety of water saving measures to reduce irrigation over use. Designers may utilize a variety of schedules and products to ensure that irrigation use coincides with water availability. Common irrigation practices (such as, lawn sprinklers on timers to allow for nighttime application) shall be assumed unless otherwise identified. The designer shall identify all design and control assumptions. Any assumption leading to a design flow rate lower than the probable peak demand as defined by the algorithm following shall be explicitly stated as an instruction in the Operation and Maintenance Manual.

IV. Design Standards

The following standards shall be used to govern the design of a pressurized irrigation system for development and subdivisions.

A. Minimum Flow Rate Requirement

Adequacy of pressurized irrigation systems will be based on the Required Capacity Flow Rate calculation (QMax) for the development. The Required Capacity Calculation will be compared to the allotted irrigation water for the development in question. The following analysis method shall be used to determine the Required Capacity:

qind = Flow at individual lot.

QMax = Required Capacity Flow Rate.

KCo = Coincidence Coefficient

QAve = Mean irrigation flow based on a lawn requirement of 0.4 in/day

CAvail = Coefficient of Availability

= Ratio of hours in full week to number of hours per week irrigation water is available.

Pressure Irrigation Standards

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n = Number of lots

p = Probability of all lots irrigating at the same time.

Formulas:

$$p = \frac{QAve}{n \cdot CAvail \cdot qind}$$

$$KCo = 3.0 \sqrt{n \cdot p \cdot (1 - p)}$$

$$QMax = \frac{QAve}{CAvail} + KCo \cdot qind$$

Note: If the proposed irrigation system is controlled manually rather than by automatic timers, a multiplying factor of two shall be applied to QMax.

Allotted irrigation flow verification documents shall include all stipulations of use imposed by the entity supplying water to the development and any other information affecting the conditions of delivery of irrigation water. If it is determined that there is insufficient flow, measures shall be taken, and will be subject to review by the City or City Engineer, to ensure delivery of adequate supply of irrigation water to the development.

B. Diversion Structure

The irrigation district providing water to the site may have specific standards that govern the diversion structure. These standards shall apply if other comparable standards do not exist. Conflicts shall be presented to the city for resolution.

1. Install a Waterman ® C-9 Slide Gate, with 10' seating head, 0 feet unseating head, threaded stem and lift with handwheel standard, extended frames or stem extensions optional, onto a concrete headwall attached to corrugated metal, plastic or HDPE pipe or equivalent.
2. System design shall include primary flow and secondary overflow; pipes shall be sized to accommodate the maximum possible flow.
3. Install a Cipoletti weir downstream of the diversion valve to accommodate the maximum possible flow. A pre-filter screen or other filter shall be constructed in line prior to pump station. Pre-filter must have irrigation district approval or be located outside their jurisdictional area.

C. Storage Ponds

Storage ponds may be used to retain irrigation water for flow equalization or for recapture and reuse, or as a water amenity.

1. All ponds shall conform to the following standards:
 - a. Safety shelf at maximum 3 feet water depth with a 3:1 stabilized slope.
 - b. Total depth, 6-feet minimum.
 - c. Supplemental aeration may be required for ponds less than 12-feet deep.
 - d. If utilized for storm water retention, pond should include an emergency spillway to handle a 50-year frequency storm or be sized to retain 100-year event.
 - e. A minimum 30-foot perimeter easement from the top of bank shall be required for maintenance.
2. Landscape vegetation in accordance with design review approval should be established on all embankment slopes, borrow areas, or any other areas disturbed during construction.
3. Provide location of the pond area, cross sections, and if used for storm water retention, emergency outlet; required capacity and available capacity specifying personnel, budget, and sediment disposal procedures (this may be incorporated into the NPDES II storm water pollution prevention plan, if one is required).
4. Maintenance operation should be specified in the Operations and Maintenance Manual. Clean out of sediment basin shall occur when its effective storage capacity is reduced by 15 percent. The elevation corresponding to this level should be determined and specified in the design data as a measurable distance below the top of the riser. Disturbed areas should be revegetated immediately upon completing of the basin cleaning.
5. Tanks may be used in lieu of ponds for flow equalization. Design parameters for tanks will be reviewed on a case-by-case basis with particular emphasis on long-term maintenance capability.

D. Filtration

Each pressurized system using surface water shall be filtered. Filtration shall incorporate at a minimum a thirty mesh or smaller screen.

1. An appropriate filtration system shall be installed prior to entering the pump station such as a Clemons Clearwater Self Cleaning Suction Screen Model CW 200 or equivalent
2. The filter shall ensure no significant (or minimize) headloss
3. Filters must be self-cleaning suction or shall include a headgate for screen box cleanout.
4. Replacement part numbers and suppliers for controls, pressure transducers, and screen elements shall be provided.

E. Wet Well

The purpose of the wet well is to allow the pump to draw water without cavitating by insuring sufficient submersion of the pump or intake. Wet well construction shall meet the following:

1. A minimum 72" diameter pre-cast concrete wet well. A larger wet well may be required based on design. Construction area shall be mechanically compacted to 95% of standard proctor.
2. Pre-cast concrete base may be used. If an open bottom base is used it shall be set on a precast base ring and use a minimum of 6 inches of 2 inch washed rock to prevent sediment uptake. An open bottom base shall not be used if groundwater is above the base.
2. All strap or clamp attachments within the wet well shall be stainless steel.
3. Maintain a minimum of 2 feet separation from submersible pump from concrete base.
4. Wet well shall have a lockable expanded or solid metal protective cover.
5. The easement accessing the wet well shall be a minimum of 12 feet and provide for vehicle access at all times.

F. Pump system

A pump system design shall include an alarm system to alert the operator of inadequate water supply, electrical malfunction, and other common problems.

1. Actual number of pumps and configuration to be determined by the designer subject to review by the City Engineer, but the system must have a minimum of two pumps. System must be capable of meeting maximum demand with any pump out of service. System must be capable of functioning at a minimum flow not greater than the demand to irrigate a single lot. Variable frequency drive systems or other means may be used to attain variable delivery rate.
Exception: Single-pump system may be used if development is smaller than 10 (ten) acres. System operator in such case shall maintain spare pump on shelf ready to install.
2. Pumps, controls, piping, filter, and related items shall be installed in strict accordance with manufactures specifications and instructions. All construction shall be completed in conformance with ISPWC and any other plumbing or electrical codes that may be applicable. System shall be pressure tested to 1.5 times operating pressure. Pump controls shall include auto restart.
3. Power and control systems shall be located within the irrigation easement provided by the developer and shall conform to current applicable codes.
4. Perform pump rotation, NPSH and total head tests per pump manufacturer recommendation prior to placing the system in operation.
5. Pump contractor to provide shop drawings of pump configuration and plumbing to be used in record drawings.
6. Contractor to provide a screen or a full enclosure around pump station hardware and controls. Any full enclosure shall include an attic-type fan and thermostat. All screens and enclosures shall be submitted to the Design Review Committee for recommendation.

G. Control system

1. The pump control panel shall be constructed to NEMA 3R or better standards and shall include, but not limited to, the following features: Lightning surge arrestor; low/high voltage protection; low level pump shut-off with manual re-set; soft start systems for start up and shut down; phase failure and phase reversal protection; HOA switch; pumps shall be controlled by pressure switches; and motor rated circuit breakers with overload protection. The completed electrical system shall be a complete and operation component of the pumping system. The electrical system shall also include a 110 V, 30-amp convenience outlet and necessary transformer.
2. The electrical control panel shall include a digital sprinkler irrigation clock to control the solenoid-operated valve for timed cleaning of the Clemons or similar filter screen.

H. Distribution System

1. All lots shall be provided with irrigation water with a minimum pressure of 50 psi under design operation conditions and minimum one (1) bib per lot, minimum 1-inch diameter service. Design flows may necessitate larger diameter service or pressure.
2. All pipe shall be minimum class 120 psi or approved equal and services shall be minimum 1 ¼" DR 9.0 Polyethylene or equivalent pipe. Pipe shall be placed a minimum of 30 inches deep and be sloped to drain to the locations shown on the plans. Trenches shall be water settled or compacted.
3. Direct tapping of main is not allowed; tees or saddles required.
4. Thrust blocks of joint restraints, per water note #5 shall be installed where unequal forces exist. Thrust blocks shall be installed per section SD-403 of the ISPWC.
5. Identification tape: All irrigation mainlines shall be marked with warning tape as per ISPWC. The tape shall be buried 6 inches below the surface to 18 inches above the top of the pipe.
6. Gravity flow irrigation pipe shall be PVC SDR-41 or approved equivalent. All connections shall be watertight.
7. Cover all irrigation and drain boxes with expanded galvanized steel or aluminum grating or approved equivalent. All covers shall be securely fastened to the tops of concrete walls.
8. All irrigation risers and faucets shall be identified with durable tags carrying the warning "Danger-Unsafe Water" or "Non-Potable Water" or equivalent. If valve box lids intended for use in potable water systems are used, the word "water" shall be obliterated prior to installation.
9. No irrigation system shall be cross connected in any manner to any public water system unless the provisions for cross connection protection as referenced in ECC 9-4-1-9c.1a are incorporated in the design.
10. Ten feet of horizontal separation shall be maintained between water mains and non-potable water lines. At any location where pressure irrigation main and water main cross, the water pipe shall be centered so that both joints are located as far as possible from the crossing. A vertical separation distance of 18" shall be maintained wherever possible.

11. If drain plugs and drain boxes are employed to winterize the system, the location of valves and drain sumps shall be identified on the plan set and on the site by a sign identifying the drain.

I. Operation and Maintenance Manual

1. Owner shall deliver five copies of As-Built drawings and specifications along with five copies of an Operation and Maintenance assembled by the Engineer of Record to the Homeowners Association at such time as system is turned over to the Association.
2. The Operation and Maintenance Manual shall include the following:
 - a. Copies of pertinent sections of the CC&R's
 - b. Water right documentation
 - c. Maintenance requirements including agreements regarding source ditch
 - d. Copies of all manufacturer's recommended maintenance schedules for all pump system components
 - e. Manufacturer's specifications sheets, serial numbers, and date of manufacture of all components
 - f. Parts lists for all components
 - g. Electrical Schematics
 - h. Site specific start up and shut down procedures, along with winterizing procedures
 - i. Designer's and Installer's names and phone numbers
 - j. A section on Trouble Shooting
 - k. Pond or reservoir maintenance section
 - l. A reduced (11x17) Plan Set for the system

Conversion Factors - Irrigation

Miners Inches (Idaho)	Cubic Feet per Second	Gallons per Minute	Acre Feet Day
1.0	0.02	9.0	0.04
2.0	0.04	18.0	0.08
3.0	0.06	26.9	0.12
4.0	0.08	35.9	0.16
5.0	0.10	44.9	0.20
10.0	0.20	89.8	0.40
15.0	0.30	134.6	0.60
20.0	0.40	179.5	0.79
25.0	0.50	224.4	0.99
30.0	0.60	269.3	1.19
35.0	0.70	314.2	1.39
40.0	0.80	359.0	1.59
45.0	0.90	403.9	1.79
50.0	1.00	448.8	1.98

To Convert	Multiply By	To Obtain
Miners Inch	0.0200	Cubic feet per second (CFS)
CFS	448.831	Gallons per minute (GPM)
GPM	0.002228	CFS
CFS	1.9835	Acre feet per day (AFD)

For purposes of design and review, Irrigation Shares available for the subject property shall be quantified in terms of total volume over a period of time, flow rate, or in another manner as defined by the irrigation company or district responsible for delivery.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 83159

APR 15 2010

WATER RESOURCES
WESTERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Toll Southwest LLC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: _____

* THIS APPLICATION IS SUPERCEDED BY AMENDED APP REC 5-23-19.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APR 15 2019

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Toll Southwest LLC Phone 208-424-0020
Mailing address 3103 W Sheryl Dr, Ste 100, Meridian, ID 83642 Email acapell@tollbrothers.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative SPF Water Engineering Phone 208-383-4140
Mailing address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Email sking@spfwater.com

- ☐ 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.
- ☒ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 DIVISION PRESIDENT 4/9/19
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Proposed changes: (1) convert stockwater and commercial uses to irrigation use; (2) add a new well and combine existing wells; (3) move the pond location; (4) allow a permissible place of use to reflect an integrated irrigation system.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-11060	1.54 / 501.4	Irrigation	3/1 to 11/15	Ground Water
☐ ☐		2.1 afa	Irrigation Storage	1/1 to 12/31	
☐ ☐		1.0 cfs	Diversion to Storage	1/1 to 12/31	
☒ ☐	63-25981	0.67 / 108	Irrigation	3/1 to 11/15	Ground Water
☐ ☐		2.06 afa	Irrigation Storage	1/1 to 12/31	
☐ ☐		0.5 cfs	Diversion to Storage	1/1 to 12/31	
☒ ☐	63-25982	1.11 / 67.6	Irrigation	3/1 to 11/15	Ground Water
☐ ☐		2.06 afa	Irrigation Storage	1/1 to 12/31	
☐ ☐		0.83 cfs	Diversion to Storage	1/1 to 12/31	

Total authorized under rights 3.41 cfs and/or 502.6 acre-feet. Rights 63-11060, 63-25981, & 63-25982 limited to 1.54 cfs & 502.6 afa when combined. Also see supplement page.

2. Total amount of water proposed to be transferred or changed 3.41 cubic feet per second and/or 2.1 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SE	3	4N	1W	Ada	Ground Water	
N	1		NE	NE	3	4N	1W	Ada	Ground Water	
N	1		NE	NE	3	4N	1W	Ada	Ground Water	
N	3		NE	NW	3	4N	1W	Ada	Ground Water	
N	3		NE	NW	3	4N	1W	Ada	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) X represents storage pond

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	2							3										3
		3	42	14	40	40	10			40	40				40	40	22	14	342
			L1	L2			L3												
															X				
Total Acres (for irrigation use)																			*345

Propose 197 acres irrigation within a 345-acre permissible place of use

Supplemental Page for Description of Rights after Transfer**

****Insert this page into Part 1B of the Application for Transfer of a Water Right.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

4 existing wells, 1 proposed well, pond, integrated pressurized irrigation system.

Measuring devices and lockable controlling works will be accommodated upon Department's request.

- b. Who owns the property at the point(s) of diversion? North Eagle 413 LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

See attached authorization. Toll Southwest LLC has a contract to purchase the property.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Property is subject to residential development. See attached narrative.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

4 shares of surface water (27 inches/acres per share) from New Dry Creek Ditch Company

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

See attached narrative.

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-11060

Current Owner: NORTH EAGLE 413 LLC

Priority Date: 12/1/1989

Origin: Water Right

Status: Active

Basis: License

Source**Tributary****GROUND WATER**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	1.54 CFS	215 AF
COMMERCIAL	12/16 to 03/14	0.04 CFS	0.9 AF
COMMERCIAL	03/15 to 12/15	0.81 CFS	285.5 AF
COMMERCIAL STORAGE	01/01 to 12/31		2.1 AF
COMMERCIAL FROM STORAGE	01/01 to 12/31		2.1 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
DIVERSION TO STORAGE	01/01 to 12/31	1 CFS	
<u>Total Diversion</u>		1.54 CFS	502.6 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	L2(NW1/4NE1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
GROUND WATER ADA County	L1(NE1/4NE1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.
GROUND WATER ADA County	L1(NE1/4NE1/4)	Sec. 3,	Twp 04N,	Rge 01W B.M.

Place of Use

Page _____ of _____

STOCKWATER Within ADA County

T04N R01W S3	Lot 1	NENE	T04N R01W S3	Lot 2	NWNE
T04N R01W S3		SWNE			

COMMERCIAL Within ADA County

T04N R01W S3	Lot 1	NENE	T04N R01W S3	Lot 2	NWNE
T04N R01W S3		SWNE			

COMMERCIAL STORAGE Within ADA County

T04N R01W S3		SWNE
--------------	--	------

COMMERCIAL FROM STORAGE Within ADA County

T04N R01W S3	Lot 1	NENE	T04N R01W S3	Lot 2	NWNE
T04N R01W S3		SWNE			

DOMESTIC Within ADA County

T04N R01W S3	Lot 1	NENE
--------------	-------	------

Place of Use: DIVERSION TO STORAGE same as STOCKWATER

Conditions of Approval:

1. Commercial use is for an office, two shops, truck and horse washing facilities, feed mixing facility and dust abatement.
2. X01 Domestic use is for 1 home.
3. Some of the water use authorized by this right is claimed with an earlier priority date on Snake River Basin adjudication Claim numbers 63-25981 and 63-25982. If Claims 63-25981 and 63-25982 are decreed as claimed, this right shall be diminished by the amount necessary to avoid any redundancy of water rights.

Licensed Date: 10/18/2004

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-25981

Current Owner: NORTH EAGLE 413 LLC

Priority Date: 9/8/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.67 CFS	108 AF
COMMERCIAL STORAGE	01/01 to 12/31		2.06 AF
COMMERCIAL FROM STORAGE	03/15 to 12/15		2.06 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.5 CFS	
<u>Total Diversion</u>		0.67 CFS	110.06 AF

Location of Point(s) of Diversion

GROUND WATER

L2(SW1/4NW1/4NE1/4)

Sec. 3, Twp 04N, Rge 01W B.M.

ADA County

Place of Use**STOCKWATER Within ADA County**

T04N R01W S3	NENE	T04N R01W S3	NWNE
T04N R01W S3	SWNE		

COMMERCIAL FROM STORAGE Within ADA County

T04N R01W S3	NENE	T04N R01W S3	NWNE
T04N R01W S3	SWNE		

Place of Use: COMMERCIAL STORAGE same as STOCKWATER

Place of Use: DIVERSION TO STORAGE same as STOCKWATER

Page _____ of _____

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E60 Right Nos. 63-25982, 63-25981 and 63-11060 are limited to a total combined diversion rate of 1.54 cfs and to a total combined annual diversion volume of 502.6 AF.
3. X02 Stockwater use is for 8090 head of cattle.

Decreed Date: 5/16/2007

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-25982

Current Owner: NORTH EAGLE 413 LLC

Priority Date: 10/1/1935

Origin: Water Right

Status: Active

Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	1.11 CFS	67.6 AF
COMMERCIAL STORAGE	01/01 to 12/31		2.06 AF
COMMERCIAL FROM STORAGE	03/15 to 12/15		2.06 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	0.83 CFS	
<u>Total Diversion</u>		1.15 CFS	69.66 AF

Location of Point(s) of Diversion

GROUND WATER	L1(NE1/4NE1/4NE1/4)	Sec. 3, Twp 04N, Rge 01W B.M.
ADA County		
GROUND WATER	L1(NE1/4NE1/4NE1/4)	Sec. 3, Twp 04N, Rge 01W B.M.
ADA County		

Place of Use**STOCKWATER Within ADA County**

T04N R01W S3	NENE	T04N R01W S3	NWNE
T04N R01W S3	SWNE		

COMMERCIAL FROM STORAGE Within ADA County

T04N R01W S3	NENE	T04N R01W S3	NWNE
T04N R01W S3	SWNE		

DOMESTIC Within ADA County

T04N R01W S3	NENE
--------------	------

Place of Use: COMMERCIAL STORAGE same as STOCKWATER

Place of Use: DIVERSION TO STORAGE same as STOCKWATER

Page _____ of _____

Conditions of Approval:

1. F02 2 points of diversion located in T04N R01W, S3, NENE
2. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. X02 Stockwater use is for 5045 head of cattle.
5. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. E60 Right Nos. 63-25982, 63-25981 and 63-11060 are limited to a total combined diversion rate of 1.54 cfs and to a total combined annual diversion volume of 502.6 AF.
8. X01 Domestic use is for 1 home.

Decreed Date: 5/17/2007

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-31725

Current Owner: NORTH EAGLE 413 LLC
Priority Date: 10/8/1962
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.27 CFS	15.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
	<u>Total Diversion</u>	0.27 CFS	15.4 AF

Location of Point(s) of Diversion

GROUND WATER L3(N E 1/4 NW 1/4) Sec. 3, Twp 04N, Rge 01W B.M.
ADA County

Place of Use

STOCKWATER Within ADA County

T04N R01W S3 Lot 3 NENW T04N R01W S3 SENW

DOMESTIC Within ADA County

T04N R01W S3 Lot 3 NENW

Conditions of Approval:

1. X60 Place of use is located within Parcel No. S0403213500.
2. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
3. X01 Domestic use is for 1 home.
4. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 3/23/2009

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-10536

Current Owner: NORTH EAGLE 413 LLC

Priority Date: 9/15/1987

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.6 CFS	360 AF
	<u>Total Diversion</u>	1.6 CFS	360 AF

Location of Point(s) of Diversion

GROUND WATER

L3(NE1/4NW1/4) Sec. 3, Twp 04N, Rge 01W B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T04N R01W S3	Lot 3	NENW	10.00	T04N R01W S3	SENW	35.00
T04N R01W S3		NESW	35.00			

Total Acres: 80

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
2. The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.

Licensed Date: 7/18/1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

The groundwater right 63-10536 has supplemented New Dry Creek Ditch Company. This transfer changes the place of use of this supplemental right, but it will continue to supplement New Dry Creek Ditch Company. The availability and reliability of the New Dry Creek Ditch Company water, the primary right, is not expected to change.

FOR DEPARTMENT USE ONLY

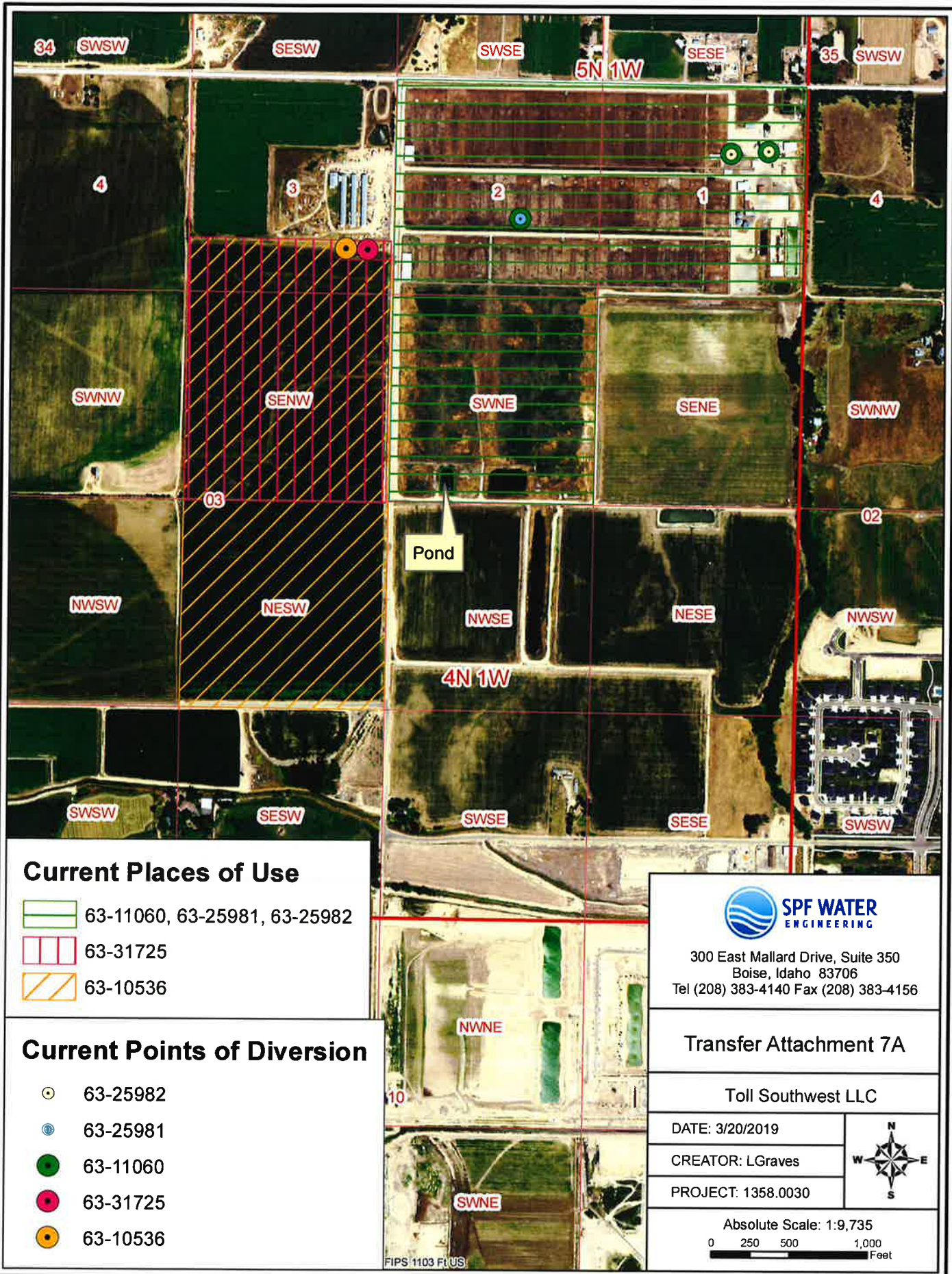
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by P. Kelly Date 4-18-2019

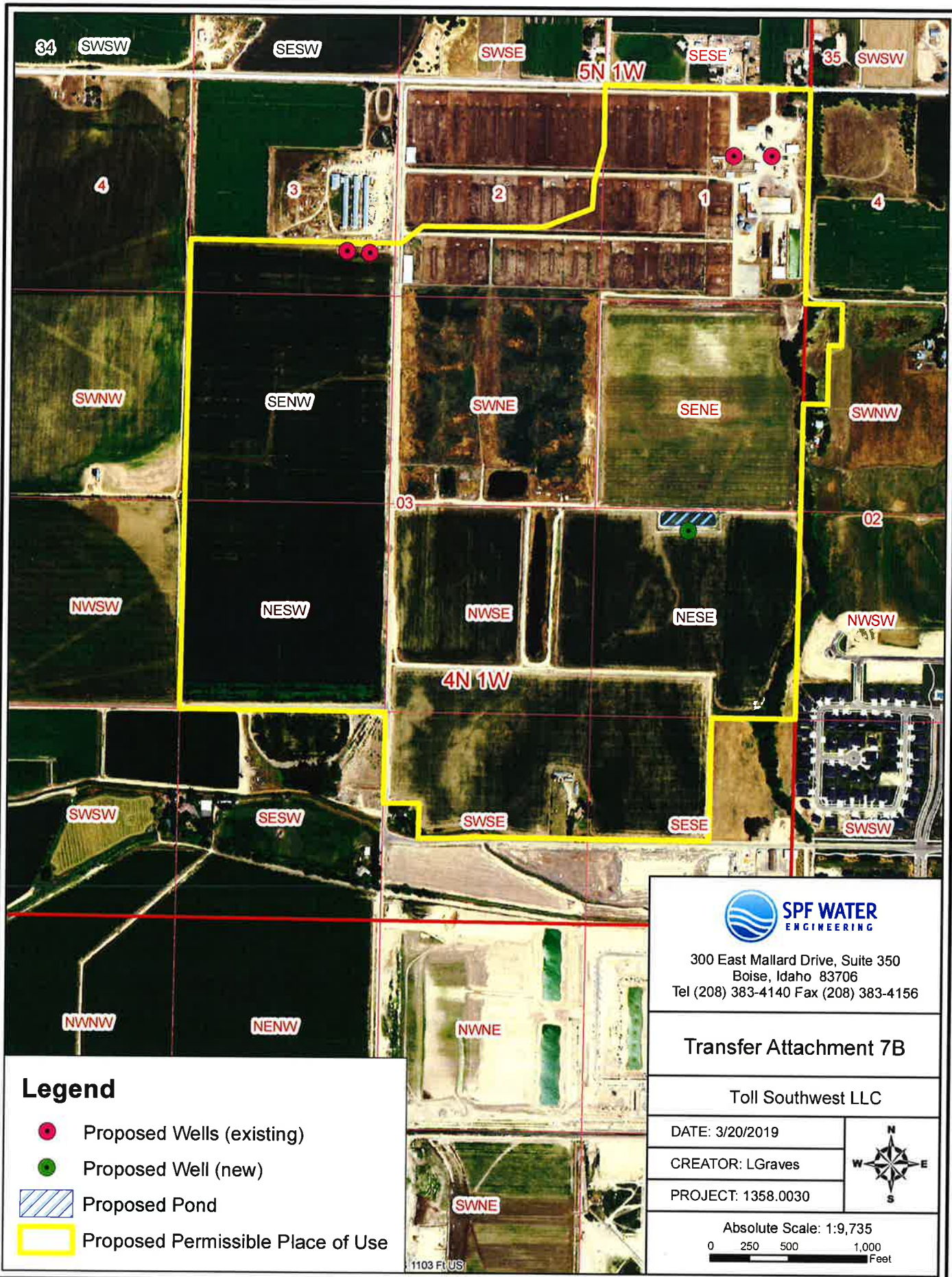
Fee paid \$990.00 Date 4/15/19 Received by KT Receipt # W647317

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



Path: S:\PROJECTS\SS Inu 2 Projects\Toll Brothers_1358\0030 Hermashe\PROJECT\GIS\Map_Projects\XFR Map 7B.mxd



Transfer Attachment 8a**Water Right Transfer and Permit Application Narrative with Water Balance****Applicant: Toll Southwest LLC**

The 345-acre property located at T04N R01W Section 3, formerly a cattle feedlot operation, is planned for residential development. Irrigated open space and residential lots is expected to total 205 acres. The property has 4 shares of New Dry Creek Ditch Company (NDCDC) water, which at 27 Miner's Inches per share, provide a primary supply for 108 acres. Groundwater will supply the 97-acres not covered by NDCDC, and will also be a supplemental supply to the NDCDC acres.

Groundwater rights associated with the property include the following (see also Table 1):

- 63-10536 provides 1.6 cfs and 360 afa for irrigation of 80 acres, supplementing NDCDC.
- 63-11060, 63-23981 & 63-25982 together provide 1.54 cfs and 502.6 afa for commercial, stockwater, and domestic uses.
- 63-31725 that provides 0.27 cfs and 15.4 afa for stockwater. This right also has a domestic component.

The applicant proposes changing the commercial and stockwater components of these rights to irrigation use. Commercial storage is changed to irrigation storage for a pond. Irrigation right 63-10536 is changed so that it can be used within the 345-acre permissible place of use, remaining supplemental to the NDCDC supply.

Water Right	Priority Date	Water Use	Div. Rate (cfs)	Div. Volume (afa)	Total Acres	Combined Use Limits	
						Div. Rate (cfs)	Div. Volume (afa)
63-10536	9/15/1987	IRRIGATION	1.60	360	80.0		
63-11060	12/1/1989	STOCKWATER	1.54	215	0.0	1.54	502.6
		DOMESTIC	0.04	1.2			
		COMMERCIAL	0.81	285.5			
		COMMERCIAL STORAGE		2.1			
		COMMERCIAL FROM STORAGE		2.1			
		DIVERSION TO STORAGE	1.0				
63-25981	9/8/1951	STOCKWATER	0.67	108	0.0		
		COMMERCIAL STORAGE		2.06			
		COMMERCIAL FROM STORAGE		2.06			
		DIVERSION TO STORAGE	0.50				
63-25982	10/1/1935	STOCKWATER	1.11	67.6	0.0		
		DOMESTIC	0.04	13,000 gpd			
		COMMERCIAL STORAGE		2.06			
		COMMERCIAL FROM STORAGE		2.06			
		DIVERSION TO STORAGE	0.83				
63-31725	10/8/1962	STOCKWATER	0.27	15.4	0.0		
		DOMESTIC	0.04	13,000 gpd			

Table 1: Transferred Water Rights

NDCDC water will be directed to the pond described in the previous paragraph. The pond will include a pumping station to deliver the water into the pressurized irrigation (PI) system. The property's existing wells are not near the pond and it is anticipated diversions from these wells will be pumped directly into the PI system. If the existing wells are insufficient to meet project needs, one new well is anticipated for construction adjacent to the pond.

The City of Eagle requires an average irrigation flow of 0.017 cfs per acre, and a peak flow of 0.0215 cfs per acre. This peak flow exceeds the Idaho standard of 0.02 cfs per acre. The pond described above will provide storage to meet peak demands for NDCDC supplies.

Existing wells are not near the pond. It is most practical to pump directly from the wells into the PI system. Pipelines from the wells to the pond and/or separate ponds at the well sites with secondary pressure pumps are impractical. Therefore, applications for 89 acres outside of the 108 acres covered by NDCDC propose a 0.022 cfs per acre diversion rate to meet City of Eagle requirements. Groundwater supplementing NDCDC is at 0.02 cfs per acre. Following is a summary:

- Water right 63-10536 provides 1.6 cfs for 80 acres supplemental to NDCDC.
- NDCDC supplies 108 acres. An additional 28 acres of supplemental groundwater at 0.02 cfs per acre requires 0.56 cfs
- The 97 acres not covered by NDCDC requires 0.0215 cfs per acre for a total 2.09 cfs.
- The total groundwater supply requirement is 4.25 cfs based on $1.6 + 0.56 + 2.09$.

Supplemental irrigation right 63-10536 provides 1.6 cfs. Transfer of the stockwater and commercial rights provides 1.81 cfs. The remaining 0.84 cfs ($4.25 - 1.6 - 1.54 - 0.27 = 0.84$) will be provided with an application for new permit.

The total groundwater volume at the standard 4.5 acre-feet per acre per year is 922.5 afa ($205 \times 4.5 = 922.5$). Water right 63-10536 provides 360 afa, leaving 562.5 afa to be provided by transfer of commercial and stockwater rights and application for new permit. Transfer of stockwater and commercial provides 515.9 afa for irrigation, leaving 46.6 afa for new permit. The 2.1 afa commercial storage portion of the existing rights will be changed to irrigation storage for the pond.

Consumptive water use is calculated for 205 acres of turf using $ET_{Idaho2017}$ based on the Emmett climate station, which is closest to this site (see Table 2). The mean annual consumptive irrigation requirement (CIR) is 836 mm per year, equivalent to 2.74 ft per year ($836 / 304.8 = 2.74$). The peak irrigation requirement is 5.58 mm/day, equivalent to 0.22 in/day ($5.58 / 25.4 = 0.22$).

Grass - Turf (lawns) - Irrigated															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ⁱ	mm/day												mm		
mm/day on Monthly Basis	-0.01	0.06	0.46	2.56	3.97	4.96	5.58	4.86	3.3	1.59	-0.21	-0.15	836	-11	825
Days per Month	31	28	31	30	31	30	31	31	30	31	30	31			365
Monthly Total		1.7	14.3	76.8	123.1	148.8	173.0	150.7	99.0	49.3			837		
Shoulder Season		1.7	14.3	38.4						49.3			104		

Table 2. Precipitation-deficit (Pdef) consumptive irrigation requirements for turf, Emmett climate station.

NDCDC will provide 0.36 in/day at 75% delivery, which exceeds the peak CIR. Therefore, NDCDC supplies are sufficient to meet the CIR for 108 acres during the portion of the irrigation season they are available. Water right 63-10536 supplies the shoulder season CIR for 80 acres of NDCDC's 108-acre, leaving 28 acres of shoulder season CIR that is accommodated with the transfer of stock and commercial rights. Shoulder season used for this analysis is prior to April 15 and after September 30. Shoulder-season CIR is calculated at 104 mm per year, equivalent to 0.34 feet per year ($104 / 304.8 = 0.34$). Therefore, groundwater CIR is 9.5 afa for these 28 acres ($0.34 \times 28 = 9.5$).

CIR for the 97 acres not supplied by NDCDC is calculated at 266 afa ($2.74 \text{ ft/yr} \times 97 \text{ acres} = 266 \text{ afa}$). Therefore, the total consumptive groundwater requirement is 275.5 afa ($9.5 + 266 = 275.5$).

Transfer of Commercial and Stockwater Rights to Irrigation Use

It is fairly standard practice to change irrigation water rights to other uses, such as stockwater and commercial for a feedlot or a dairy, or to industrial use for a cheese processing facility for example. These changes typically require the transferred volume be limited to the consumptive irrigation portion of the irrigation right. There is an assumed expectation that feedlot, dairy, or industrial water use is fully consumptive. It is therefore reasonable to conclude all or a majority of the former feedlot water use was consumptive. The field examiner for 63-11060 did note that on occasion, the fresh water pond overflowed into a nearby drain, a portion that would be non-consumptive.

Consumptive Use Under Feedlot Operation

The water rights file for 63-11060 provides a detailed analysis of water use for this right and rights 63-25981 and 63-25982. The volume calculations include the following:

- Commercial use included an office, outside workers, shop use, truck wash, horse wash, and feed mixing totaling 3.5 afa.
- Commercial use for dust abatement totaled 282.9 afa. Water was applied via sprinkler and truck systems.
- Stockwater use totaled 215 afa based on 16,000 head of cattle at 12 gpd per head.



Figure 1: Cross-hatched area is 83 acres of feedlot area sprinkled for dust abatement. Image 2011 NAIP.

The stockyard area where sprinklers were used for dust control totals about 83 acres. When 282.9 acre-feet of dust abatement water is applied over this area, the annual application depth is 3.42 acre-feet per acre. Richard Allen with the University of Idaho suggested the following as a method to estimate consumptive use¹:

“As a quick estimate, you could take about 0.9 of the alfalfa reference ETr as an upper limit, given a daily wetting frequency, and cap that estimate by the gross amount of water applied. You can subtract out the ET_{Idaho} estimate for bare soil as evaporation that would occur in the absence of the added water.”

Dr. Allen’s instructions yield a consumptive evaporation of 994 mm per year, equivalent to 3.26 acre-feet per acre ($994 / 304.8 = 3.26$). Calculations are provided in Table 3, which includes the alfalfa reference evaporation (ETr); calculates 90% of ETr; lists bare soil evaporation; subtracts bare soil evaporation from 90% of ETr; lists days per month of allowed dust abatement use; and calculates monthly potential dust abatement evaporation. For 83 acres, this totals 271 acre-feet ($3.26 \times 83 = 271$). This consumptive volume is less than the 282.9 acre-feet of water applied, and thus the consumptive component of dust abatement

¹ Personal communication, February 26, 2019.

water use is capped at 271 acre-feet. Previously in this narrative, the projected CIR for groundwater was determined to be 275.5 afa, which is slightly more than the consumption for dust abatement alone.

Alfalfa Reference Evapotranspiration															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^d	mm/day												mm		
ET _r , mm/day on monthly basis	0.56	1.37	3.01	4.73	5.98	6.74	6.99	6.14	4.49	2.78	1.17	0.55	0	1360	1360
90% of ET _r	0.50	1.23	2.71	4.26	5.38	6.07	6.29	5.53	4.04	2.50	1.05	0.50			
Bare Soil Monthly ^c	0.05	0.24	0.47	0.66	0.64	0.71	0.71	0.63	0.42	0.16	-0.15	-0.03	137	0	137
90% of ET _r - Bare Soil	0.45	0.99	2.24	3.60	4.74	5.36	5.58	4.90	3.62	2.34	1.05	0.50			35
Days / month allowed use	0	0	15	30	31	30	31	31	30	31	30	15			274
Total monthly ET	0	0	34	108	147	161	173	152	109	73	32	7			994

Table 3. Calculation of dust abatement consumptive use.

Prior transfers from irrigation to stockwater use presume the stockwater use is 100% consumptive. A transfer on the parent right of 63-31725, approved in 2006, changed a portion of stockwater use to aesthetic storage to mitigate for evaporation from a pond surface. This transfer treated the stockwater use as 100% consumptive. Therefore, the 215 afa of stockwater use under rights 63-11060, 63-25981 and 63-25982, and the 15.4 afa of stockwater use under 63-31725, is expected to be fully, or very nearly fully consumptive. The dust abatement consumptive component alone nearly matches the anticipated groundwater CIR. The additional 230.4 afa of consumptive stockwater use further clarifies that enlargement in consumptive use is not proposed. Post transfer, there will be a significant decrease in groundwater consumption.

Application for Permit

The application for permit seeks to appropriate the following:

- 0.84 cfs for irrigation of 205 acres within a 345-acre place of use. When combined with 1.6 cfs from supplemental irrigation right 63-10536 and 1.81 cfs transferred from commercial and stockwater uses to irrigation, the total diversion rate is 4.25 cfs. This will provide 0.02 cfs per acre for 108 acres supplementing NDCEC, and 0.0215 cfs per acre (as required by City of Eagle) for 97 acres with groundwater as the only supply.
- 5.0 afa of irrigation storage for the irrigation pond. The pond has the following characteristics:
 - Storage volume of 6 acre-feet
 - Surface area of 0.6 acres with associated evaporative losses of 1.1 afa
 - Is lined so that seepage is minimal

The transfer described above changes 2.1 afa from commercial storage to irrigation storage. This application for 5 afa combined with the transferred 2.1 afa provides the 7.1 afa required for this pond.

Water Bearing Zone

The property is outside of the Basin 63 area of concern for groundwater tributary to the Boise River above star bridge. Well Driller's Reports for wells constructed on the property indicate water bearing zones from 66 to 620 feet. This range of water bearing zones is consistent with the range anticipated for a new well if a new well is required.



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

June 14, 2019

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

RE: Application for Transfer No. 83159

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 6/20/2019 and 6/27/2019. 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 approval document.

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

Sincerely,

Anna Kaiser
Administrative Assistant

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

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, June 13, 2019 11:43 AM
To: 'BOI Legals'
Subject: Ada Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 6/20/2019 & 6/27/2019.

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

June 13, 2019

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN

PO BOX 40

BOISE, ID 83707

RE: Application For Permit Nos: 63-34702, 63-34713, 63-34714, 63-34737, 63-34717

RE: Transfer No. 83159 & 83320

Dear Legal Notice Department:

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 7/8/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser

Administrative Assistant

Enclosure(s)

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
24007 HIGHWAY 20/26
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.

**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 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 7/8/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

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



SPF WATER
ENGINEERING

RECEIVED

MAY 23 2019

WATER RESOURCES
WESTERN REGION

May 22, 2019

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

Attn: Nick Miller

Dear Nick,

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

- Withdrawal of Application for Permit 63-34728.
- Amended application for transfer no. 83159 changing several water rights appurtenant to the property to irrigation use. An updated narrative is included.

Please let me know if you have any questions.

Sincerely,

Scott N. King, P.E.
Supervising Engineer

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

File: 1358.0030

Kelly, Patrick

From: Scott King <SKing@spfwater.com>
Sent: Friday, June 07, 2019 4:45 PM
To: Kelly, Patrick; Lori Graves
Subject: RE: Toll SW Transfer 83159

Patrick,
Well done on your analysis!
I'm good with this outcome.
Thank you,
Scott

From: Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>
Sent: Friday, June 7, 2019 4:42 PM
To: Scott King <SKing@spfwater.com>; Lori Graves <LGraves@spfwater.com>
Subject: Toll SW Transfer 83159

Hey Scott,
Getting the Toll project to advertising and wanted to clarify 2 things:

- **63-11060:** The Commercial Storage use of 2.1 af is being used with the stock/commercial rights using 5.0 af to cover the desired 7.1 af irrigation pond. The problem here is when we add the 496.4 irrigation use and 7.1 af storage use, we get a volume of 503.5 which exceeds the original right. The original right did not add the storage use to the live water use. If we apply this to the nature of use change, we get 501.4 af irrigation use (215 + 286.4) and 7.1 af irrigation storage for a total of 501.4 af. Looking closer at the numbers, the original right did not add the storage to the stock/commercial use. The storage use was recognized for capacity only and since there is no desire to keep the pond full, we should not consider the 1.1 af evaporation loss.
- **63-25981 and 63-25982:** The storages were added, so the limits of 103/7.1 and 62.6/7.1 would work. But since there is a combined use limit between the 3 and the original storage description described capacity we do not want to consider it here.
- We need to add Irrigation from Storage to the uses to match the Irrigation Storage.

The irrigation storage use is not particularly necessary since the diversion rates exceed the 24 hour rule. Considering all the above, the nature of use change would look like this:

Water Right	Beneficial Use	cfs	af
63-11060	Irrigation	1.54	501.4
	Irrigation Storage		6.0
	Irrigation from Storage		6.0
	Diversion to Storage	1.00	
Max		1.54	501.4
63-25981	Irrigation	0.67	104.1
	Irrigation Storage		6.0
	Irrigation from Storage		6.0
	Diversion to Storage	0.50	
Max		0.67	110.1
63-25981	Irrigation	1.11	63.7
	Irrigation Storage		6.0

	Irrigation from Storage		6.0
	Diversion to Storage	083	
Max		1.11	69.7

Let me know your thoughts on this and I can get it over to advertising.
Thanks!

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