

**RECEIVED**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 81213

amended 8/21/2018

**OCT 15 2018****MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**WATER RESOURCES**  
**WESTERN REGION**

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 [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Name of Applicant(s) Pioneer Ditch Company, Limited**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 [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).
- ☐ ☒ #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: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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OCT 04 2018

WATER RESOURCES  
WESTERN REGION

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Pioneer Ditch Company, Limited Phone (208) 455-1735Mailing address P.O. Box 70, Star, ID 83669 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 RepresentativeName of Representative S. Bryce Farris, Sawtooth Law Phone (208) 629-7447Mailing address 1101 W. River St., Ste. 110, Boise, ID 83707 Email bryce@sawtoothlaw.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.

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 \_\_\_\_\_
- 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.2**.  
See attachment Part 1A.2.

## **Attachment Part 1A.2 – Narrative Description and Additional Information**

Heron River at Parkstone Subdivision (Heron River) holds 290 shares in Pioneer Ditch Company which have historically been delivered at the rate of 0.02 cfs per acre per share. Heron Lakes Development, Incorporated; River Stone, LLC; and Heron River Home Owners Association (together known as the Applicants) have filed Application for Permit No. 63-34219 to develop a water right for nine ponds that will intercept shallow groundwater in Parkstone Subdivision for aesthetic use. The combined surface area of the ponds will be 49 acres. The ponds will have a combined volume of 625 ac-ft. Total evaporative losses from pond surfaces during the irrigation season are calculated to be 127.6 ac-ft (see pond calculations included with this application).

Heron River (on behalf of the Applicants) proposes continued diversion of 60 of its total 290 shares through the ponds to maintain water quality and provide for 130 ac-ft of evaporative losses from the ponds during the irrigation season, including times of seasonal curtailment to 60% of the authorized diversion rate. An initial fill of the ponds (625 ac-ft) will be provided by diversion and non-use of Heron River's shares during subdivision development.

The purpose of this transfer application is to change the nature of use for a portion of Pioneer Ditch Company's water right to accurately describe the new use of Heron River's 60 shares.

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**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.                                                                          | <u>Right Number</u> | <u>Amount</u><br>(cfs/ac-ft) | <u>Nature of Use</u> | <u>Period of Use</u> | <u>Source &amp; Tributary</u> |
|-----------------------------------------------------------------------------|---------------------|------------------------------|----------------------|----------------------|-------------------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 63-183              | 23.92                        | irrigation           | 3/1 to 11/15         | Boise River/Snake River       |
| <input type="checkbox"/> <input checked="" type="checkbox"/>                | 63-183              | 1.20                         | diversion to storage | 3/1 to 11/15         | Boise River/Snake River       |
| <input type="checkbox"/> <input checked="" type="checkbox"/>                | 63-183              | 0.6                          | mitigation           | 3/1 to 11/15         | Boise River/Snake River       |
| <input type="checkbox"/> <input checked="" type="checkbox"/>                | 63-183              | 130 ac-ft                    | aesthetic storage    | 3/1 to 11/15         | Boise River/Snake River       |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |

Total authorized under rights 25.72 cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.20 cubic feet per second and/or 130.0 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 # |
|-------|-----|---|---|---|-----|-----|-----|--------|--------|---------------------|
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |
|       |     |   |   |   |     |     |     |        |        |                     |

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 |             |
|             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|             |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

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**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:

The measuring device and lockable controlling works meet the requirements of the Boise River watermaster.

- b. Who owns the property at the point(s) of diversion? No change to point of diversion.

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
Historical diversion works for Pioneer Ditch Company as described in the SRBA decree for water right 63-183.

- 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:

Sixty acres of previously-irrigated farmland will no longer be irrigated to provide water for aesthetic use in ponds with a total surface area of 49 acres.

- 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:

A companion application for permit (63-34219) has been filed to authorize shallow groundwater use in the ponds.

- 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:

Page \_\_\_\_\_ of \_\_\_\_\_

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

**Current Water Right No.: 63-183**

Current Owner: PIONEER DITCH CO LTD

Priority Date: 6/1/1870

Origin: Water Right

Status: Active

Basis: Decreed

**Source**

BOISE RIVER

**Tributary**

SNAKE RIVER

**Beneficial Use**

**From To**

**Diversion Rate**

**Annual Volume**

IRRIGATION

03/01 to 11/15

25.12 CFS

MITIGATION

03/01 to 11/15

0.6 CFS

**Total Diversion**

25.72 CFS

**Location of Point(s) of Diversion**

BOISE RIVER

L3(NE1/4NW1/4)

Sec. 14, Twp 04N, Rge 01W B.M.

ADA County

**Place of Use**

Page \_\_\_\_\_ of \_\_\_\_\_

IRRIGATION Within ADA County

|               |       |      |               |       |      |
|---------------|-------|------|---------------|-------|------|
| T04N R01W S7  |       | SESE | T04N R01W S8  |       | NESW |
| T04N R01W S8  |       | SWSW | T04N R01W S8  |       | SESW |
| T04N R01W S8  |       | SWSE | T04N R01W S9  |       | SESE |
| T04N R01W S10 |       | SWSW | T04N R01W S10 |       | SESW |
| T04N R01W S14 | Lot 3 | NENW | T04N R01W S14 |       | NWNW |
| T04N R01W S14 |       | SWNW | T04N R01W S14 | Lot 4 | SENW |
| T04N R01W S14 | Lot 5 | NWSW | T04N R01W S15 |       | NENE |
| T04N R01W S15 |       | NWNE | T04N R01W S15 |       | SWNE |
| T04N R01W S15 |       | SENE | T04N R01W S15 |       | NENW |
| T04N R01W S15 |       | NWNW | T04N R01W S15 |       | SWNW |
| T04N R01W S15 |       | SENW | T04N R01W S15 | Lot 3 | NESW |
| T04N R01W S15 | Lot 4 | NWSW | T04N R01W S15 | Lot 1 | NESE |
| T04N R01W S16 |       | NENE | T04N R01W S16 |       | NWNE |
| T04N R01W S16 |       | SWNE | T04N R01W S16 |       | SENE |
| T04N R01W S16 |       | NENW | T04N R01W S16 |       | NWNW |
| T04N R01W S16 |       | SWNW | T04N R01W S16 |       | SENW |
| T04N R01W S16 | Lot 3 | NESW | T04N R01W S16 | Lot 4 | NWSW |
| T04N R01W S16 | Lot 1 | NESE | T04N R01W S16 |       | NWSE |
| T04N R01W S16 | Lot 2 | NWSE | T04N R01W S17 |       | NENE |
| T04N R01W S17 |       | NWNE | T04N R01W S17 |       | SWNE |
| T04N R01W S17 |       | SENE | T04N R01W S17 |       | NENW |
| T04N R01W S17 |       | NWNW | T04N R01W S17 |       | SWNW |
| T04N R01W S17 |       | SENW | T04N R01W S17 | Lot 3 | SENW |
| T04N R01W S17 |       | NESW | T04N R01W S17 | Lot 6 | NESW |
| T04N R01W S17 | Lot 4 | NWSW | T04N R01W S17 | Lot 4 | SWSW |
| T04N R01W S17 |       | NESE | T04N R01W S17 | Lot 1 | NESE |
| T04N R01W S17 |       | NWSE | T04N R01W S17 | Lot 2 | NWSE |
| T04N R01W S17 | Lot 7 | NWSE | T04N R01W S18 |       | NENE |
| T04N R01W S18 |       | NWNE | T04N R01W S18 |       | SWNE |
| T04N R01W S18 |       | SENE | T04N R01W S18 |       | SENW |
| T04N R01W S18 |       | NESW | T04N R01W S18 |       | NESW |
| T04N R01W S18 | Lot 5 | SESW | T04N R01W S18 |       | NESE |
| T04N R01W S18 | Lot 7 | NESE | T04N R01W S18 |       | NWSE |
| T04N R01W S18 | Lot 6 | NWSE | T04N R01W S18 |       | SWSE |
| T04N R01W S18 | Lot 9 | SWSE | T04N R01W S18 |       | SESE |
| T04N R01W S18 | Lot 7 | SESE | T04N R01W S18 | Lot 8 | SESE |

Total Acres: 1282.1

Place of Use: MITIGATION same as IRRIGATION

**Conditions of Approval:**

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
2. F05 RIGHT NO. 63-31937 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
4. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
5. K06 This right is limited to the irrigation of 1288.1 acres within the boundary of Pioneer Ditch Co. Ltd in a single irrigation season.
6. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
7. 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.
8. Mitigation use in the amount of 0.06 is for the consumptive use of water under Right 63-31890. Mitigation use in the amount of 0.52 cfs is for the consumptive use of water under Right 63-32602. Mitigation use in the amount of 0.02 cfs is for the consumptive use of water under Right 63-33031.
9. SD1 This right originated as all or part of right no. 49 in the Stewart Decree and the historic Boise River Water Masters records.
10. T07 The right holder shall accomplish the change authorized by Transfer 71198 within one year of the date of the approval.
11. F01 WATER IS DELIVERED THROUGH THE PIONEER CANAL
12. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.





## **Attachment 8a – Change in Nature of Use**

The applicant proposes a change in nature of use for a portion of its water right 63-183. The change is proposed for 60 shares that previously were used for the irrigation of 60 acres at a rate of 0.02 cfs per acre (1.20 cfs total). The applicant proposes that 60 shares now be used for aesthetic purposes in nine ponds to be constructed in Parkstone Subdivision. The ponds are constructed to intercept shallow groundwater.

Extent of Historical Beneficial Use. A decree was issued in the Snake River Basin Adjudication for water right 63-183 on November 13, 2007. The decree confirmed the beneficial use of 25.66 cfs for irrigation purposes on 1,283.1 acres within the boundary of Pioneer Ditch Company. The Idaho Department of Water Resources restored an additional 5 acres of irrigation to water right 63-183 in an order dated September 11, 2012. Water right 63-183 currently authorizes 1288.1 acres of irrigation.

The historical consumptive use volume for a 36-acre portion of water right 63-183 was calculated based on an assumed grass hay crop using ET data from the Caldwell NWS site. (See below for an explanation of the use of 36 acres in this calculation.)

### Proposed Use

The calculated evaporative loss from the proposed ponds, using Caldwell NWS ET data, is 127.6 ac-ft. The consumptive use volume for a 36-acre portion of water right 63-183 was calculated for the proposed use in a pond using ET data from the Caldwell NWS site. The consumptive use volume contributed by a 36-acre portion of water right 63-183 is 130 acre-feet, which is sufficient to meet the evaporative loss demands of the ponds.

IDWR has requested that a total of 60 shares be dedicated for evaporative losses from the ponds based on possible 60% seasonal reduction of the diversion rate pursuant to Conditions on decree 63-183.

## Evaporation Loss Calculations

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

|             |                       |
|-------------|-----------------------|
| FILE NUMBER | Permit Application    |
| REVIEWER    | SPF Water Engineering |
| DATE        | 2/13/2017             |

|                      |
|----------------------|
| User Input           |
| Calculated value     |
| Formula Explanations |

|                                                                              |
|------------------------------------------------------------------------------|
| The acronyms used on the Kimberly Research Center website are defined below: |
| P = Precipitation                                                            |
| ET= Evapotranspiration                                                       |
| P <sub>d</sub> = Precipitation deficit                                       |
| P <sub>d</sub> =ET-P                                                         |

### USING THIS SPREADSHEET

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

### Instructions:

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

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

### Precipitation Deficit

| Station:  | Caldwell (NWS 101380) |                |          |
|-----------|-----------------------|----------------|----------|
| Month     | mm/day <sup>1</sup>   | Days per month | mm/Month |
| Jan       | -0.83                 | 31             | 0.00     |
| Feb       | 0.18                  | 28             | 0.00     |
| March     | 1.22                  | 31             | 37.82    |
| April     | 2.51                  | 30             | 75.30    |
| May       | 3.74                  | 31             | 115.94   |
| June      | 4.22                  | 30             | 126.60   |
| July      | 5.01                  | 31             | 155.31   |
| August    | 4.27                  | 31             | 132.37   |
| September | 3.06                  | 30             | 91.80    |
| October   | 1.89                  | 31             | 58.59    |
| November  | -0.12                 | 15             | 0.00     |
| December  | -0.78                 | 31             | 0.00     |

Total mm/year = **793.73**

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

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

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

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

$$\left( \frac{793.73}{304.8} \right) \times 49.00 = 127.6 \text{ AFA}$$

# Volume Calculations - Heron River Ponds

| BEFORE CHANGE |        |                 |              |           |              |       |
|---------------|--------|-----------------|--------------|-----------|--------------|-------|
| Use           | WR No. | Diversion (cfs) | Area (acres) | Vol (afa) | PD Vol (afa) | Notes |
| irrigation    | 63-183 |                 | 290          |           | 1,048        |       |
| mitigation    |        |                 |              |           |              |       |
| AFTER CHANGE  |        |                 |              |           |              |       |
| After Change  |        | Diversion (cfs) | Area (acres) | Vol (afa) | PD Vol (afa) | Notes |
| irrigation    | 63-183 |                 | 254          |           | 918          |       |
| mitigation    |        |                 | 36           |           | 130          |       |
|               |        |                 |              |           |              |       |
| Totals        |        | 0.00            | 290          | -         | 1,048        |       |

| Precipitation Deficit<br>(grass hay) | Mean Monthly<br>PD* (mm/day) | Days | PD (mm) | PD (feet) | PD (acre-feet) |
|--------------------------------------|------------------------------|------|---------|-----------|----------------|
| March                                | 0.78                         | 31   | 24.18   | 0.08      | 23.01          |
| April                                | 3.81                         | 30   | 114.30  | 0.38      | 108.75         |
| May                                  | 6.26                         | 31   | 194.06  | 0.64      | 184.64         |
| June                                 | 6.58                         | 30   | 197.40  | 0.65      | 187.81         |
| July                                 | 6.79                         | 31   | 210.49  | 0.69      | 200.27         |
| August                               | 5.83                         | 31   | 180.73  | 0.59      | 171.95         |
| September                            | 3.99                         | 30   | 119.70  | 0.39      | 113.89         |
| October                              | 1.94                         | 31   | 60.14   | 0.20      | 57.22          |
| November                             | -0.63                        | 15   | -9.45   | 0.00      | 0.00           |
| Total                                |                              |      |         | 3.61      | 1,047.54       |
| Precipitation Deficit<br>(pond)      | Mean Monthly<br>PD* (mm/day) | Days | PD (mm) | PD (feet) | PD (acre-feet) |
| March                                | 1.22                         | 31   | 37.82   | 0.12      | 6.08           |
| April                                | 2.51                         | 30   | 75.30   | 0.25      | 12.11          |
| May                                  | 3.74                         | 31   | 115.94  | 0.38      | 18.64          |
| June                                 | 4.22                         | 30   | 126.60  | 0.42      | 20.35          |
| July                                 | 5.01                         | 31   | 155.31  | 0.51      | 24.97          |
| August                               | 4.27                         | 31   | 132.37  | 0.43      | 21.28          |
| September                            | 3.06                         | 30   | 91.80   | 0.30      | 14.76          |
| October                              | 1.89                         | 31   | 58.59   | 0.19      | 9.42           |
| November                             | -0.12                        | 15   | 0.00    | 0.00      | 0.00           |
| Total                                |                              |      |         |           | 127.60         |

\*Source "Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho", ET<sub>Idaho</sub> online data



Property Boundary

Proposed Pond

Application for Permit 63-34219/Transfer No. 81213  
amended 8/21/2018



500

Feet



**SPF WATER**  
ENGINEERING

81213



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION • 2735 W AIRPORT WAY • BOISE ID 83705-5082

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

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 24, 2018

PIONEER DITCH CO LTD  
PO BOX 70  
STAR, ID 83669

Transfer No. 81213  
Water Right No. 63-183

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 1/3/2019 and 1/10/2019. 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:

BRYCE FARRIS  
SAWTOOTH LAW OFFICES PLLC  
1101 W RIVER ST STE 110  
PO BOX 7985  
BOISE, ID 83707

## Kaiser, Anna

---

**From:** Kaiser, Anna  
**Sent:** Thursday, December 13, 2018 9:25 AM  
**To:** 'legals@idahostatesman.com'  
**Subject:** Ada Legal Ad  
**Attachments:** Cover Letter.docx; Legal Notice.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good Morning Legal Clerk,

My name is Anna. I will be sending you legal notices, please send confirmation to my email.

Please see the attached ad for publication on 12/20/2018 & 12/27/2018.

Please confirm these are okay to publish as shown.

**Anna Kaiser** | Administrative Assistant I  
IDWR-Western Region  
2735 W Airport Way, Boise ID 83705  
(208).334.2190 | [anna.kaiser@idwr.idaho.gov](mailto:anna.kaiser@idwr.idaho.gov)

## Kaiser, Anna

---

**From:** Kaiser, Anna  
**Sent:** Monday, December 24, 2018 11:16 AM  
**To:** 'LegalsCentral, MCC'  
**Subject:** RE: Ada Legal Ad  
**Attachments:** Legal Notice.docx; Cover Letter.docx

Kelly,

Please disregard my last email. This legal ad should be published on 1/3/2019 & 1/10/2019. Attached is the cover letter and legal notice with the dates corrected. Will you be able to change the dates on this?

Sorry about the mix up!

Thank you,  
Anna

**From:** krovelo@mcclatchy.com [mailto:krovelo@mcclatchy.com] **On Behalf Of** LegalsCentral, MCC  
**Sent:** Monday, December 24, 2018 10:37 AM  
**To:** Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>  
**Subject:** Re: Ada Legal Ad

Hello Anna:

I have attached here the ad order confirmation. Please let me know if the ad looks good and if you have any other questions.

-Kelly Rovel  
817-390-7813

On Mon, Dec 24, 2018 at 11:23 AM Kaiser, Anna <[Anna.Kaiser@idwr.idaho.gov](mailto:Anna.Kaiser@idwr.idaho.gov)> wrote:

Good Morning Legal Clerk,

My name is Anna. I will be sending you legal notices, please send confirmation to my email.

Please see the attached ad for publication on 12/27/2018 & 1/3/2018.

Please confirm these are okay to publish as shown.

December 24, 2018

LEGAL NOTICE DEPARTMENT  
IDAHO STATESMAN  
PO BOX 40  
BOISE, ID 83707

RE: Application for Permit No: 63-34620  
Application for Permit No: 63-34620  
Transfer No: 81213,  
Water Right No: 63-183

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 1/22/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser  
Administrative Assistant

Enclosures

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

**63-34620**

CREIGHTON WOODS DEVELOPMENT INC  
PO BOX 95

MERIDIAN, ID 83680-0095

Point of Diversion L2(NWNE) S19 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC 01/01 to 12/31 29 AF

Total Diversion: 29 AF

Date Filed: 9/21/2018

Place Of Use: AESTHETIC

T04N R01E S19 L2(NWNE) SWNE

Water bearing zone to be appropriated is from 0 to 15 feet.

Mitigation is proposed for consumptive use.

**63-34653**

WEST ADA SCHOOL DISTRICT

C/O SPENCER MCLEAN

1303 E CENTRAL DR

MERIDIAN, ID 83642-7991

Point of Diversion SWNW S27 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.22 CFS

Total Diversion: 0.22 CFS

Date Filed: 12/20/2018

Place Of Use: IRRIGATION

T04N R01W S27 SWNW NWSW

Total Acres: 9

Water bearing zone to be appropriated is from 200 to 300 ft.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 81213**

**PIONEER DITCH CO LTD, PO BOX 70, STAR, ID 83669;** has filed **Application No. 81213** for changes to the following water rights within ADA County(s): Right No(s). 63-183; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://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 nature of use from irrigation to aesthetic storage by retiring 36 acres. This action will provide the required mitigation for consumptive losses associated with Application for Permit 63-34219. Aesthetic storage water will be used within the current Pioneer Ditch Company place of use boundary, 0.75 miles SE of Star.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 1/22/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/3//2019 and 1/10/2019



December 10, 2018

RECEIVED

DEC 12 2018

WATER RESOURCES  
WESTERN REGION

Patrick Kelly  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

**Subject: Amended Transfer 81213**

Dear Patrick,

In response to your request letter dated 12/4/2018, enclosed is check no. 014018 for \$130 to cover the increase in the diversion to storage rate along with the required re-advertising fee for amended transfer 81213 that was filed to cover the evaporative losses resulting from the ponds associated with the Heron River Parkstone Subdivision.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", is written over a horizontal line.

Lori Graves  
Water Rights Specialist

Cc: Bryce Farris, Sawtooth Law  
Craig Groves

Enclosures

SPF file number: 403.0080



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 4, 2018

ROXANNE BROWN

VIA EMAIL: [RBROWN@SPFWATER.COM](mailto:RBROWN@SPFWATER.COM)

S BRYCE FARRIS

VIA EMAIL: [BRYCE@SAWTOOTHLAW.COM](mailto:BRYCE@SAWTOOTHLAW.COM)

RE: Additional Information Request for Transfer 81213

Dear Representative(s):

On October 15, 2018, your client(s) filed an amended transfer to change the nature of use under water right 63-183. Review of this application is complete and the following must be done to complete the transfer process.

Please provide the following information:

1. The amended transfer application increases the diversion to storage rate from 0.72 cfs to 1.20 cfs. 1.20 cfs requires a transfer fee of \$580. \$500 was paid in 2016 under receipt W044638. Please submit a payment for the difference of \$80.
2. The transfer application was advertised in October of 2017 under the original proposal to change the nature of use for 36 acres. Because the amended application proposes to change the nature of use of 49 acres, the application must be re-advertised. The fee to re-advertise an application is \$50.

Please submit a fee of \$130 for the application to be processed. The transfer application will be rejected as well as application for permit 63-34219 voided without a timely reply within the next thirty (30) days. Refunds are not issued for rejected/voided applications.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly  
Water Resource Agent, Sr.

Enclosure(s):

## MEMORANDUM

TO: Transfer No. 81213  
FROM: Patrick Kelly  
DATE: 10/18/2018  
RE: Evaluation of Application

---

### Summary of Information Submitted

**Narrative:** Transfer No. 81213 proposes a nature of use change to provide mitigation for consumptive losses caused by aesthetic ponds in the Heron River Sub. A new aesthetic storage application 63-34219 was filed at the same time to account for the storage capacity.

The original transfer application in 2016 was amended to fix small errors and request information based on a pond surface area of 32 acres. While processing the application it was discovered a larger surface area was required to cover the project. App for permit 63-34219 was amended to reflect a larger capacity and a surface area of 49 acres. This changed the volume of water required for consumptive losses, and so the transfer application was amended accordingly.

The transfer was then amended a second time in 2018 to reflect an increased diversion rate for mitigation at times when curtailment is enforced to 60% under the Boise River Stewart Decree.

A pond analysis for consumptive losses was submitted with the application. In the amended application, the Caldwell (NWS-101380) station was used to calculate a total of 127.6 af on a 49 acre surface area. The transfer application proposes to change 130 af of 63-183 from irrigation use to aesthetic storage. Heron River Sub owns 290 shares from the Pioneer Ditch Co and will maintain 60 shares to cover the aesthetic storage use under 63-183.

Part 1b of the transfer application suggests a diversion to storage of 1.20 cfs to deliver the aesthetic storage volume to the system. The aesthetic storage use is to mitigate consumptive losses associated with the pond system. Mitigating right 63-183 does not have a maximum volume to subtract the use from, but by reducing the POU by 60 acres according to historical crop use, the mitigation gets debited from the irrigation use.

A historical crop use analysis of grass/hay was submitted for a total of 1047.54 mm/yr. If we add back the 0.63 mm/day represented in November, you get a total of 1100.0 mm/yr. This translates to an annual total of 3.6 af/yr. To satisfy the 127.6 af needed to account for the consumptive losses, the company would need to transfer 35.4 acres to aesthetic storage. After we consider the extra mitigation required to fulfill the Stewart Decree, the 60 acres proposed in the transfer provides adequate mitigation for the Heron River ponds.

The proof report of 63-183 pre transfer shows an acre limit condition of 1288.1 acres and a POU total of 1283.1 acres. The water right was decreed in 2007 with a 1283.1 acre limit. An order was issued 9/11/2012 adding 5 acres of irrigation use to the right, for a total of 1288.1 acres. The POU total should match the acre limit condition and will be fixed per the analysis below.

63-183 has been used in some form of mitigation 3 times prior to this transfer. There appears to be error in how acres should have been subtracted were described on the right. In, 2004, permit 63-31890 was issued for 3 acres and mitigation provided under transfer 71198. In that transfer mitigation was added to 63-183 for a total of 0.06 cfs and acres were reduced by 3 from 1286.1 to 1283.1 acres.

In 2007, 63-183 was decreed with mitigation of 0.06 cfs and limited to the irrigation use of 25.66 cfs on 1283.1 acres.

In 2008, permit 63-32602 was issued for storage and irrigation use requiring a total mitigation of 0.62 cfs from 63-183. The irrigation use was reduced by 0.62 cfs to 25.04 cfs and the mitigation use was increased by 0.62 cfs to 0.68 cfs. POU acres were not changed. The 31 acres related to mitigation purposes were not subtracted from 1283.1 acres at that time.

In 2009, permit 63-33031 was issued for aesthetic storage requiring 1.0 acre of mitigation. 63-183 was used again to provide this mitigation, reducing the irrigation use to 25.02 cfs from 25.04 cfs and the mitigation was increased by 0.02 cfs to 0.70 cfs. Total acres were reduced to 1282.1 acres but the acre limit condition remained 1283.1 acres.

In 2012, 63-32602 was licensed for 5 acres less irrigation than the permit authorized. As a result an order was issued giving the irrigation company back 0.10 cfs. Irrigation use was changed to 25.12 cfs from 25.02 cfs. POU acres were not changed and the 1283.1 condition/1282.1 total acres remained.

If we go back to the 2007 decree, 63-183 authorized a total of 1283.1 acres. 26 acres (31 – 5) for 63-3262 and 1.0 acre for 63-33031 totals 27.0 acres. The irrigation use at the time of this review should reflect a total of 1256.1 acres. When we subtract the 60.0 acres relevant to this transfer, the total authorized irrigation use should be **1196.1 acres** post transfer.

The mitigation diversion of 0.60 cfs is **not related** to the Heron River subdivision pond system and will remain on the right.

**Authority to File:** The application was filed in the name of Pioneer Ditch Company Limited and was signed by a Gail Glasgow. Ms. Glasgow is the registered president for the company according to ID SOS (No. C6664).

**Water Right Validity:** 65-183 was decreed in 2007. The irrigation use is protected from forfeiture review, assuming they have been delivering water to their shareholders.

**Overlap Analysis:** No POU overlap is found. Storage rights are not found on the property. Application for permit 63-34219 was received and being processed concurrently with the transfer application.

**Injury to Other Water Rights:** None anticipated. The consumptive losses associated to the pond project are being mitigated through the nature of use change in the transfer. Changes to the mitigating right are occurring within the irrigation companies POU boundary.

**Enlargement of Use:** Changes to the right are being accounted for by diversion and aesthetic storage use. Beneficial uses associated with the ponds are being subtracted from the irrigation use.

**Local Public Interest:** No issues identified. Note it was decided by supervisor this application fit the Department's criteria for non-advertisement.

**Beneficial Use/Conservation of Water Resources:** The application proposes beneficial use consistent with conservation of water resources in Idaho.

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

**Summary:** Assuming other undiscovered information does not contradict the above analysis, the application can be approved as reflected by the draft approval.



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

May 17, 2018

COPY

PIONEER DITCH COMPANY  
PO BOX 70  
STAR ID 83669

**Re: Notice of Intent to Void Application for Permit No. 63-34219, 63-34220 and 63-34275 and  
Application for Transfer 81213**

Dear Applicant(s),

Department staff requested additional information via letter dated March 27, 2018. That letter stated that a written reply must be made within thirty (30) days or action would be taken to void the applications. As of the date of this letter no written correspondence has been received by IDWR. If it is your intent to further pursue this application, please provide the required information. It is the intent of IDWR to void your application within the next fourteen (14) days, or June 1, 2018 if no response is received.

IDWR forms and other information are available on IDWR's webpage at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Or contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Patrick Kelly  
Water Resource Agent, Sr.

cc: RIVER STONE LLC  
HERON RIVER DEVELOPMENT LLC  
HERON RIVER HOMEOWNERS ASSN INC  
ROXANNE BROWN, SPF WATER RESOURCES via e-mail  
S BRYCE FARRIS, SAWTOOTH LAW via e-mail

## Kelly, Patrick

---

**From:** Kelly, Patrick  
**Sent:** Monday, April 30, 2018 11:40 AM  
**To:** 'Roxanne Brown'  
**Subject:** RE: Pioneer Ditch Co.

Hi Roxanne,

There are a number of ways but I think the most simple would be to say that if the company needs to divert 0.72 cfs to mitigate 36 acres at all times, then at times when Boise River rights are curtailed to 60% the company would have to deliver 1.20 cfs on paper to make up for the cut.

$$0.72 \text{ cfs} / 1.20 \text{ cfs} = 0.60 = 60\%$$

OR

X = the required diversion rate prior to curtailment;  
then  $X \text{ cfs} * 0.60 = 0.72 \text{ cfs} \Rightarrow$   
 $X = 1.20 \text{ cfs}$

Angie had another round a bout way of doing it, but this should be enough. Let me know if you have any further thoughts.

**From:** Roxanne Brown [mailto:RBrown@spfwater.com]  
**Sent:** Monday, April 30, 2018 10:42 AM  
**To:** Kelly, Patrick <Patrick.Kelly@idwr.idaho.gov>  
**Subject:** Pioneer Ditch Co.

Hi, Patrick –

Can you please explain your calculation of mitigation shares outlined in the March 27 letter to Pioneer Ditch? I don't know how you arrived at 60 shares. I need to explain the value to Pioneer.

Thanks!

---

**Roxanne Brown | Sr. Water Right Specialist**

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136

e. [rbrown@spfwater.com](mailto:rbrown@spfwater.com) | c. 208.859.8428



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

March 27, 2018

COPY

PIONEER DITCH COMPANY  
PO BOX 70  
STAR ID 83669

RE: Amendment for Transfer Application 81213 required

Dear Applicant,

On August 29, 2017, you filed an amended application for transfer of water right to change the nature of use for a portion of 63-183 to aesthetic storage. The transfer offers 130 af related to the evaporation losses associated with a 49 acre pond surface area to serve as mitigation required for application for permit 63-34219.

A condition of water right 63-183 states: *This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.*

Boise River water rights are often curtailed under the Stuart Decree to 60 percent of their decreed quantities. To fulfill the 130 af required for mitigation associated with 36 acres of historical crop use, the company would have to transfer 1.20 cfs or 60 shares to diversion to storage. Please make the proper amendments to your transfer application.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be rejected without a timely written reply within the next thirty (30) days. Please contact me at 208-334-2190 for more information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly  
Water Resource Agent, Sr.  
208.287.4933 phone  
[patrick.kelly@idwr.idaho.gov](mailto:patrick.kelly@idwr.idaho.gov)

cc via email: Roxanne Brown, SPF Water Engineering  
S. Bryce Farris, Sawtooth Law Offices, PLLC

## MEMORANDUM

TO: Transfer No. 81213  
FROM: Patrick Kelly  
DATE: 10/13/2017  
RE: Evaluation of Application

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### Summary of Information Submitted

**Narrative:** Transfer No. 81213 proposes a nature of use change to provide mitigation for new aesthetic storage applications 63-34219. According to the transfer application, Heron River holds 290 shares of Pioneer Ditch Co at an inch per share.

The original transfer application was filed to reflect a pond surface area of 32 acres. Review of the applications discovered a larger area was required to cover the project. App for permit 63-34219 was amended to reflect a larger capacity and a surface area of 49 acres. This changed the volume of water required for consumptive losses, and so the transfer application was amended accordingly.

A pond analysis for consumptive losses was submitted with the application. In the amended application, the Caldwell (NWS-101380) station was used to calculate a total evaporation loss of 127.6 af on a 49 acre surface area. The transfer application proposes to change 130 af of 63-183 from irrigation use to aesthetic storage. The Association will have to maintain 36 shares to cover the aesthetic storage use under 63-183.

Part 1b of the transfer application suggests a diversion to storage of 0.72 cfs to deliver the aesthetic storage volume to the system. The aesthetic storage use is to mitigate consumptive losses associated with the pond system. Mitigating right 63-183 does not have a maximum volume to subtract the use from, but by reducing the POU by 36 acres, the mitigation gets debited from the irrigation use.

The proof report for 63-183 pre transfer showed an acre limit of 1283.1 acres and a total of 1282.1 acres. The right was decreed in 2007 with a 1283.1 acre limit. An order was issued 9/11/2012 adding 5 acres of irrigation use to the right, for a total of 1288.1 acres. This transfer will take the opportunity to correct the acre description.

There appears to be some **error in the acres authorized by 63-183**. The right has been used in some form of mitigation a total of 3 times previous to this occasion, and acres have not been subtracted correctly. In 2004, permit 63-31890 was issued for 3 acres and mitigation provided under transfer 71198. In this transfer, mitigation use was added to 63-183 for a total of 0.06 cfs and acres were reduced by 3 from 1,286.1 to 1,283.1 acres.

In 2007, 63-183 was decreed with mitigation of 0.06 cfs and limited to the irrigation use of 25.66 cfs on 1,283.1 acres.

In 2008, permit 63-32602 was issued for storage and irrigation use requiring a total mitigation of 0.62 cfs from 63-183. The irrigation use was reduced by 0.62 cfs to 25.04 cfs and the mitigation use was increased by 0.62 cfs to 0.68 cfs. Acres were not changed. The 31 acres related to mitigation purposes were not subtracted from 1,283.1 acres at that time.

In 2009, permit 63-33031 was issued for aesthetic storage requiring 1.0 acre of mitigation. 63-183 was used again to provide this mitigation, reducing the irrigation use to 25.02 cfs from 25.04 cfs and the mitigation was increased by 0.02 cfs to 0.70 cfs. Total acres were reduced to 1,282.1 acres but the acre limit remained 1,283.1 acres.

In 2012, 63-32602 was licensed for 5 acres less irrigation than the permit authorized. As a result, an order was issued giving the irrigation company back 0.10 cfs. Irrigation use was changed to

25.12 cfs from 25.02 cfs. Acres were not changed, and remained 1,283.1 acre limit, 1,282.1 total acres.

If we go back to the 2007 decree, 63-183 authorized a total of 1,283.1 acres. 26 acres (31 – 5) for 63-32602 and 1.0 acre for 63-33031 totals 27.0 acres. The irrigation use at the time of this review should reflect a total of 1,256.1 acres. When we subtract the 36.0 acres relevant to this transfer, the total authorized irrigation use should be **1,220.1 acres** post transfer.

A historical crop use analysis of grass/hay was submitted for a total of 1,047.54 mm/yr. If we add back the 0.63 mm/day represented in November, you get a total of 1,100.0 mm/yr. This translates to an annual total of 3.6 af/ac. To satisfy the 127.6 af needed to account for consumptive losses, the company would need to retire 35.4 acres. The 36 acres proposed in the transfer provides adequate mitigation.

The mitigation diversion of 0.60 cfs is **not related** to the subdivision pond system under 63-34219. The Mitigation use will be changed to Mitigation by Non-Use based on current department policy.

**Authority to File:** The application was filed in the name of Pioneer Ditch Company Limited and was signed by a Gail Glasgow. Ms. Glasgow is the registered president for the company according to ID SOS (No. C6664).

**Water Right Validity:** 65-183 was decreed in 2007. The irrigation use is protected from forfeiture review, assuming they have been delivering water to their shareholders.

**Overlap Analysis:** No POU overlap is found. Storage rights are not found on the property. Applications for permit 63-34219, 63-34220 & 63-34275 were received and being processed concurrently with the transfer application.

**Injury to Other Water Rights:** None anticipated. The consumptive losses associated to the pond project are being mitigated through the nature of use in the transfer. Changes to the mitigating right are occurring within the irrigation companies POU boundary.

**Enlargement of Use:** None anticipated. Consumptive uses associated with the ponds are being subtracted from the irrigation use and being added as aesthetic storage.

**Local Public Interest:** No issues identified.

**Beneficial Use/Conservation of Water Resources:** The application proposes beneficial use consistent with conservation of water resources in Idaho.

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

**Summary:** Protests were not filed. The application can be approved as reflected by the draft approval.

**LEGAL PROOF OF PUBLICATION**

| Account # | Ad Number  | Identification                                     | PO            | Amount   | Cols | Lines |
|-----------|------------|----------------------------------------------------|---------------|----------|------|-------|
| 263978    | 0003288610 | The following applications have been filed to appr | RiverstoneLLC | \$604.10 | 3    | 132   |

**Attention: RACHEL NEELY**IDAHO DEPT OF WATER RESOURCES / WEST  
2735 AIRPORT WAY  
BOISE, ID 837055082**RECEIVED****OCT 02 2017****WATER RESOURCES  
WESTERN REGION**

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

**63-34219****RIVER STONE LLC**

1500 W BANNOCK

BOISE, ID 83702

HERON LAKES DEVELOPMENT INC

2970 E RIVERNEST CT

BOISE, ID 83706

HERON RIVER HOMEOWNERS ASSOCIATION, INC.

9601 W STATE ST STE 203

BOISE, ID 83714

Points of Diversion SENW 1.2(NWSE) NENE S17 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

{3}Points of Diversion SENE S17 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

{2}Points of Diversion NWNW S16 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion SWNW S16 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 625 AF

Total Diversion: 625 AF

Date Filed: 4/19/2016

Place of Use: AESTHETIC STORAGE

T04N R01W S16 NWNW SWNW

T04N R01W S17 NENE SWNE SENE L3(NESW) L2(NWSE)

Water bearing zone to be appropriated is from 0 to 35 feet.

*✓ OK RN 10/10/17***63-34220****RIVER STONE LLC**

1500 W BANNOCK

BOISE, ID 83702

HERON LAKES DEVELOPMENT INC

2970 E RIVERNEST CT

BOISE, ID 83706

HERON RIVER HOMEOWNERS ASSOCIATION, INC.

9601 W STATE ST STE 203

BOISE, ID 83714

{2}Points of Diversion NWNW S16 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC 11/01 to 03/31 0.5 CFS

Total Diversion: 0.5 CFS

Date Filed: 4/19/2016

Place of Use: AESTHETIC

T04N R01W S16 NWNW

T04N R01W S17 SENE

Water bearing zone to be appropriated is from 0 to 200 feet.

*✓ OK RN 10/10/17***63-34275****RIVER STONE LLC**

1500 W BANNOCK

BOISE, ID 83702

HERON LAKES DEVELOPMENT INC

2970 E RIVERNEST CT

BOISE, ID 83706

Point of Diversion SENE S17 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC 01/01 to 12/31 0.5 CFS

Total Diversion: 0.5 CFS

Date Filed: 9/16/2016

Place of Use: AESTHETIC

T04N R01W S16 SWNW

T04N R01W S17 SENE

Water bearing zone to be appropriated is from 0 to 200 feet.

*✓ OK RN 10/10/17***63-34364****C15 LLC**

4824 W FAIRVIEW AVE

BOISE, ID 83706

Point of Diversion SWSE S32 T03N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/30 0.22 CFS

Total Diversion: 0.22 CFS

Date Filed: 4/27/2017

Place of Use: IRRIGATION

T03N R01E S32 SWSE

*✓ OK RN 10/10/17**no WBE, but error***63-34421****AMELIA WHELAN****WILLIAM WHELAN**

3949 N FALCON RIDGE LN

EAGLE, ID 83616

Point of Diversion SWNE S32 T05N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.14 CFS

Total Diversion: 0.14 CFS

*✓ OK RN 10/10/17*

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 InsertionsBeginning issue of: 09/21/2017Ending issue of: 09/28/2017

*Janice Hildreth*  
(Legals Clerk)

STATE OF IDAHO )

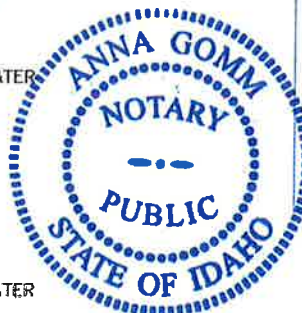
.SS

COUNTY OF ADA )

On this 29th day of September in the year of 2017 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

*Anna Gomm*  
Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires: 08/17/2022

Date Filed: 7/25/2017  
Place of Use: IRRIGATION  
T05N R01E S32 SWNE  
Total Acres: 4.5

Water bearing zone to be appropriated is from 200 to 300 feet.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 81879**

**CITY OF BOISE, DEPT OF PARKS & RECREATION** 1104 ROYAL BLVD, BOISE, ID 83706-2898; has filed Application No. 81879 for changes to the following water rights within ADA County(s): Right No(s). 63-34438. This transfer proposes to add a second point of diversion to the water right to be located in the same lot as the original point of diversion. The City plans to divert water from a depth of 100 to 150 feet in the new well. The site is located on the southwest side of the intersection between W Franklin Rd and S Orchard St in Boise Idaho.

✓ OK RN  
10/10/17

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 81213**

**PIONEER DITCH CO LTD**, PO BOX 70, STAR, ID 83669; has filed Application No. 81213 for changes to the following water rights within ADA County(s): Right No(s). 63-183. The purpose of the transfer is to change the nature of use from irrigation to aesthetic storage by retiring 36 acres. This action will provide the required mitigation for consumptive losses associated with Application for Permit 63-34219. Aesthetic storage water will be used within the current Pioneer Ditch Company place of use boundary, 0.75 miles SE of Star.

✓ OK RN  
10/10/17

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](http://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 10/10/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Sept. 21, 28, 2017

0003288610-01

## Neely, Rachel

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**From:** Rex Barrie <Waterdistrict63@qwestoffice.net>  
**Sent:** Monday, September 18, 2017 6:23 AM  
**To:** Neely, Rachel  
**Subject:** RE: Application for Transfer No. 81213

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Rachel,

I have no objections to this transfer.

Rex R. Barrie  
Boise River Watermaster

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**From:** Neely, Rachel [mailto:Rachel.Neely@idwr.idaho.gov]  
**Sent:** Thursday, September 14, 2017 1:38 PM  
**To:** Rex Barrie  
**Subject:** Application for Transfer No. 81213

September 14, 2017

REX BARRIE  
WATER DISTRICT #63  
PO BOX 767  
10769 W STATE ST  
STAR ID 83669-0767

**RE: Application for Transfer No. 81213**

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by October 10, 2017.

IDWR will assume you do not object to the application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

---

*Rachel Neely*

Administrative Assistant I

IDWR-Western Region

2735 Airport Way Boise, ID 83705

[Rachel.Neely@idwr.idaho.gov](mailto:Rachel.Neely@idwr.idaho.gov)