

82747

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

RECEIVED

OCT 01 2018

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

OCT 04 2018

WATER RESOURCES
WESTERN REGIONDEPARTMENT OF
WATER RESOURCES

An application for transfer must be prepared in accordance with the minimum requirements listed below to be accepted 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) The Linder Project, 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. [See accompanying Notice of Change in Water Right Ownership](#)
- ☐ ☒ #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: _____

82747

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) The Linder Project, LLC Phone 310-997-2373
Mailing address 3112 Los Feliz Boulevard, Los Angeles, CA 90039 Email patrick@localconstruct.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**. See accompanying Notice of Change in Water Right Ownership
- ☐ 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 lgraves@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.


Signature of Applicant or Authorized Representative

Casey Lynch, Manager
Print Name and Title if applicable

9/24/18
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☒ Change nature of use
 ☒ Add diversion point(s)
☒ Change period of use
 ☒ Change place 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**.
See narrative and supporting documents in attached Parts 1A.2 & 1A.3.

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 ☐ ☒	63-4315(63-32789)	0.07/13	GW Recharge	1/1 to 12/31	Ground Water
☐ ☐		0.13/28.4	Irrigation	3/1 to 11/15	Ground Water
☐ ☐				to	
☐ ☒	63-4315(63-32788)	0.12	Domestic	1/1 to 12/31	Ground Water
☐ ☐		0.02	Stockwater	1/1 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.34 cfs and/or 41.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.34 cubic feet per second and/or 41.4 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 #
			SE	SE	S11	4N	1W	Ada	Ground Water	63-32788, 63-32789
			SE	SE	S11	4N	1W	Ada	Ground Water	63-32788, 63-32789
	1		NE	NE	S14	4N	1W	Ada	Ground Water	63-32788, 63-32789
	1		NE	NE	S14	4N	1W	Ada	Ground Water	proposed - 63-32789

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	11																D,S	
																		8	8
		14	D,S																
			8																
			GWR															8	8
Total Acres (for irrigation use)																			*16

*6.3 acres irrigation within a 16-acre permissible place of use

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:

Wells, pond, pumping station

Measuring devices and lockable controlling works will be provided upon Department request.

- b. Who owns the property at the point(s) of diversion? Applicant

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

- 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:

A portion of the permissible place of use will become non-irrigable due to development leaving 6.3 acres of irrigable area within the development.

- 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:

Domestic right 63-19155, aesthetic storage rights 63-32601 and 63-34183

- 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 narrative and supporting documents in attached Parts 1A.2 & 1A.3.

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

Current Water Right No.: 63-32788

Current Owner: BEL AIR EAGLE LLC
Priority Date: 4/1/1948
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.12 CFS	
STOCKWATER	01/01 to 12/31	0.02 CFS	
	<u>Total Diversion</u>	0.14 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 11,	Twp 04N,	Rge 01W B.M.
ADA County				
GROUND WATER	L1(NE1/4NE1/4)	Sec. 14,	Twp 04N,	Rge 01W B.M.
ADA County				
GROUND WATER	SE1/4SE1/4	Sec. 11,	Twp 04N,	Rge 01W B.M.
ADA County				

Place of Use

DOMESTIC Within ADA County

T04N R01W S11	SESE	T04N R01W S14	Lot 1	NENE
---------------	------	---------------	-------	------

STOCKWATER Within ADA County

T04N R01W S11	SESE	T04N R01W S14	Lot 1	NENE
---------------	------	---------------	-------	------

Page _____ of _____

Conditions of Approval:

1. X01 Domestic use is for 3 homes.
2. N09 The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.
3. N14 The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 1/23/2009

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

Current Water Right No.: 63-32789

Current Owner: BEL AIR EAGLE LLC
Priority Date: 4/1/1948
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>
GROUND WATER RECHARGE	01/01 to 12/31	0.07 CFS	13 AF
IRRIGATION	03/01 to 11/15	0.13 CFS	28.4 AF
	<u>Total Diversion</u>	0.2 CFS	41.4 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 11,	Twp 04N,	Rge 01W B.M.
ADA County				
GROUND WATER	L1(NE1/4NE1/4)	Sec. 14,	Twp 04N,	Rge 01W B.M.
ADA County				
GROUND WATER	SE1/4SE1/4	Sec. 11,	Twp 04N,	Rge 01W B.M.
ADA County				
GROUND WATER	L1(NE1/4NE1/4)	Sec. 14,	Twp 04N,	Rge 01W B.M.
ADA County				

Place of Use

GROUND WATER RECHARGE Within ADA County

T04N R01W S14 Lot 1 NENE

IRRIGATION Within ADA County

T04N R01W S11	SESE	8.00	T04N R01W S14	Lot 1	NENE	8.00
Total Acres: 16						

Conditions of Approval:

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. This right authorizes the diversion rate of 0.07 cfs and an annual diversion volume of 13.0 af for ground water recharge as replacement of losses caused by evaporation from ponds associated with permit 63-32601. The diversion volume is fully consumptive.
8. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. X27 This right is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.

Decreed Date: 1/23/2009

Transfer Attachment

Parts 1A.2 & 1A.3

Transfer Narrative: The purpose of this transfer application is to make approved transfer No. 73833 legally recognized as the last administrative action for water right 63-4315.

In December, 2008, IDWR split water right 63-4315 into children rights 63-32788 and 63-32789 according to transfer No. 73833, approved approximately one month before the SRBA court issued a decree for parent water right 63-4315. The decree for 63-4315 did not recognize the transfer approval. Transfer No. 73833 modified the place of use for water right 63-4315 to accommodate 6.3 acres of landscape irrigation within the proposed development and changed the nature of use of the remaining 3.7 acres from irrigation to ground water recharge to mitigate the evaporative losses associated with the pond area proposed under water right 63-32601. Transfer 73833 also authorized an additional point of diversion under 63-32789 in the NENE Section 14. As a result of the transfer approval, water right 63-4315 was split into the two children rights; 63-32788 for the original domestic and stockwater uses and 63-32789 for ground water recharge and irrigation uses.

Because IDWR is required to administer water rights according to decrees, the Department could be precluded from recognizing the two children rights (63-32788 and 63-32789) because the split was not recognized by the SRBA Court. To remedy this situation, the applicants would like approved transfer No. 73833 to be officially recognized as the last administrative action for water right 63-4315 to ensure the use of ground water under the children rights is legally authorized, especially with regards to the recharge use authorized under right 63-32789 that is necessary to mitigate for pond water rights 63-32601 and 63-34183¹.

Based on recent discussions with Department staff, we are refiling this transfer application to accomplish the original transfer. Ideally, the transfer can be processed without legal notice, given that legal notice was provided for the original transfer. Because of the "correcting" nature of this transfer application, we feel the changes requested are pursuant to [Idaho Code § 42-221.O.8](#), and therefore subject to a \$50 filing fee.

Supporting documentation provided with this attachment include:

1. Approved Transfer 73833
2. Partial Decree 63-4315

¹The IDWR report for water right 63-32789 does not list right 63-34183 as one of the rights for which it provides mitigation through ground water recharge. This is because right 63-34183 did not exist at the time right 63-32789 was created. During the licensing exam for right 63-32601, an additional 1 acre of pond surface area and 20 acre-feet pond volume were found developed and subsequently covered under right 63-32789. Based on ET Idaho data, the amount of recharge water authorized under water right 63-32789 provides sufficient mitigation for the current pond's evaporative losses. Consequently, right 63-32789 mitigates both rights 63-32601 and 63-34183.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73833

This is to certify that: THE ORCHARDS AT EAGLE LLC
 802 W BANNOCK STE 801
 BOISE ID 83702
 (208)345-8761

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-4315	AJC/Beneficial Use	04/01/1948	0.34 cfs	45 af	N/A	10.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-4315	YES	NO	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-4315	63-32789	0.20 cfs	41.4 af	6.3	16.0	63-32788	0.14 cfs	N/A	N/A	N/A
COMBINED										
TOTALS		0.20 cfs	41.4 af	6.3	16.0		0.14 cfs	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of December, 2008

Shelley W. Keen
 for Chief, Water Allocation Bureau

SUPPORT DATA
 IN FILE # 63-4315

WATER RIGHT NO. 63-32789
As Modified by Transfer No. 73833

In accordance with the approval of Transfer No. 73833, Water Right No. 63-32789 is now described as follows.

Right Holder: THE ORCHARDS AT EAGLE LLC
 802 W BANNOCK STE 801
 BOISE ID 83702

Priority Date: April 1, 1948

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
GROUND WATER RECHARGE	01/01 to	12/31	0.07 CFS	13.0 AF
IRRIGATION	03/01 to	11/15	0.13 CFS	28.4 AF
			0.20 CFS	41.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 11	Twp 04N	Rge 01W	ADA County
GROUND WATER	SESE	Sec. 11	Twp 04N	Rge 01W	ADA County
GROUND WATER	L1 (NENE)	Sec. 14	Twp 04N	Rge 01W	ADA County
GROUND WATER	L1 (NENE)	Sec. 14	Twp 04N	Rge 01W	ADA County

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	14	X																
			L1																

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	11																8.0	8.0
04N	01W	14	8.0																8.0
			L1																

Total Acres: 16.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

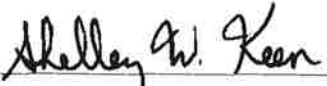
WATER RIGHT NO. 63-32789
As Modified by Transfer No. 73833

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right authorizes the diversion rate of 0.07 cfs and an annual diversion volume of 13.0 af for ground water recharge as replacement of losses caused by evaporation from a pond associated with permit 63-32601. The diversion volume is fully consumptive.
7. This right is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1st day of December, 2008


for Chief, Water Allocation Bureau

RECEIVED
JAN 26 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 23 2009	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) Water Right: 63-04315
) (The Orchards at Eagle, LLC)
)
) ORDER OF PARTIAL DECREE
)
)

On December 19, 2006, the Idaho Department of Water Resources filed its *Director's Report for Basin 63, Part III, Reporting Area 13, for Irrigation and Other Water Rights*, which included recommendation for the above named water right. On March 5, 2007, the Idaho Department of Water Resources filed a *Notice of Completed Administrative Proceeding* and *Amended Director's Report* notifying the Court of a change of address for named water right. No objections were filed to the *Amended Director's Report* and the time period for filing objections has expired.

Therefore, IT IS ORDERED that the above-captioned water right be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

January 23, 2009

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

82747

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-04315

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 23 2009

By

Clerk
Deputy Clerk

NAME AND ADDRESS: THE ORCHARDS AT EAGLE, LLC
6855 W FAIRVIEW AVE #100
BOISE, ID 83704-8502

SOURCE: GROUND WATER

QUANTITY: 0.34 CFS
45.00 AFY

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1948

POINT OF DIVERSION: T04N R01W S11 SESE Within Ada County
SESE
S14 NENE

2 points of diversion located in T04N, R01W, S11, SESE

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.20 CFS
		45.00 AFY
Stockwater	01-01 TO 12-31	0.02 CFS
Domestic	01-01 TO 12-31	0.12 CFS

Domestic use is for 3 homes.

PLACE OF USE:

Irrigation		Within Ada County
T04N R01W S11	SESE 6.5	
S14	NENE 3.5	
10.0 Acres Total		
Stockwater		Within Ada County
T04N R01W S11	SESE	
S14	NENE	
Domestic		Within Ada County
T04N R01W S11	SESE	
S14	NENE	

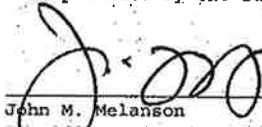
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic
use and stockwater use is not a determination of historical
beneficial use.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



Idaho Department of Water Resources

SRBA Recommendation:

63-4315

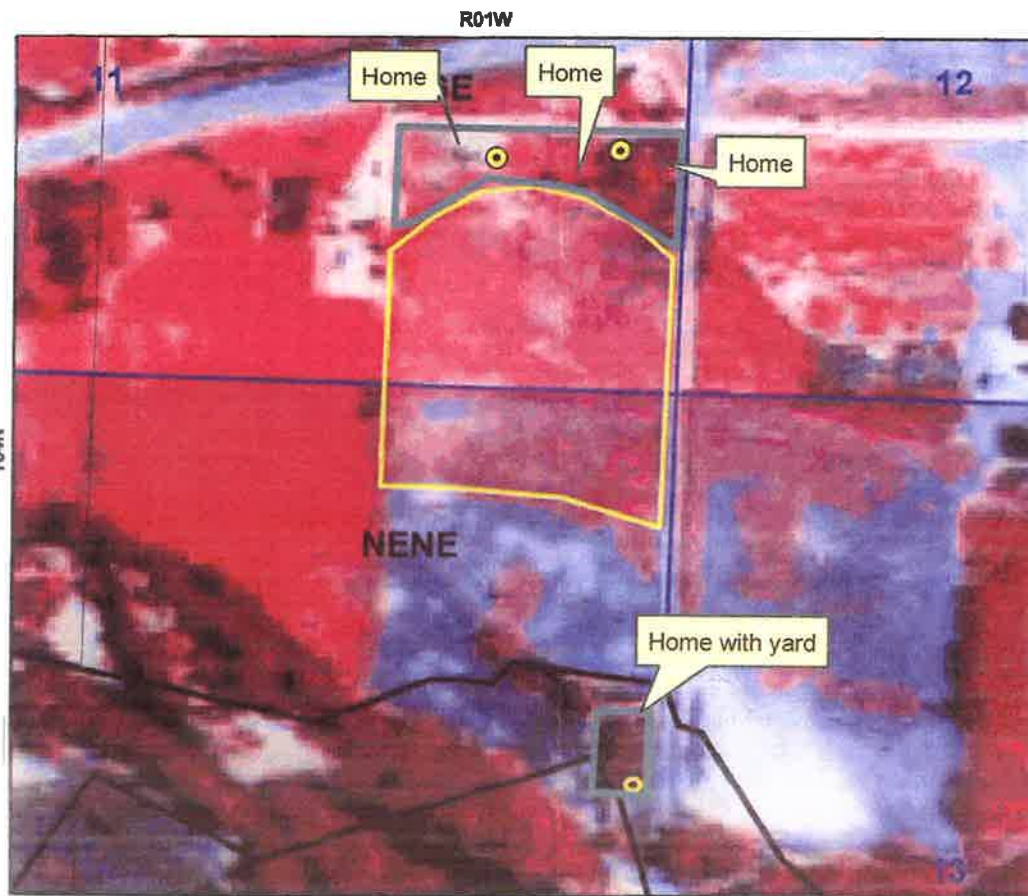
(Irrigation)

Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63



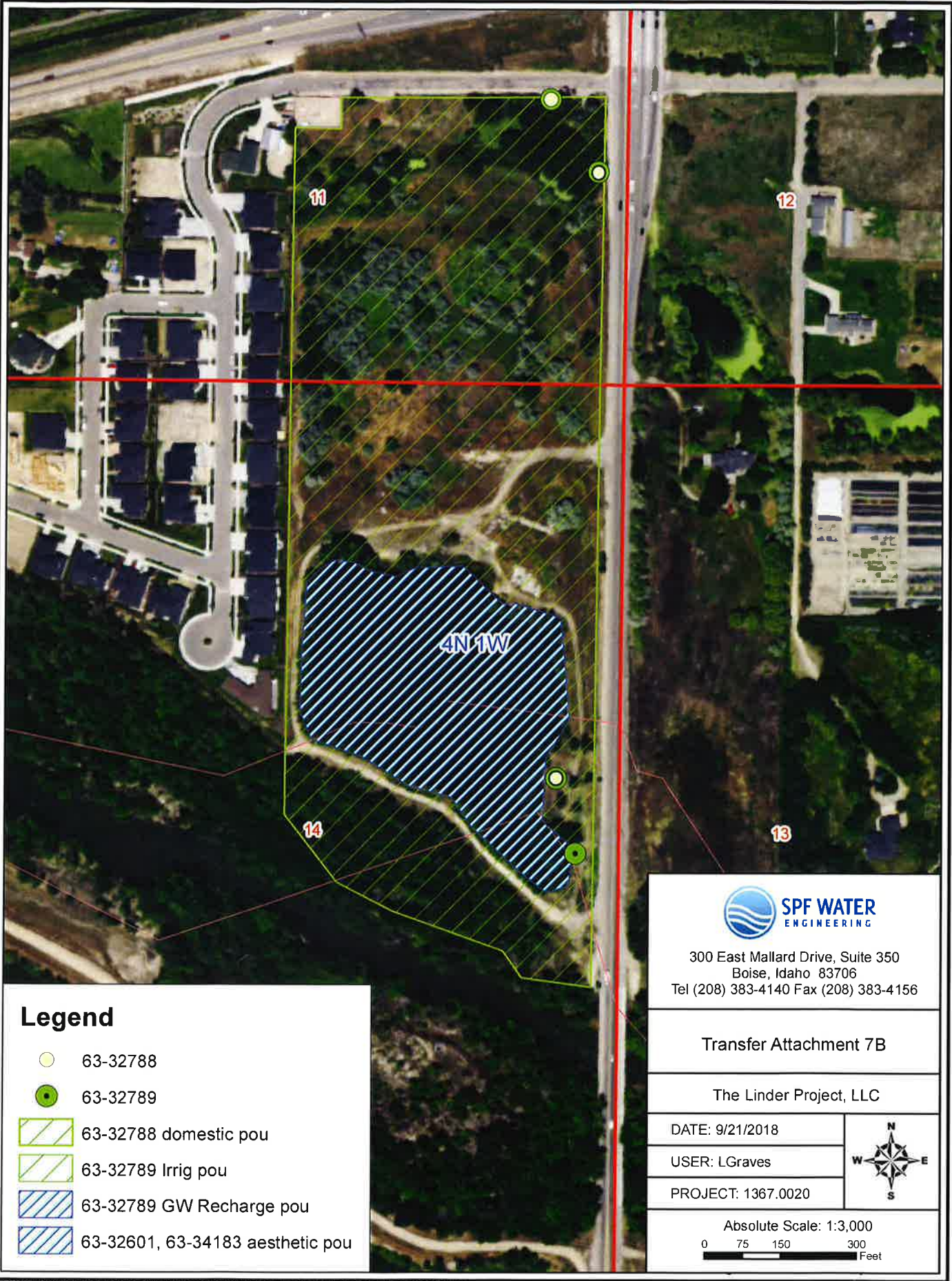
0 0.1 0.2 Miles

Prepared by S. Egbert
On Monday, November 13, 2006
1987/88 Aerial Photography

Transfer Attachment 7A

82747

Path: S:\PROJECTS\11 thru L\PROJECTS\Local Construct\1367\0020_The Linder Project\PROJECT\GIS\ArchMap_Projects\Transfer Map 7B.mxd



Legend

-  63-32788
-  63-32789
-  63-32788 domestic pou
-  63-32789 Irrig pou
-  63-32789 GW Recharge pou
-  63-32601, 63-34183 aesthetic pou



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

Transfer Attachment 7B

The Linder Project, LLC

DATE: 9/21/2018

USER: LGraves

PROJECT: 1367.0020



Absolute Scale: 1:3,000

0 75 150 300
Feet

COORDINATE REFERENCE SYSTEM: NAD 1983 2011 StatePlane Idaho West FIPS 1103 Ft US

82747



SPF WATER
ENGINEERING

September 26, 2018

RECEIVED

OCT 01 2018

WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: *Application for Transfer*
Notice of Change in Water Right Ownership

Dear Angie,

Enclosed on behalf of The Linder Project, LLC, is an *Application for Transfer* requesting previously approved transfer No. 73833 be legally recognized as the last administrative action for water right 63-4315. Please see the transfer narrative for further details. The transfer is being filed based on email communications with Department staff (Pam Skaggs), for which Nick Miller was copied. Also enclosed is a *Notice of Change in Water Right Ownership* that will allow the current ownership be updated on the water rights appurtenant to the applicant's property.

Check No. 013860 for \$175 is enclosed for the filing fees. This includes \$125 for the ownership change notice and \$50 for the transfer application. The transfer fee is pursuant to [Idaho Code § 42-221.O.8](#) that we feel is applicable due to the transfer's "correcting" nature.

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".

Lori Graves
Water Rights Specialist

Cc: Patrick Boel

Enclosures

SPF file number: 1367.0020