

RECEIVED
AUG 29 2017
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 81213
amended 2/14/2017

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Pioneer Ditch Company, Limited Phone (208) 455-1735

Mailing 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 Representative

Name of Representative S. Bryce Farris, Sawtooth Law Phone (208) 629-7447

Mailing 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.

Sail R. Masgou
Signature of Applicant or Authorized Representative

President Little Pioneer Ditch Aug 14, 2017
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
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.2**.
See attachment Part 1A.2.

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 ☐ ☒	63-183	24.4	irrigation	3/1 to 11/15	Boise River/Snake River
☐ ☒	63-183	0.72	diversion to storage	3/1 to 11/15	Boise River/Snake River
☐ ☒	63-183	0.6	mitigation	3/1 to 11/15	Boise River/Snake River
☐ ☒	63-183	130 ac-ft	aesthetic storage	3/1 to 11/15	Boise River/Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed 0.72 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																			

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 36 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. 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 36 shares.

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:

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:

Thirty-six 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. The ponds will replace the existing irrigated area.

- 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
ADA County

L3(N E1/4NW1/4) Sec. 14, Twp 04N, Rge 01W B.M.

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.

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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 36 shares that previously were used for the irrigation of 36 acres at a rate of 0.02 cfs per acre (0.72 cfs total). The applicant proposes that 36 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.

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.

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 _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

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

Instructions:

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

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

Precipitation Deficit

Station: Caldwell (NWS 101380)

Month	mm/day ¹	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

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

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

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

Total mm/year = 793.73

$[(\text{mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$

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

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 (grass hay)	Mean Monthly 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 (pond)	Mean Monthly 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 Idaho online data

INCORPORATED UNDER IDAHO

SENDER

RECEIVER

The Pioneer

Sharon K. Kline & Paul Kline, Ltd.

President and Secretary

PIONEER DITCH COMPANY, LIMITED

is the owner of

Share of the Capital Stock of

transferable only in the books of the Corporation by the holder hereof in person or by attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed.

AT STAR, IDAHO.

this 9

day of

Jan 9 2006

Patricia Kline

SECRETARY

Sharon K. Kline

PRESIDENT



Property Boundary

Proposed Pond

Pond Connections

12" Pipe

24" Pipe

36" Pipe

42" Pipe (Pioneer Ditch Co.)

Out to other user(s)

Proposed Connection

drain

**Application for Permit 63-34219/Transfer No. 81213
amended 2/14/2017**



500

Feet



Idaho Department of Water Resources Receipt

Receipt ID: W045626

Payment Amount \$200.00 Date Received 8/29/2017 10:46 AM Region WESTERN
Payment Type Check Check Number 1156
Payer RIVER STONE LLC

Comments APPLICATION FOR TRANSFER FOR PIONEER DITCH COMPANY LTD
63-183
0.72 CFS / 130 AF
(\$250 TOTAL SUBMITTED W/ TWO CHECKS)

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$200.00	TRANSFERS	62105	0229	21		1155



Signature Line (Department Representative)

Idaho Department of Water Resources Receipt

Receipt ID: W045627

Payment Amount \$50.00 Date Received 8/29/2017 10:49 AM Region WESTERN
Payment Type Check Check Number 011533
Payer SPF WATER ENGINEERING LLC

Comments APPLICATION FOR TRANSFER FOR PIONEER DITCH COMPANY LTD
63-183
0.72 CFS / 130 AF
(\$250 TOTAL SUBMITTED W/ TWO CHECKS)

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	TRANSFERS	62105	0229	21		1155



Signature Line (Department Representative)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. **81213**

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED**SEP 16 2016**

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.

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.
- ☐ ☒ #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: _____

X SUPERCEDED BY AMENDED TRANSFER RECEIVED 8-29-17.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Pioneer Ditch Company, Limited Phone (208) 286-7481 (208) 455-1735
Mailing 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 Representative

Name of Representative S. Bryce Farris, Sawtooth Law Phone (208) 629-7447
Mailing 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.

Gail R Glasgow
Signature of Applicant or Authorized Representative

Gail R Glasgow Pres
Print Name and Title if applicable

Jul 22, 2016
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 _____
- 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 River Development LLC (the Developer) will file an Application for Permit 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 32 acres. The ponds will have an average depth of 15 feet and a combined volume of 480 ac-ft. Total evaporative losses from pond surfaces during the irrigation season are calculated to be 77 ac-ft (see pond calculations included with this application). The Developer understands that mitigation must be provided for the 77 ac-ft evaporative loss proposed by his permit application.

Heron River proposes continued diversion of 32 of its total 290 shares through the ponds to maintain water quality and provide mitigation for 77 ac-ft of evaporative losses from the ponds during the irrigation season. An initial fill of the ponds (480 ac-ft) will be provided by 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 32 shares.

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 ☐ ☒	63-183	24.48	irrigation	3/1 to 11/15	Boise River/Snake River
☐ ☒	63-183	0.64 cfs	diversion to storage	3/1 to 11/15	Boise River/Snake River
☐ ☒	63-183	77 ac-ft	aesthetic storage	3/1 to 11/15	Boise River/Snake River
☐ ☒	63-183	0.64 cfs	aesthetic	3/1 to 11/15	Boise River/Snake River
☐ ☒	63-183	0.6	mitigation	3/1 to 11/15	Boise River/Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

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

2. Total amount of water proposed to be transferred or changed 0.64 cubic feet per second and/or 77 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 (for irrigation use)																			1,256.1

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:

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:

Thirty-two acres of previously-irrigated farmland will no longer be irrigated to provide water for aesthetic use in ponds with a total surface area of 32 acres. The ponds will replace the existing irrigated area.

- 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 will be filed by Heron River Development LLC 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 6 of 10

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

IRRIGATION

From To

03/01 to 11/15

MITIGATION

03/01 to 11/15

Total Diversion

Diversion Rate

25.12 CFS

0.6 CFS

25.72 CFS

Annual Volume

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L3(NE1/4NW1/4)

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

Place of Use

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

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

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

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

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

FOR DEPARTMENT USE ONLY

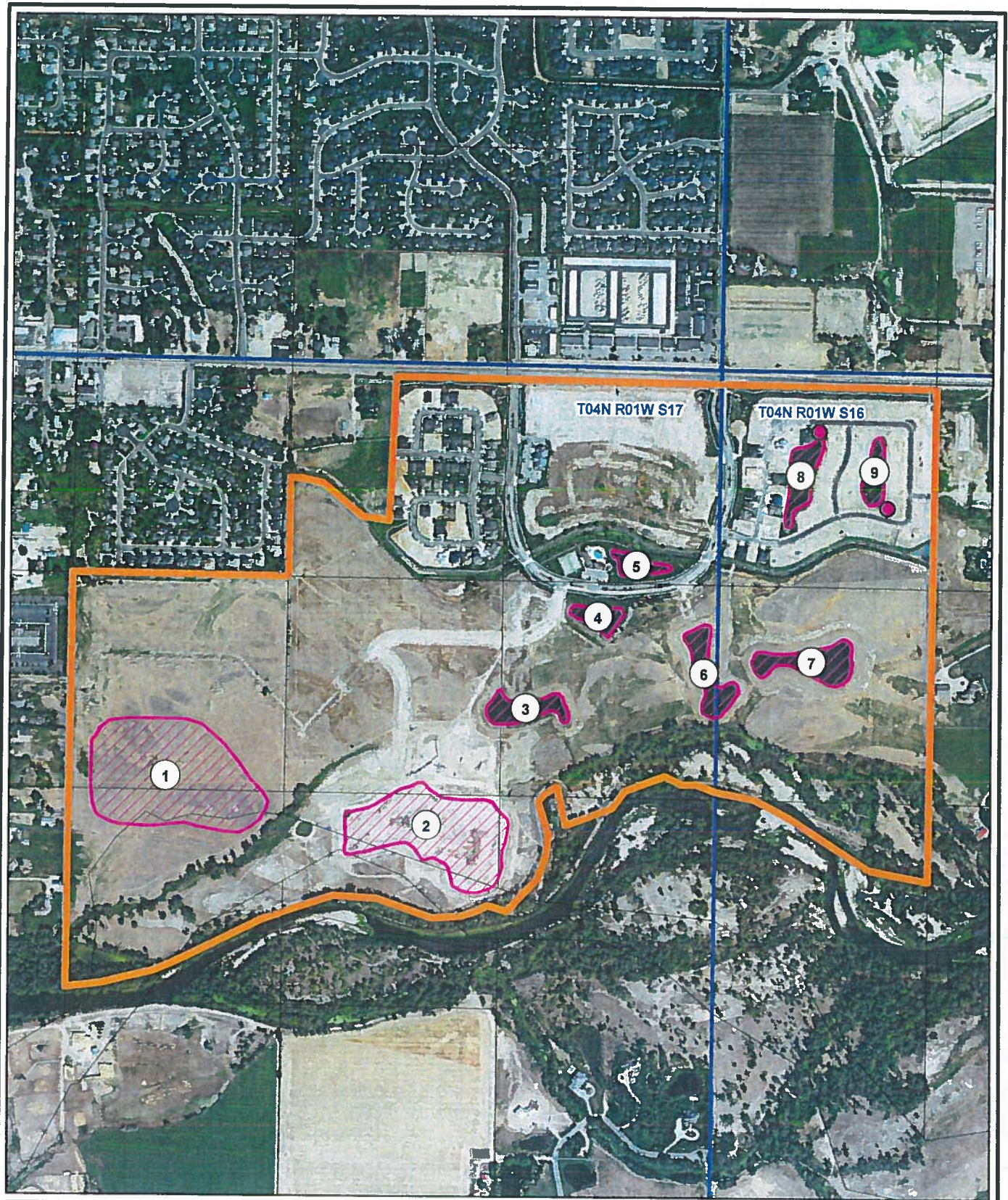
Transfer contains 10 pages and 2 attachments.

Received by RN Date 9/16/16 Preliminary check by _____ Date _____

Fee paid 500.00 Date 9/16/16 Received by RN Receipt # W044638

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

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



Development Boundary

Proposed Well Site

Proposed Pond

Pond No.

2013 NAIP Image

**Application for Permit
Heron River Development - June 2015**

N
N

0.1

Miles



**SPF WATER
ENGINEERING**

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	SFF Water Engineering
DATE	6/24/2015

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:

P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

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

Instructions:

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

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

Precipitation Deficit

Station: AgriMet NMPI

Month	mm/day ¹	Days per month	mm/Month
Jan		31	0.00
Feb		28	0.00
March	1.53	31	47.43
April	2.26	30	67.80
May	2.79	31	86.49
June	3.68	30	110.40
July	4.81	31	149.11
August	4.24	31	131.44
September	2.87	30	86.10
October	1.56	31	48.36
November	0.44	15	6.60
December		31	0.00

Total mm/year = 733.73

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.

$[(\text{mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$

$$\left(\frac{733.73}{304.8} \right) \times 32.00 = 77.0 \text{ AFA}$$

Neely, Rachel

From: Neely, Rachel
Sent: Friday, September 15, 2017 12:22 PM
To: 'BOI Legals'
Subject: Ada Legal Ads
Attachments: Ada Cover Letter.docx; Ada Legal Notice.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 9/21/2017 & 9/28/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

September 15, 2017

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

RE: Application for Permit No. 63-34219
 Application for Permit No. 63-34220
 Application for Permit No. 63-34275
 Application for Permit No. 63-34364
 Application for Permit No. 63-34421
 Application for Transfer No. 81879
 Application for Transfer No. 81213

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 10/10/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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 STSTE 203
BOISE, ID 83714
Points of Diversion SENW L2(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.

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

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.

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

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
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.

**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.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 10/10/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/21/2017 and 9/28/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, September 14, 2017 1:37 PM
To: 'Rex Barrie'
Subject: Application for Transfer No. 81213
Attachments: Watermaster Recommendation Form_F.pdf; Application for Transfer No. 81213.pdf

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



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 14, 2017

PIONEER DITCH CO LTD
PO BOX 70
STAR, ID 83669

RE: Transfer No. 81213
Water Right No(s). 63-183

Dear Applicant(s):

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 9/21/2017 and 9/28/2017. 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,

Rachel Neely
Administrative Assistant

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



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 1, 2017

COPY

SPF WATER ENGINEERING
ATTN ROXANNE BROWN
300 E MALLARD DR #350
BOISE ID 83706

RE: Meeting schedule regarding applications 63-34219, 63-34220, 63-34275 & 81213

Dear Applicant:

Applications for Permit 63-34219, 63-34220, 63-34275 & Transfer No. 81213 have been filed to cover aesthetic storage ponds associated with the Heron River / River Stone sub-division project. Additional information is required to complete the application process.

A meeting will be held at the department's Western Regional Office Tuesday, February 14, 2017 at 1:00 p.m. Topics of discussion at this meeting will address previous information requests as well as concerns defining the project appropriately. Enclosed is a DRAFT agenda containing general topics of discussion. Please review the agenda and be prepared to provide information to the group. Your knowledge of the system is very important to the accuracy of the rights. If topics that you feel are important to the situation are missing or have been overlooked, please address them to me prior to our meeting.

Thank you for your attention to these matters, I look forward to meeting with you about your applications.

Respectfully,

Patrick Kelly
Water Resource Agent, Sr.

Enclosure: DRAFT Agenda

cc: RIVER STONE LLC
HERON RIVER DEVELOPMENT LLC
HERON RIVER HOMEOWNERS ASSN INC
ROXANNE BROWN, SPF WATER RESOURCES
S BRYCE FARRIS, SAWTOOTH LAW
ANGIE GRIMM, IDWR
NICK MILLER, IDWR



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 30, 2016

COPY

SPF WATER ENGINEERING
ATTN ROXANNE BROWN
300 E MALLARD DR #350
BOISE ID 83706

RE: Additional Information Request Meeting for Water Rights 63-34219, 63-34220, 63-34275 & Transfer 81213

Dear Applicants,

On November 29, 2016, the department sent a letter to your representative requesting additional information to an application you filed for aesthetic uses in Sections 16 and 17, Township 4 North, Range 1 West of Ada County. 30 days were given to respond to the items outlined in the attached letter. A response for this information has not yet been received. I am contacting you today to schedule a meeting between all parties including applicants, representatives and the department regarding the proposed use.

A meeting is proposed at the Western Region Office during business hours February 13 to February 24, 2017. Please respond with your availability during this period by January 31, 2017. A final meeting date will be determined once all responses are collected.

Please contact me at 208-334-2190 for more information or to answer any questions. Thank you for your attention to this matter.

Respectfully,

Patrick Kelly
Water Resource Agent, Sr.

Enclosure(s): Additional Information Request Letter dated 11/29/2016

CC: RIVERSTONE LLC
HERON LAKES DEVELOPMENT INC
HERON RIVER HOMEOWNERS ASSN INC
ROXANNE BROWN, SPF WATER ENGINEERING
S BRYCE FARRIS, SAWTOOTH LAW
ANGIE GRIMM, IDWR
NICK MILLER, IDWR



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 29, 2016

COPY

ROXANNE BROWN

VIA EMAIL: RBROWN@SPFWATER.COM

S BRYCE FARRIS

VIA EMAIL: BRYCE@SAWTOOTHLAW.COM

RE: Additional Information Request for Applications 63-34219, 63-34220, 63-34275 & 81213

Dear Representative(s):

On April 16, 2016, your client(s) filed an application for permit to appropriate water for aesthetic storage uses in Sections 16 & 17, Township 4 North, Range 1 West. On September 16, 2016, Middleton Mill Ditch Company filed transfer 81213 to provide mitigation to the aesthetic use. Review of these applications is complete and the following information is being requested to complete processing of the applications.

Please provide the following information:

1. Provide a letter stating that you are providing representation for the applicants.
2. Regarding Application for Permit 63-34219, the nature of use identified in part 4 of the application states 557 af for aesthetic use. The application is for the capacity of the ponds and should reflect a 480 aesthetic storage use. Please amend the application accordingly.
3. Places of use in Part 8 of applications 63-34220 and 63-34275 provide groundwater to specific ponds identified by the applications for maintenance levels and flow through. If the ponds are interconnected, please verify that water diverted from the wells is not being used to fill other ponds on the same system. If maintenance is proposed to all of the ponds, please amend the POU legal description to include the entire system.
4. Transfer 81213 from Pioneer Ditch Company states an evaporation loss calculation of 77 af is based on evaporation associated with a 32 acre surface area according to the AgriMet NMPI station. This station is located south of Lake Lowell. A more appropriate location would be the Caldwell (NWS-101380) station. This provides a more accurate representation of the pond system and suggests 83.9 af is lost through evaporation annually.
The evaporation analysis associated with the transfer should suggest the consumptive use of a historical beneficial use. Please provide information that suggests the consumptive volume historically used by the right. It is likely that identifying a historical crop use in the area will yield a higher consumptive volume than the 83.9 af evaporation loss. The 32 acres being given up would still be sufficient mitigation for the rights.
5. The nature of use change associated with the transfer requires an additional \$250 fee. (42-221.O.7.(1))

Please submit the requested information for the applications 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 voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. 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.