

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-31687

PRIORITY: May 19, 2003

Maximum Diversion Rate: 0.33 CFS
Maximum Diversion Volume: 27.0 AF

It is hereby certified that:

EL DORADO OWNERS ASSN INC PO BOX 8204 BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 10, 2003, and has submitted Proof of Beneficial Use on July 30, 2013. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	0.33 CFS	27.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼NE¼ Sec. 20, Twp 03N, Rge 01E, B.M. ADA County

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	
03N	01E	20	7.4	0.2	0.5	7.7									0.6				16.4

Total Acres: 16.4

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 73.8 af at the field headgate for the lands above.
2. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
3. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-31687

4. Point of diversion is located within Lot 3, Blk. 1, Bonito Subdivision.
5. Place of use is located within Lots 1-3, Blk. 1; Lots 6-11, Blk.1; Lots 1-6, Blk.2; Lots 1-4, Blk.3; Lots 1-6, Blk.4; Lots 1-9, Blk.5; Lot 1, Blks 6-19; Bonito Subdivision; Lots 7-11, Blk.4; Bonito Subdivision No 2; Lots 12-14, Blk. 1; Bonito Subdivision No 3 and Lots 17-21, Blk. 1; Bonito Subdivision No 3.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 31st day of August, 2016.

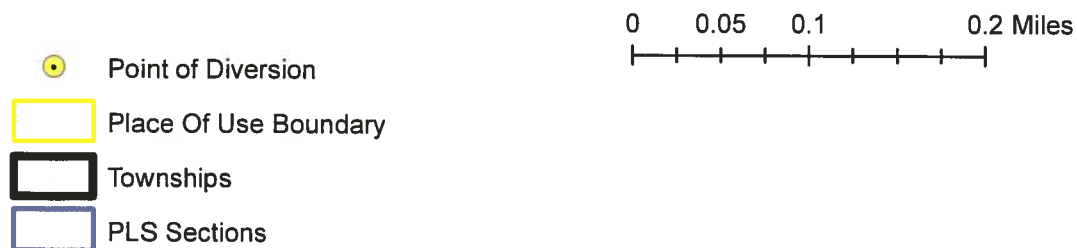
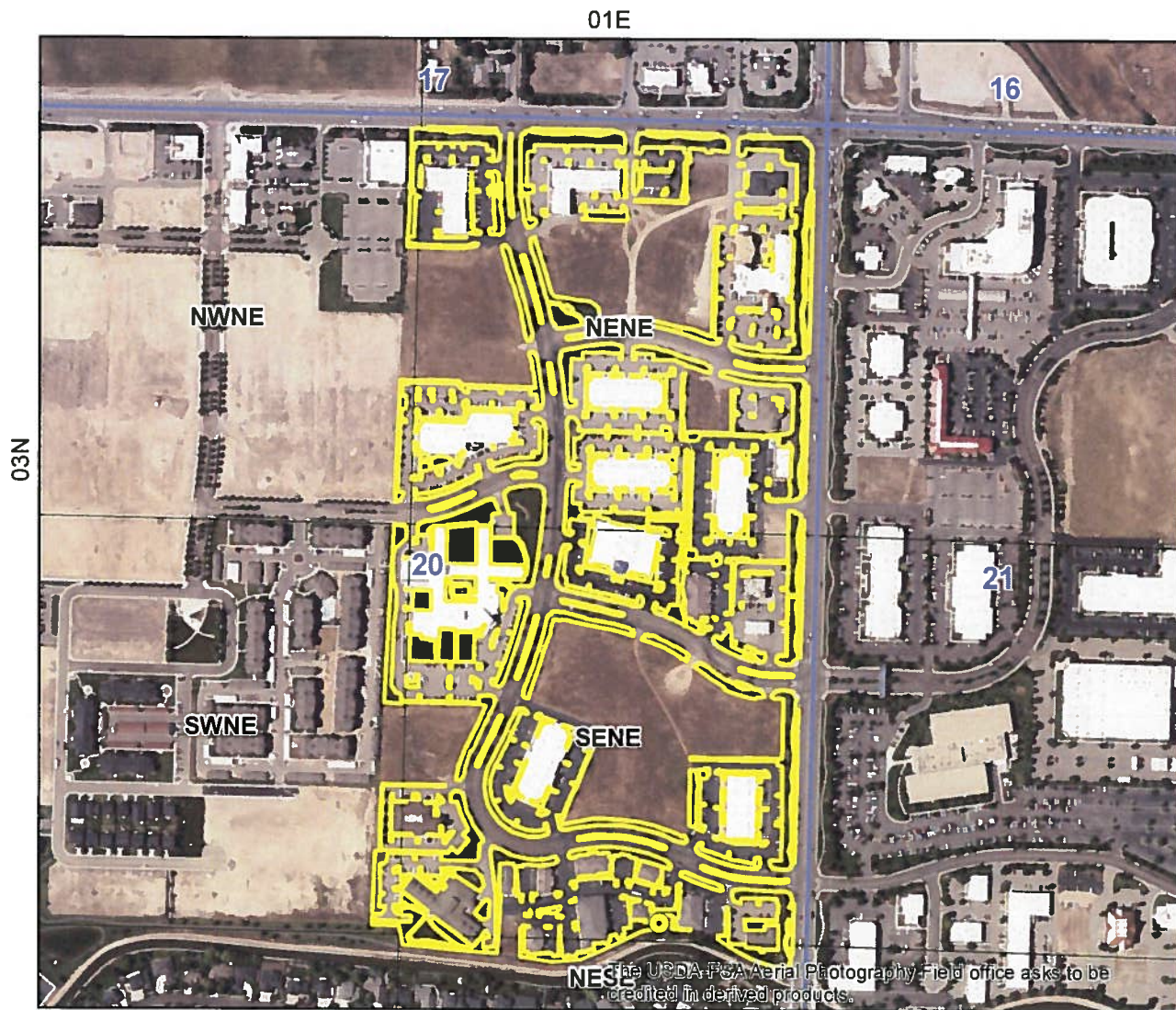


A handwritten signature in blue ink, reading "Shelley W. Keen", is written over a horizontal line.

SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
63-31687

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-31687

RECEIVED

AUG 18 2016

DEPARTMENT OF
WATER RESOURCES

PRIORITY: May 19, 2003

Maximum Diversion Rate: 0.33 CFS
Maximum Diversion Volume: 27.0 AF

Comes now

KIMBALL PROPERTIES LTD PARTNERSHIP PO BOX 8204 BOISE ID 83707-2204

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-31687, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

TRIBUTARY:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/01 to 11/15

DIVERSION RATE
0.33 CFS

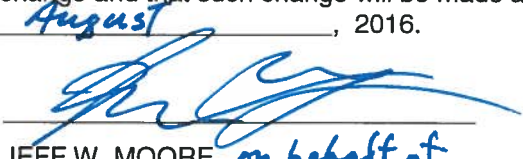
ANNUAL
DIVERSION VOLUME
27.0 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, Twp 03N, Rge 01E, B.M. ADA County**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	
03N	01E	20	7.4	0.2	0.5	7.7									0.6				16.4

Total Acres: 16.4

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 16 day of August, 2016.


JEFF W. MOORE, on behalf of
General Partner
Kimball Properties LP

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-31687

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by AO # 0102385 Date 8-18-16

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-31687 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 73.8 af at the field headgate for the lands above.
2. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
3. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. Point of diversion is located within Lot 3, Blk. 1, Bonito Subdivision.
5. Place of use is located within Lots 1-3, Blk. 1; Lots 6-11, Blk.1; Lots 1-6, Blk.2; Lots 1-4, Blk.3; Lots 1-6, Blk.4; Lots 1-9, Blk.5; Lot 1, Blks 6-19; Bonito Subdivision; Lots 7-11, Blk.4; Bonito Subdivision No 2; Lots 12-14, Blk. 1; Bonito Subdivision No 3 and Lots 17-21, Blk. 1; Bonito Subdivision No 3.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 31st day of August, 2016.


SHELLEY W. KEEN
Water Rights Section Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 1, 2016

EL DORADO OWNERS ASSN INC
PO BOX 8204
BOISE ID 83707

RE: License No. 63-31687

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

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

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

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2016, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31687

**EL DORADO OWNERS ASSN INC
PO BOX 8204
BOISE ID 83707**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



W.H. MOORE
C O M P A N Y

Real Estate Development

1940 S BONITO WAY, SUITE 160 (MERIDIAN ID 83642)
PO BOX 8204
BOISE, IDAHO 83707-2204

RECEIVED

AUG 18 2016

**DEPARTMENT OF
WATER RESOURCES**

T R A N S M I T T A L

TELEPHONE (208) 323-1919 / FAX 323-7523

Date: August 16, 2016

To: Clay Webster
Idaho Dept of Water Resources
PO Box 83720
Boise ID 83720

From: Jeff Moore
Kimball Properties Limited Partnership
El Dorado Owner's Association, Inc.

Re: Water Right Permit No. 63-31687

Enclosed are the following materials:

- Application for Amendment executed by the permit holder on August 16, 2016.
- Notarized Assignment of Permit from Kimball Properties Limited Partnership to the El Dorado Owner's Association, Inc., executed by the assignor on August 16, 2016.
- Check for \$125 as the fee for the Amendment and the Assisgnment.

Thank you for your assistance.

sj



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 29, 2016

KIMBALL PROPERTIES LTD PARTNERSHIP
PO BOX 8204
BOISE ID 83707-2204

RE: Water Right Permit No. 63-31687

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

 x **Place of Use**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 4910.

Sincerely,

Clay Webster
Water Resource Agent

Enclosure(s): Application for Amendment

cc: SPF WATER ENGINEERING LLC