

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

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DEC 23 2015

WATER RESOURCES
WESTERN REGION

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATIONPermit No. 63-326011. Owner Bel Air Eagle, LLCPhone No. 972-265-6900Current address 2500 N. Dallas Pkwy. Ste. 424, Plano, TX 750932. Examiner's name Terry Scanlan, P.E. (Examiner No. 15-129)EXAM DATE December 22, 2015

3. Accompanied by _____ Email _____

Address _____

Relationship to permit holder _____

Phone No. _____

4. Source Ground Watertributary to Boise River**B. OVERLAP REVIEW**1. Other water rights with the same place of use 63-327892. Other water rights with the same source and point of diversion None**C. DIVERSION AND DELIVERY SYSTEM**

1. Point(s) of Diversion:

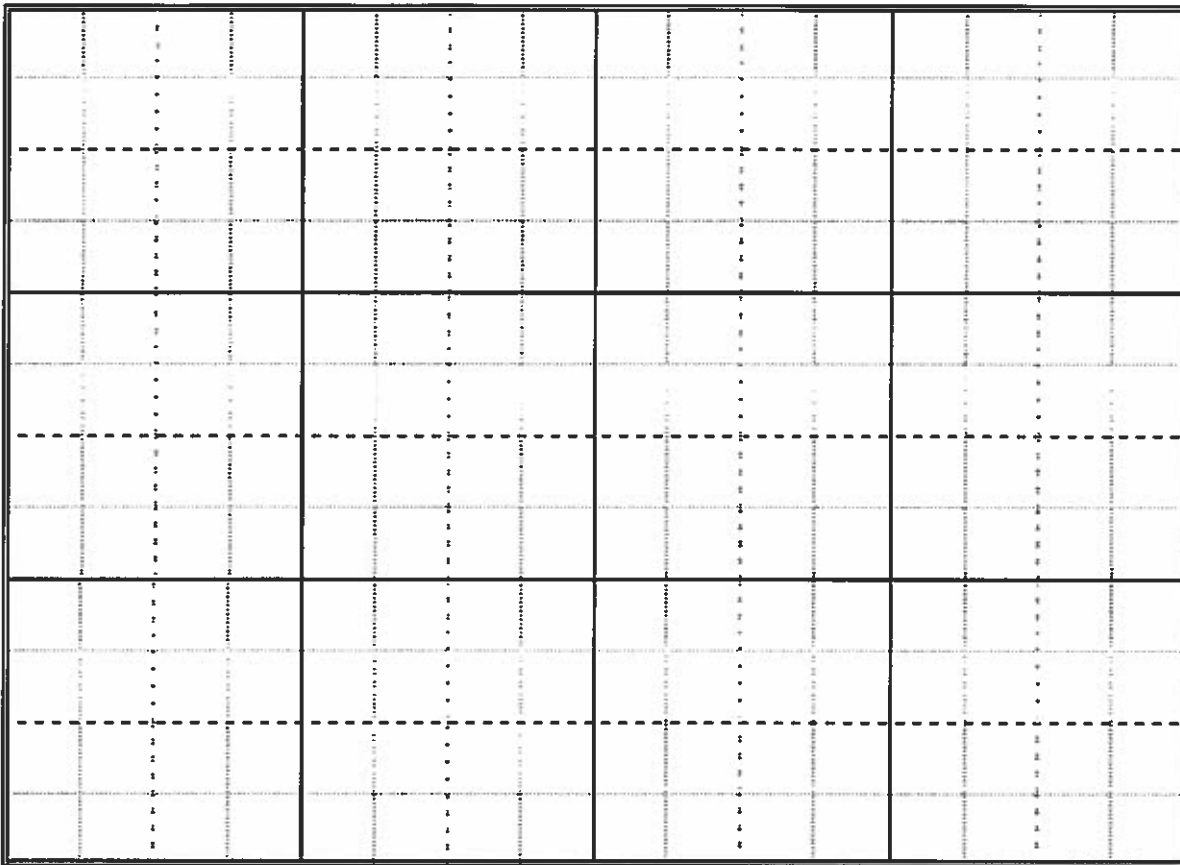
Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
	1		NE	NE	14	4N	1W	Ada	Exam, 2013 aerial photo

2. Place(s) of Use:

Method of determination _____

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	14	J																
			Lt 1																

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.



Scale: 1" = _____

- ☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required)
☒ Aerial photo attached (required for irrigation of 10+ acres)
☒ Photo of diversion and system attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
n/a					

*Code to correspond with no. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
n/a						

2. Measurements: _____

Volume determined by taking soundings of pond depth, and by GIS determination of pond surface area. Pond depth ranged from 22 to 27 feet at approximately 15 locations, all more than 50 feet off shore. Allowing for side slopes, average depth is approximately 20 feet.

E. NARRATIVE/REMARKS/COMMENTS

The exam found an excavated pond with an average depth of 20 feet and 4.7 acres surface area. This parameters of this permit allow licensing of 74 af of the pond's current 94 af capacity and a surface area of 3.7 acres. An application for permit is being submitted with this report to cover the additional 20 af of volume and 1.0 acres of surface area that has been developed. Seepage loss is not a factor since the pond naturally fills with shallow ground water, which is also why diversion to storage from the four artesian wells listed on the permit was not recommended. The proposed well was not developed and 2 of the existing wells are to be abandoned. The remaining well located in the NENE, Section 14, currently provides ground water recharge water to the pond to mitigate for the resulting evaporative losses, however this use and diversion is covered under decree 63-32789 per approved transfer no. 73833. Proof of beneficial use for this permit was due December 1, 2013, but was not submitted timely due to bankruptcy proceedings. Because this permit has lapsed, included as Attachment A is a Request for Reinstatement and Proof of Beneficial Use.

The pond provides aesthetic benefits to existing land owner and will be used as part of a proposed residential development. There are visible fish in the pond and evidence of fishing activities.

Attachment A: permit record, proof of beneficial use, request for reinstatement

Attachment B: topographical map, 2013 aerial photo map, concept plan map

Attachment C: exam photos

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

Water bearing zone appropriated is from 0 to 30 feet.

F. FLOW CALCULATIONS☐ Additional computation sheets attached

Measured Method:

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:**

Permit Pond Volume: 3.7 acres surface area x 20 feet average depth = 74 af

Developed Pond Volume: 4.7 acres surface area x 20 feet average depth = 94 af

H. RECOMMENDATIONS**1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Aesthetic Storage	1/1	12/31		74.0
Totals:				74.0

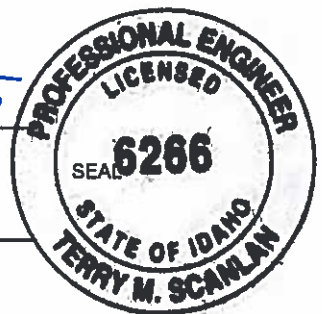
2. Recommended Amendments

- ☐ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☒ None
☐ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 ☐ Other

I. AUTHENTICATIONField Examiner's Signature Terry M. ScanlanDate 12/22/2015

Reviewer _____

Date _____



ATTACHMENT A

**PERMIT RECORD, PROOF OF BENEFICIAL USE,
REQUEST TO REINSTATE PERMIT**

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

12/7/2015

WATER RIGHT NO. 63-32601

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE ORCHARDS AT EAGLE LLC 802 W BANNOCK STE 801 BOISE, ID 83702 (208)345-8761
Representative	SPF WATER ENGINEERING LLC C/O SCOTT N KING 300 E MALLARD DR STE 350 BOISE, ID 83706 (208)383-4140

Priority Date: 02/09/2007

Status: Lapsed

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
AESTHETIC STORAGE	01/01	12/31		75 AFA
DIVERSION TO STORAGE	01/01	12/31	0.2 CFS	
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESE	Sec. 11	Township 04N	Range 01W	ADA County
GROUND WATER	SESE	Sec. 11	Township 04N	Range 01W	ADA County
GROUND WATER	NENE Lt 1	Sec. 14	Township 04N	Range 01W	ADA County
GROUND WATER	NENE Lt 1	Sec. 14	Township 04N	Range 01W	ADA County

Place(s) of use:

Place of Use Legal Description: AESTHETIC STORAGE ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	14	1	NENE										

Conditions of Approval:

1. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
2. 121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The ponds established by the storage of water under this right shall not exceed a total capacity of 75 af or a total surface area of 3.7 acres.
5. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall divert 13.0 af into the pond(s) pursuant to water right 63-32789 and Transfer 73833 each year. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on another place of use, or is not deliverable due to a shortage of water, a priority call, or for any other reason, the right holder shall immediately implement an alternative mitigation plan acceptable to the department, such as rental of water from the Water Supply Bank or the Boise River Rental Pool, or acquisition and transfer of private rights, or the right holder shall fill in the ponds to halt depletion of ground water.
6. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
7. Water bearing zone to be appropriated is from 0 to 200 feet.
8. Aesthetic storage is for 3 excavated ponds.

Dates:

Proof Due Date: 12/01/2013

Proof Made Date:

Approved Date: 12/01/2008

Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Application Received Date: 02/09/2007

Protest Deadline Date: 03/10/2008

Number of Protests: 0

Field Exam Date::

Date Sent to State Off:

Date Received at State Off:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: True

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WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee \$:	250.00
Receipt No.:	WD43763
Receipt By:	[Signature]
Date Received:	12/23/15

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been completed and that water has been applied to beneficial use to the extent described below. This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner. Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, please contact any Department office or visit the Department's website at: idwr.idaho.gov for an Assignment of Permit form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No.: 63-32601 Telephone No.: 972-265-6900

2. Name of Permit Holder(s): Bel Air Eagle, LLC

3. Mailing Address: 2500 N. Dallas Pkwy. Ste. 424 City: Plano

State: TX Zip: 75093 Email: connyga@american-communities.com

4. Source of Water: Ground Water (pond) If GROUND WATER (well), Date Drilled: mo. / yr.

Well Driller: Drilling Permit Number:

5. Extent of use(s) completed (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): Other: Aesthetic Storage

6. Total rate of diversion or storage volume for which proof is submitted: cfs OR 75 acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit: Refer to the approval conditions on your permit and respond accordingly. The Department will not issue a license if permit conditions are not met.

Measuring Device: Is a measuring device required?

Yes ☐ No ☒

If yes, has the measuring device been installed?

Yes ☐ No ☐

Lockable Controlling Device: Is a lockable device required to control the diversion?

Yes ☐ No ☒

If yes, has the lockable device been installed?

Yes ☐ No ☐

Other Conditions of Permit: Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

Completed? Yes ☐ No ☒

8. Fee Enclosed: \$250 See fee schedule on back of the instructions for filing proof of beneficial use.

Proofs filed without an appropriate fee, will be considered incomplete. Reinstatement Fee

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Telephone Number:

Mailing Address: City:

State: Zip: Email:

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of permit holder: [Signature] Date: 12/17/15

(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098

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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Fee \$250.00

Receipt no. W043763

Received by CS

Date 12/23/15

Request to Reinstate a Permit Lapsed more than Sixty Days

Statements of Completion for Submitting Proof of Beneficial Use submitted more than sixty (60) days after mailing of a lapsed permit notice must be accompanied by a Beneficial Use Field Report prepared by a certified water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with the permit during the time authorized by the permit and any extensions of time previously approved, a statement of reasonable cause for filing late proof of beneficial use, and a reinstatement application fee of \$250 per§ 42-218a(2), Idaho Code.

Statement of reasonable cause for filing a late proof of beneficial use:

Property has been held up in bankruptcy, followed by two changes in property ownership.

Required items:

- ☒ Statement of Completion for Submitting Proof of Beneficial Use
- ☒ Beneficial Use Field Report
- ☒ Reinstatement application fee of \$250

The information contained in this statement is true to the best of my knowledge. I understand that should the department reinstate my permit that the priority date will be advanced to the day that proof of beneficial use was received.

Signature of Permit Holder or Authorized Representative

Print Name and Title if applicable

Date

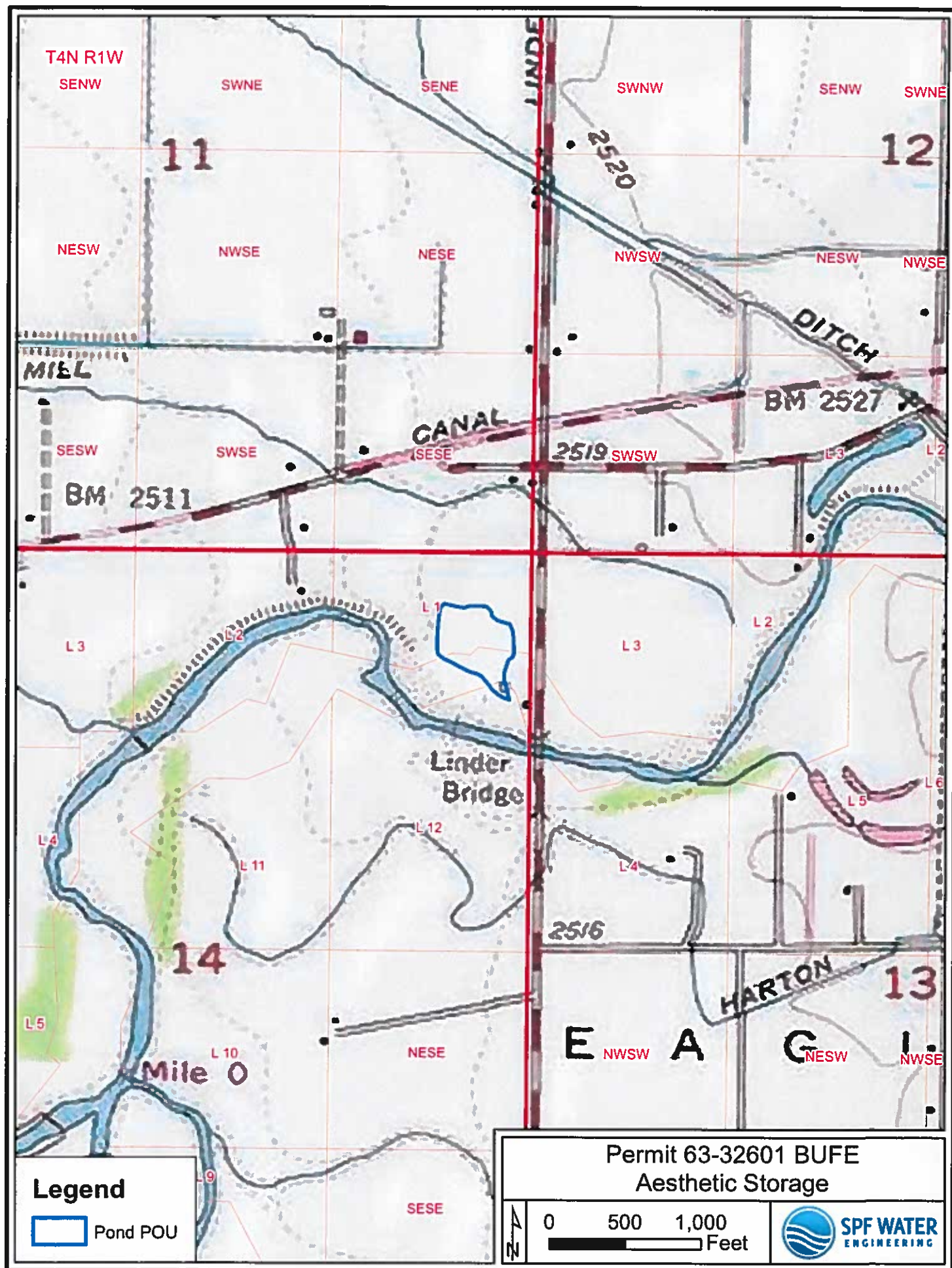
Signature of Permit Holder or Authorized Representative

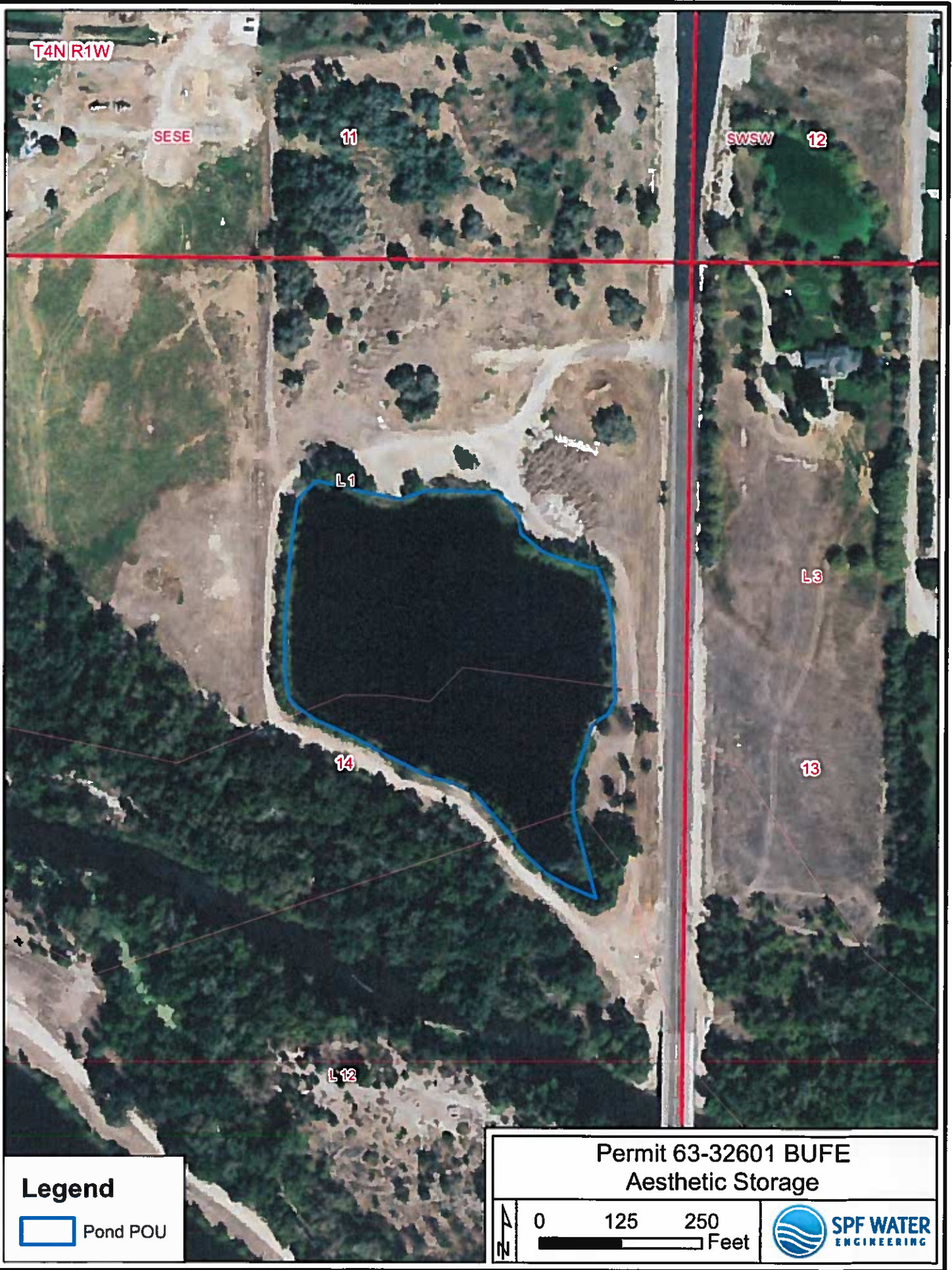
Print Name and Title if applicable

Date

ATTACHMENT B

TOPOGRAPHICAL MAP, 2013 AERIAL MAP, CONCEPT PLAN MAP



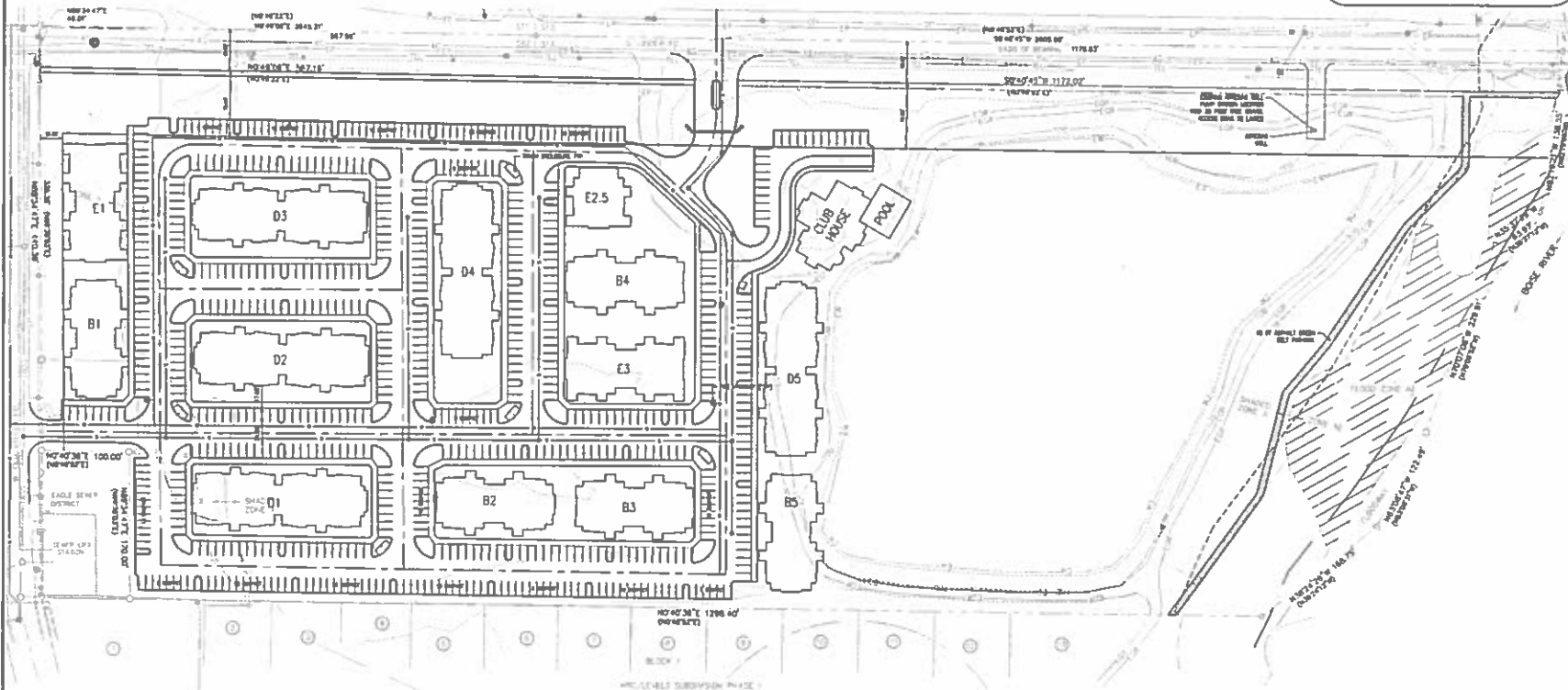
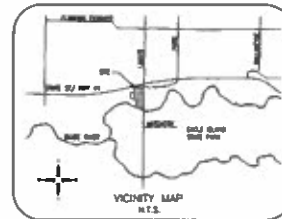
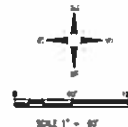


2013 Photo

BEL AIR EAGLE CONCEPT PLAN

DECEMBER 11, 2014

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 11,
& GOVERNMENT LOTS 1 AND 12 OF SECTION 14
T.4N., R.1W., B.M.,
ADA COUNTY, IDAHO



PRELIMINARY DEVELOPMENT FEATURES

[illegible]

PLANNER / DEVELOPER'S REP

ENGINEER
 Civil Engineering
 1428 N. 10TH AVE. SUITE 100
 CHICAGO, IL 60614
 312-467-1000

CK ENGINEERING
 888 HAZENBERRY DR
 LAUREL, MD 20646
 PHONE 301-980-0066

AMERICAN COMMUNITIES
DEVELOPER
2500 N. DALLAS PARKWAY SUITE 424
PLANO, TX 75093
972-265-6900



AMERICAN
COMMUNITIES

SHEET

C3.0

ATTACHMENT C
EXAM PHOTOS



View of pond looking west



View of pond looking west



View of pond looking east



View of pond looking north