

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 23 2015

WATER RESOURCES
WESTERN REGION

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222(4), Idaho Code, provides that a water right holder may apply to protect a valid water right from forfeiture. Upon a showing of reasonable cause, the Director may grant one (1) extension of five (5) years in which to resume use.

1. Water Right No. 63-32789 (one right per application)
☒ Attach a copy of the water right record, available at <http://www.idwr.idaho.gov>, *Water Right Transfers, Step 1*, or by contacting any Department office.
2. Applicant Bel Air Eagle, LLC Phone 972-265-6900
3. Are you the current water right holder of record? Yes ☐ No ☒
☒ If no, provide documentation of your authority to sign on behalf of the right holder -- OR -- attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee.
4. Mailing address ☐ Same as water right record -- OR -- complete the following information:
Address 2500 N. Dallas Pkwy. Ste. 424 City Plano
State TX Zip code 75093 Email _____
5. Give the last date water was beneficially used 1/23/2009 (decreed date)
6. Explain your reasons for non-use of the water right and your reasons for requesting an extension of time.
Attach additional documentation if needed.
Property has been held up in bankruptcy

The information contained in this application is true to the best of my knowledge.

[Signature] Manjiv Pandey 12/17/15
Signature of applicant or authorized agent Print name (and title, if applicable) Date

Signature of applicant or authorized agent Print name (and title, if applicable) Date

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby Approve said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before 07/01/2020

Signed this 15th day of June, 2016 [Signature]
Title: Manager IAW Western Region

Stamped received ☒ Fee received by [Signature] Date 12/23/15 Receipt # W043764

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[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/7/2015

WATER RIGHT NO. 63-32789

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	OC HOLDINGS INC 2425 E CAMELBACK RD STE 600 PHOENIX, AZ 85016 (403) 270-5900
Original Owner	BONITA EARL
Original Owner	MARVIN I EARL LINDER RD RT 1 EAGLE, ID 83616

Priority Date: 04/01/1948

Basis: Decreed

Status: Active

<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>
IRRIGATION	03/01	11/15	0.13 CFS	28.4 AFA
GROUND WATER RECHARGE	01/01	12/31	0.07 CFS	13 AFA
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

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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

IRRIGATION Use:

Acre Limit: 6.3

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	11		SESE	8									
		14	1	NENE	8									

Place of Use Legal Description: GROUND WATER RECHARGE ADA County

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

Total Acres: 16

Conditions of Approval:

1. This right authorizes the diversion rate of 0.07 cfs and an annual diversion volume of 13.0 af for ground water recharge as replacement of losses caused by evaporation from ponds associated with permit 63-32601. The diversion volume is fully consumptive.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
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. X27 This right is limited to the irrigation of 6.3 acres within the place of use described above in a single irrigation season.

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5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
After specific notification by the Department, the right holder shall install a suitable measuring device or
9. 01M 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.

Dates:

Licensed Date:

Decreed Date: 01/23/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

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JAN 28 2016

State of Idaho
Department of Water Resources

Water Right
63-32789

GROUND WATER RECHARGE

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

01W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles

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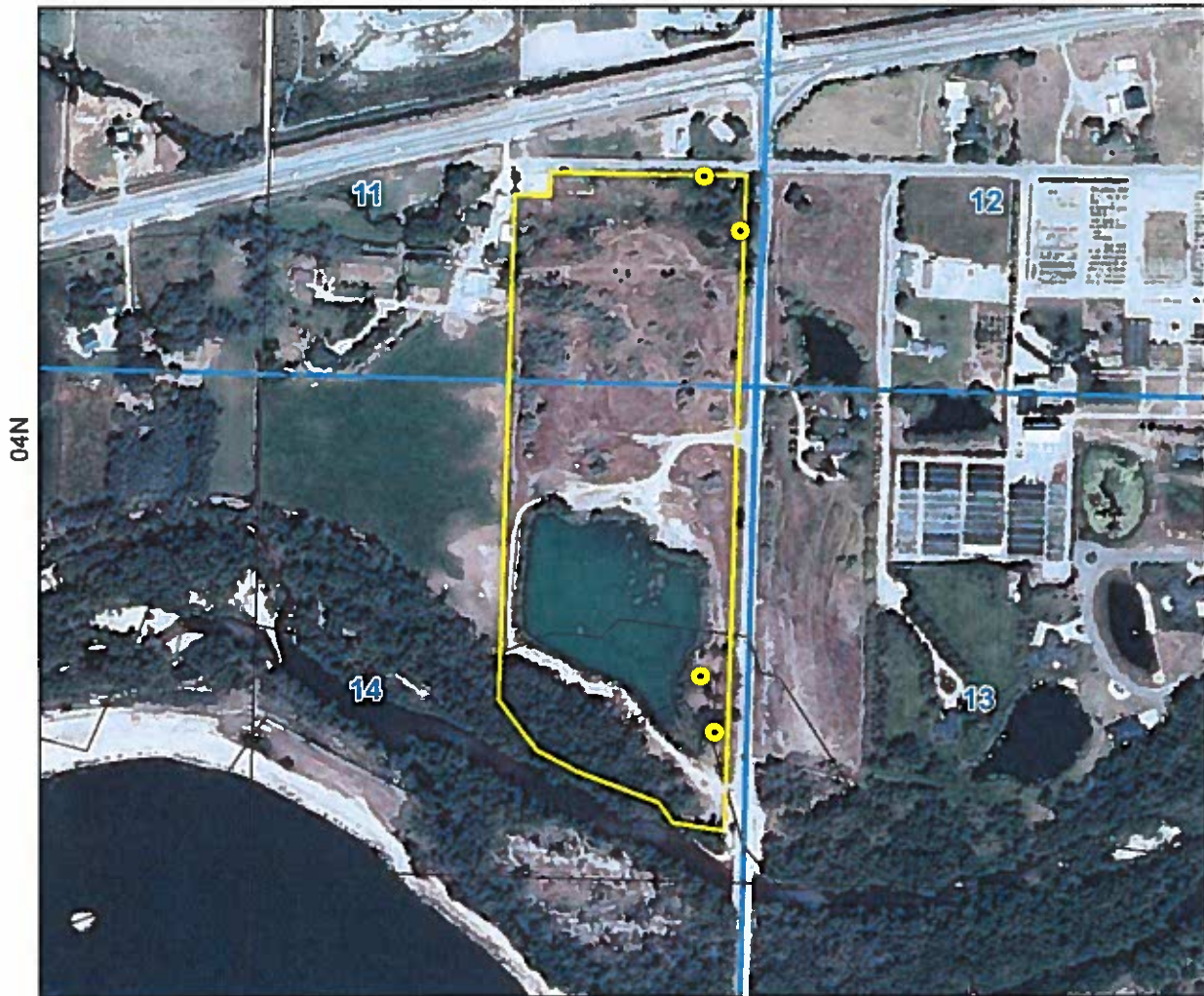
State of Idaho
Department of Water Resources

Water Right
63-32789

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

01W



-  Point of Diversion
-  Place Of Use Boundary
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0 0.05 0.1 0.2 Miles

SCANNED
JAN 28 2016





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

June 16, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

BEL AIR EAGLE LLC
2500 N DALLAS PKWY STE 424
PLANO TX 75093

RE: Water Right No. 63-32789

Extension to Avoid Forfeiture of Water Right Approval Letter

Dear Water Right Holders:

Enclosed is a copy of an approved Application for Extension of Time to Avoid Forfeiture for the above referenced water right. Please note that resumption of beneficial use for this right shall occur on or before **July 1, 2020**.

Please notify the Department as soon as you resume use of water under this right. If you have not notified the Department sixty (60) days prior to the resumption deadline, the Department will send you a Resumption of Use Notice by certified mail.

Section 42-248, Idaho Code, requires water right owners to maintain current ownership and address records on file with the Department. Please refer to www.idwr.idaho.gov or contact any office of the Department for the proper form to file a change of ownership of water right and/or a change in address of the owner.

Please contact this office at 208-334-2190 if you have any questions on this matter.

Sincerely,

Nick Miller
Manager, IDWR Western Region

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on June 16th, 2016, I mailed a true and correct copy, postage prepaid, of the foregoing EXTENSION OF TIME TO AVOID FORFEITURE to the persons listed below:

RE: WATER RIGHT NO.

63-32789

BEL AIR EAGLE LLC
2500 N DALLAS PKWY STE 424
PLANO TX 75093



Rachel Neely
Administrative Assistant I

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0002241010	LEGAL NOTICE EXTENSION OF TIME TO	BellAirEagleLLC	\$85.55	1	46

Attention: RACHEL NEELYIDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082**LEGAL NOTICE
EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

*VOR
RD
2/23/16*

Bell Air Eagle LLC of 2500 N Dallas Pkwy Ste 424, Plano, TX 75093 filed an application on 12/23/2015 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 63-32789 with a 1948 priority from ground water totaling 0.20 cfs. The right holder proposes nonuse of the right due to property being held up in bankruptcy. The irrigation and groundwater recharge right was last used in 2009. The right serves property located on the SW corner of State Hwy 44 and Linder Rd.

For additional information concerning the property location, please contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed extension(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the application(s) must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 for each application on or before 2/22/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Feb. 4, 11, 2016

0002241010-01

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WESTERN REGION**

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

2 InsertionsBeginning issue of: 02/04/2016Ending issue of: 02/11/2016

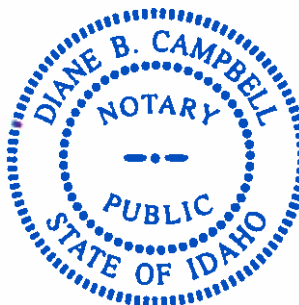
Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 11th day of February in the year of 2016 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Diane B. Campbell
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 7/23/2021