

RECEIVED
DEC 23 2015
 WATER RESOURCES
 WESTERN REGION

Ident. No. 63-34183

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
 To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Bel Air Eagle, LLC Phone 972-265-6900
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 2500 N. Dallas Pkwy. Ste. 424 City Plano
 State TX Zip 75093 Email _____

2. Source of water supply Ground Water which is a tributary of Boise River

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	1W	14	1		NE	NE	Ada	Shallow Ground Water	Pond

4. Water will be used for the following purposes:

Amount 20 afa for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 20 acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Existing artesian well, 4.7 acre shallow pond with an average depth of 20 feet (maximum depth 30 feet)

b. Height of storage dam _____ feet; active reservoir capacity 94 acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? u/k; drilling firm u/k;
 well was drilled for (well owner) u/k; Drilling Permit No. u/k

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; complete and attach the [Municipal Water Right Application Checklist](#).

d. Domestic; show number of households _____

e. Other; describe fully. pond for aesthetic storage

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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																
			L1																

Total number of acres to be irrigated: _____

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

63-32601 and 63-32789

10. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

see attached

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by [Signature] Date 12/23/15 Time 2:50 Preliminary check by _____

Fee \$ 100⁰⁰ Received by [Signature] Receipt No. W043764 Date 12/23/15

* Paid \$200

Permit Remarks:

Proposed is an existing pond with an average depth of approximately 20 feet and 4.7 acres surface area. Once reinstated, 74 af of the pond will be authorized under permit 63-32601 (based on 3.7 acres surface area). The purpose of this application is to cover the additional 1 acre of developed pond area. Seepage loss is not a factor since the pond naturally fills with shallow ground water. Using data from the ET Idaho Emmett 2 E station, a shallow pond with 4.7 acres of surface area loses a total of 9.0 af to evaporation each year. This amount has already been sufficiently mitigated under water right 63-32789 per transfer no. 73833, in which 3.7 acres were retired from irrigation and the standard consumptive use associated with the retired acres was converted to ground water recharge to cover the pond's evaporative losses. Using the standard consumptive use rate of 3.5 af/acre, a total of 13 af has been dedicated to the pond's evaporative losses via ground water recharge under water right 63-32789, which is more than enough needed based on current standards using ET Idaho data.

Water bearing zone to be appropriated is from 0 to 30 feet.

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	KS-100000
REVIEWER	Levi Graves
DATE	12/8/2015

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: Emmett 2 E (NWS -- 102942)

Month	mm/day ¹	Days per month	mm/Month
Jan	-1.06	31	0.00
Feb	-0.25	28	0.00
March	0.64	31	19.84
April	1.84	30	55.20
May	2.60	31	80.60
June	3.23	30	96.90
July	4.08	31	126.48
August	3.52	31	109.12
September	2.11	30	63.30
October	1.01	31	31.31
November	-0.70	30	0.00
December	-1.42	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 = 582.75

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

$$(582.75 \div 304.8) \times 4.70 = 9.0 \text{ AFA}$$





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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 1, 2016

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

Application for Permit No. 63-34183

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 4/7/2016 and 4/14/2016. 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 permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706

Neely, Rachel

From: Neely, Rachel
Sent: Friday, April 01, 2016 9:25 AM
To: 'BOI Legals'
Subject: Ada Legal Ads
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 4/7/2016 & 4/14/2016.

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

April 1, 2016

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

RE: Application for Permit No. 63-34017
 Application for Permit No. 63-34025
 Application for Permit No. 63-34134
 Application for Permit No. 63-34180
 Application for Permit No. 63-34182
 Application for Permit No. 63-34183
 Application for Permit No. 63-34208
 Application for Transfer No. 79691,
 Water Right No(s): 63-125G
 Application for Transfer No. 80028,
 Water Right No(s): 63-33243, 63-33246, 63-9003

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 4/25/2016. 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:

63-34017

HOME CAPITAL RESOURCES

PO BOX 832

BOISE, ID 83701

Point of Diversion SWSE S11 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion L2(NWNE) S14 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 8 AF

Total Diversion: 8 AF

Date Filed: 11/24/2014

Place of Use: AESTHETIC STORAGE

T04N R01W S11 SWSE

T04N R01W S14 L2(NWNE)

Water bearing zone to be appropriated is from 0 to 20 feet. Mitigation is proposed for consumptive use via Transfer No. 79691.

63-34025

CITY OF BOISE

DEPT OF PARKS & RECREATION

1104 ROYAL BLVD

BOISE, ID 83706-2898

Point of Diversion NWSW S13 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.3 CFS

Use: MUNICIPAL FROM STORAGE 03/01 to 11/15 42 AF

Use: MUNICIPAL STORAGE 01/01 to 12/31 42 AF

Total Diversion: 0.3 CFS 42 AF

Date Filed: 12/23/2014

Places of Use: MUNICIPAL STORAGE, MUNICIPAL FROM STORAGE

T04N R01E S13 NWSW

Water bearing zone to be appropriated is from 200 to 500 feet.

Mitigation is proposed for consumptive use.

Municipal from storage use is for supplemental irrigation of 6.5 acres within Magnolia Park.

Water bearing zone to be appropriated is from 130 to 190 feet.

63-34134

AMERICA FIRST FEDERAL CREDIT UNION

4646 S 1500 W STE 130

RIVERDALE, UT 84405

Point of Diversion SESE S15 T05N R01E ADA County Source GROUND WATER

Point of Diversion SWNW S22 T05N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 4.8 CFS

Total Diversion: 4.8 CFS

Date Filed: 8/21/2015

Place of Use: IRRIGATION

T05N R01E S15 SWSE SESE

T05N R01E S21 SENE NESW SWSW SESW NESE NWSE

T05N R01E S22 NENE NWNE NENW SWNW SENW NWSW

T05N R01E S28 NENEW NWNW

Total Acres: 237

Water bearing zone to be appropriated is from 50 to 300 feet.

63-34180

AMERICA FIRST FEDERAL CREDIT UNION

4646 S 1500 W STE 130

RIVERDALE, UT 84405

Point of Diversion SESE S15 T05N R01E ADA County Source GROUND WATER

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.67 CFS

Use: STOCKWATER STORAGE 01/01 to 12/31 13.7 AF

Total Diversion: 0.67 CFS

Date Filed: 12/18/2015

Place of Use: STOCKWATER STORAGE

T05N R01E S14 SWSW

T05N R01E S22 NWNE

Water bearing zone to be appropriated is from 175 to 246 feet.

63-34182

AMERICA FIRST FEDERAL CREDIT UNION

4646 S 1500 W STE 130

RIVERDALE, UT 84405

(3)Points of Diversion SWSW S14 T05N R01E ADA County Source SPRING Tributary SINKS

Point of Diversion SESE S15 T05N R01E ADA County Source SPRING Tributary SINKS
Use: STOCKWATER 01/01 to 12/31 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 12/18/2015
Place of Use: STOCKWATER
T05N R01E S14 SWSW
T05N R01E S15 SESE

63-34183

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

Point of Diversion L1(NENE) S14 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 20 AF
Total Diversion: 20 AF
Date Filed: 12/23/2015
Place of Use: AESTHETIC STORAGE
T04N R01W S14 L1(NENE)
Water bearing zone to be appropriated is from 0 to 30 feet. Mitigation is proposed for consumptive losses.

63-34208

CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

Point of Diversion SWSW S22 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER
Use: INDUSTRIAL 01/01 to 12/31 0.67 CFS
Total Diversion: 0.67 CFS
Date Filed: 3/16/2016
Place of Use: INDUSTRIAL
T04N R01E S22 NESW NWSW
Water bearing zone to be appropriated is from 50 to 150 feet.
Industrial use proposed to be non-consumptive.

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

TRANSFER NO. 79691

MIDDLETON MILL DITCH CO, PO BOX 848, MIDDLETON, ID 83644; has filed Application No. 79691 for changes to the following water rights within ADA County(s): Right No(s): 63-125G; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Transfer 79691 proposes to change the nature of use of a portion of water right 63-125G to provide mitigation for evaporative losses associated with excavated ponds within the Middleton Mill Ditch Company service area. The transfer is being processed concurrently with Application for Permit 63-34017. The aesthetic storage pond site is located 0.25 miles west of intersection Linder Rd. and W State St., immediately north of Eagle Island and the Boise River.

TRANSFER NO. 80028

M & C STANLEY LLC, 2224 N RAM AVE, EAGLE, ID 83616; has filed Application No. 80028 for changes to the following water rights within ADA County(s): Right No(s): 63-33243, 63-33246, 63-9003; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change the Place Of Use and Points Of Diversion for 63-33243 and 63-33246 from Echanove Ranch Subdivision irrigation system to the applicant's property. Transfer will also split right 63-9003 to separate irrigation and domestic rights. The irrigation use will move to the applicant's property and will add two new groundwater diversion points. The domestic use will stay at the original location with the two original PODs. The site of the proposed 5.2 acre POU and PODs is immediately north of Dry Creek on the west side of Highway 55.

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/WaterManagement/WaterRights. 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 4/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/7/2016 and 4/14/2016



December 23, 2015

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

RECEIVED

DEC 23 2015

WATER RESOURCES
WESTERN REGION

**Subject: Ownership Change Notice
Beneficial Use Field Exam, Permit 63-32601
Extension of Time to Avoid Forfeiture, Right 63-32789
Application for Permit**

Dear Angie,

Enclosed on behalf of Bel Air Eagle, LLC, are the documents we discussed in our meeting Monday, December 14, 2015. Below is a brief description of each:

- ✓ 1. **Notice of Change in Water Right Ownership** from O C Holdings Inc. to Bel Air Eagle, LLC. Filing fee for this notice is \$75 (enclosed).
- ✓ 2. **Beneficial Use Field Exam** for lapsed permit 63-32601, including as Attachment A, a signed **Proof of Beneficial Use** and an unsigned **Request for Reinstatement**. The signed reinstatement request is currently in transit and will be submitted ASAP. The filing fee for the proof is waived because SPF conducted the licensing exam. The filing fee for the reinstatement is \$250 (enclosed).
Note: the permit is currently in the name of The Orchards at Eagle, LLC, who lost the property in bankruptcy and has since dissolved. A request for permit assignment was prepared and sent to the original manager of The Orchards at Eagle, LLC, who indicated he would not comply. The pond authorized under permit 63-32601 has clearly been developed and as owners of the associated property, Bel Air Eagle clearly have an interest in the permit. Consequently, the required proof of beneficial use is being submitted by Bel Air Eagle as allowed per Idaho Department of Water Resource's Administrative Permit Processing Memo No. 10.
- ✓ 3. **Extension of Time to Avoid Forfeiture** for water right 63-32789 that authorizes irrigation use on Bel Air's property and provides mitigation water for the pond. The forfeiture period allowed for non-use of this right is set to expire December 31, 2015. Filing fee for this application is \$100 (enclosed).
- ✓ 4. **Application for Permit** requesting water right coverage for the pond area developed in excess of the amount authorized under lapsed permit 63-32601. Filing fee for the application is \$200 (enclosed).

Fee is
\$100⁰⁰

Check No. 010302 for \$625 is enclosed for the filing fees. Thank you very much for meeting with me and for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,



Lori Graves
Water Rights Specialist

Cc: Ronny Guerrero via email
Dave Yorgason via email

Enclosures

SPF file number: 1234.0010