

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

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]
Signature of applicant or authorized agent

Naimey Paulner
Print name (and title, if applicable)

12/17/15
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 _____ said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before _____

Signed this _____ day of _____, 20____.

Title: _____

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

[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:

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.

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](#)

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



State of Idaho
Department of Water Resources

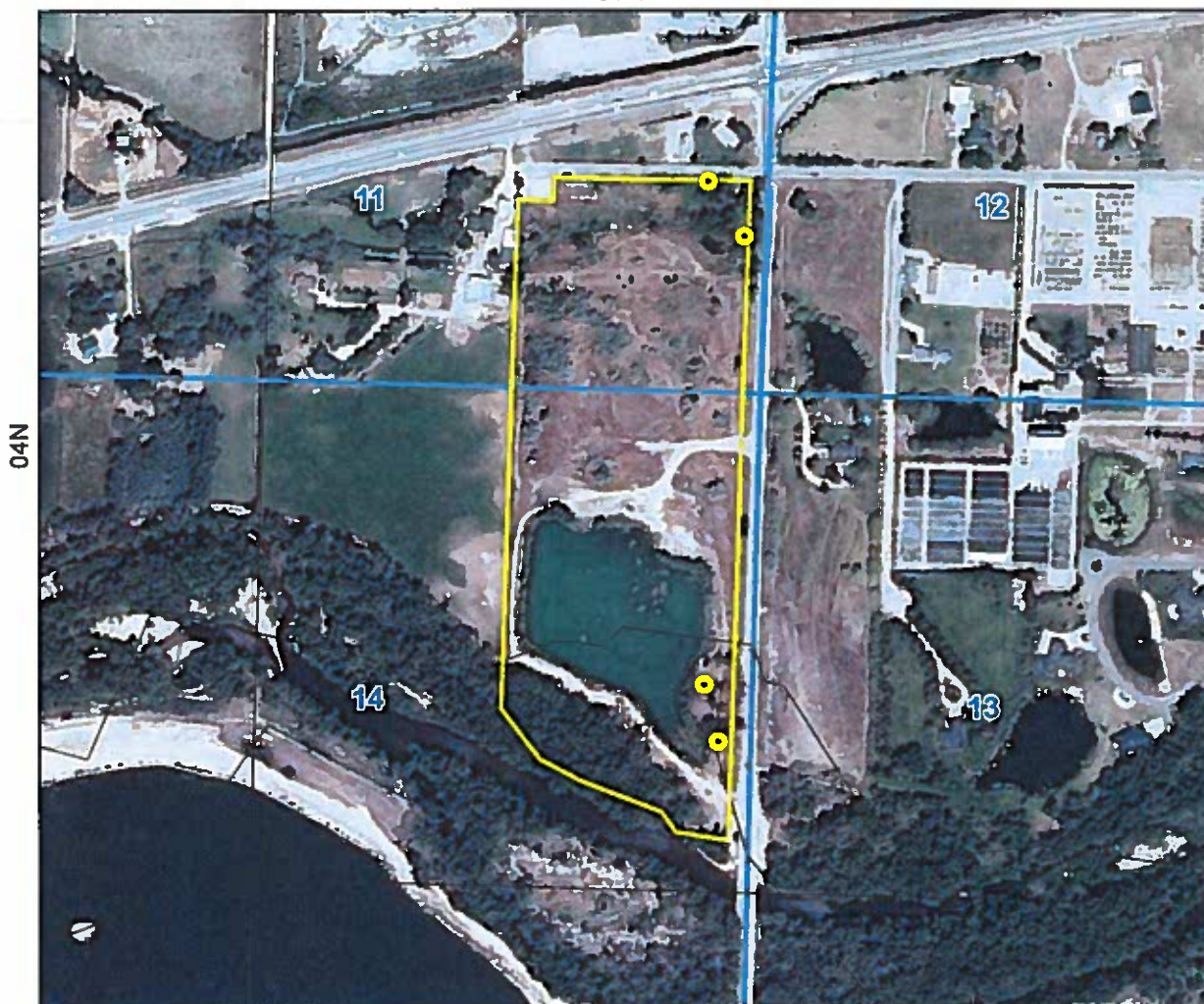
Water Right

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
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles





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

January 28, 2016

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

Application for Extension of Time to Avoid Forfeiture of a Water Right No. 63-32789

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 ID STATESMAN on 2/4/2016 and 2/11/2016. 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,

A handwritten signature in dark ink, appearing to read 'Rachel Neely', with a long, sweeping horizontal line extending to the right.

Rachel Neely
Administrative Assistant

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

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, January 28, 2016 9:04 AM
To: 'BOI Legals'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 2/4/16 & 2/11/16.

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

January 28, 2016

LEGAL NOTICE DEPARTMENT
THE ID STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Extension of Time to Avoid Forfeiture of a Water Right No. 63-32789

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice 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 2/22/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

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

Published on 2/4/2016 and 2/11/2016



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

Angie Grimm, IDWR

December 23, 2015

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,

A handwritten signature in black ink, appearing to read "Lori Graves". The signature is fluid and cursive, with the first name "Lori" and last name "Graves" clearly distinguishable.

Lori Graves
Water Rights Specialist

Cc: Ronny Guerrero via email
Dave Yorgason via email

Enclosures

SPF file number: 1234.0010