

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-31690

Priority: September 20, 2002

Maximum Diversion Volume: 58.5 AF

It is hereby certified that BANBURY MEADOWS LLC
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 20, 2002; and has submitted Proof of Beneficial Use on April 07, 2005. An examination confirms water is diverted from:

SOURCE GROUND WATER **Tributary:** BOISE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	58.5 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	L1 (NE1/4NE1/4)	Sec. 19, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L7 (SW1/4NE1/4)	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L1 (NE1/4NE1/4)	Sec. 19, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	SW1/4NW1/4	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L6 (SE1/4NW1/4)	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01E 19	X			X													
	L 1																
04N 01E 20			X			X	X	X					X	X			
			L 7			L 5		L 6									

CONDITIONS OF APPROVAL

1. Aesthetic storage use is for excavated ponds.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. Mitigation for consumptive use of water under this right shall be provided by Rights 63-192, 63-19425 and 63-216C as approved by Transfer 70620.
4. If the specified mitigation rights are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit shall be reduced by the same proportion as the reduction to the mitigation rights.

State of Idaho
Department of Water Resources
Water Right License

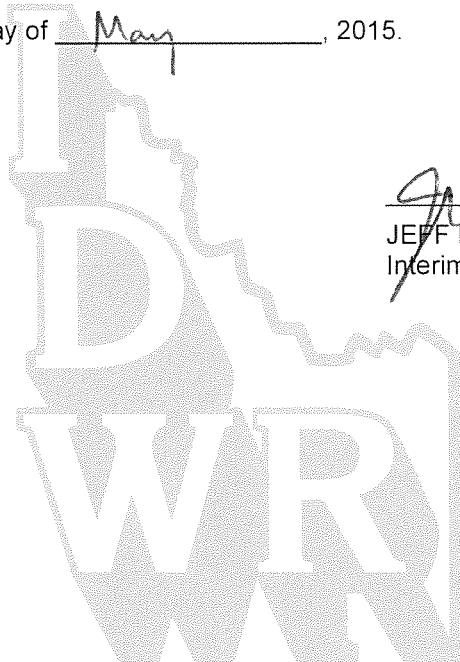
WATER RIGHT NO. 63-31690

5. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
6. Water bearing zone to be appropriated is from 1 to 7 feet.

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 and sealed this 18 day of May, 2015.


JEFF PEPPERSACK
Interim Western Region Manager



RECEIVED

JAN 13 2015

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-31690

Date of Priority: September 20, 2002

Maximum Diversion Volume: 58.5 AF

Comes now BANBURY MEADOWS LLC
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83642

and represents to the Director of 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. 63-31690, and requests that the permit be changed as follows:

Source: GROUND WATER

Tributary: BOISE RIVER

BENEFICIAL USE

PERIOD OF USE

ANNUAL VOLUME

AESTHETIC STORAGE

01/01 to 12/31

58.5 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	L1 (NE1/4NE1/4)	Sec. 19, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L7 (SW1/4NE1/4)	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
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GROUND WATER	SW1/4NW1/4	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L6 (SE1/4NW1/4)	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01E 19	X			X													
	L 1																
04N 01E 20			X			X	X	X					X	X			
			L 7			L 5		L 6									

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 12th day of January, 2015.


(Signature & Title)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-31690

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$100.00 Received by CJ # W042731 Date 1/13/15

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, JEFF PEPPERSACK, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-31690 with the following:

CONDITIONS OF APPROVAL

1. Aesthetic storage use is for excavated ponds.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. Mitigation for consumptive use of water under this right shall be provided by Rights 63-192, 63-19425 and 63-216C as approved by Transfer 70620.
4. If the specified mitigation rights are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit shall be reduced by the same proportion as the reduction to the mitigation rights.
5. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
6. Water bearing zone to be appropriated is from 1 to 7 feet.

Witness my hand this 18th day of May, 2015.



JEFF PEPPERSACK
Interim Western Region Manager



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

May 19, 2015

BANBURY MEADOWS LLC
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83642

RE: License No. 63-31690

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.

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)334-2190.

Sincerely,

Rachel Neely
For:

Jeff Peppersack
Interim Manager, Western Region

Enclosures

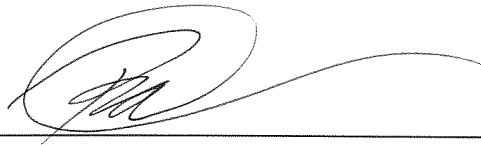
CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2015 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.

63-31690

**BANBURY MEADOWS LLC
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83642**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**Rachel Neely
Administrative Assistant I**

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.

BENEFICIAL USE FIELD EXAM CHECKLIST

Permit # 63-3169D

EXAM FILE PREP

- ☒ Copy of original application for permit
- ☒ Copy of permit approval & proof report
- ☒ Copy of Proof of Beneficial Use
- ☒ Copies of any Amendments/Assignments/Ownership Docs
- ☒ Exam Fee Required \$ 100.00 Exam Fee Paid \$ 100.00
- ☒ P/D Overlap Summary NONE
- ☒ P/U Overlap Summary 63-192, 63-216C, 63-19425
- ☒ Other permits, same owner, need exam
- ☒ Aerial Photo
- ☒ Topo map
- ☒ BLM Gov't Lot (Section)
- ☒ Blank field report
- ☒ Well Inspection form
- ☒ Well log

ADDITIONAL INFORMATION/REMARKS/NOTES Amendment needed due to ADU & ADU changes. Due to a discrepancy in pond size and total pond storage volume, the mitigation volume is insufficient. A new application for permit and transfer application submitted in October to account for the storage volume shortage and mitigation storage.

PRE-LICENSING

(initial & date)

Fully completed & signed field report form	<u>RC 5-16-14</u>
Draft license & shape done in Workflow	<u>RC 12-5-14</u>
Exam-date data entered	<u>RC 5-1-14</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 63-31690

Exam Date: 5/1/2014

1. Current Owner: BANBURY MEADOWS LLC
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83642
(208)884-2002
2. Accompanied by: Brian Hoff
Phone No: Same
Address: Same
Relationship to Permit Holder: Co-Owner/Developer

- | | |
|-------------------------|-------------------------|
| 3. <u>SOURCE</u> | <u>TRIBUTARY</u> |
| GROUND WATER | BOISE RIVER |

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-192, 63-216C, 63-19425
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM**1. LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER ADA County	L1 NE1/4NE1/4	Sec. 19, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	L1 NE1/4NE1/4	Sec. 19, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	L7 SW1/4NE1/4	Sec. 20, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	NE1/4SE1/4	Sec. 20, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	NE1/4SE1/4	Sec. 20, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	SW1/4NW1/4	Sec. 20, Twp 04N, Rge 01E, B.M.
GROUND WATER ADA County	L6 SE1/4NW1/4	Sec. 20, Twp 04N, Rge 01E, B.M.

Method of Determination: Arc Map (Aerial Photo)

2.

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	19	X L 1			X													
04N	01E	20			X L 7		X L 5	X	X L 6						X	X			

Method of Determination: Arc Map (Aerial Photo); Tax Lots.

3. ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☐ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
N/A	N/A	N/A	N/A	N/A	N/A

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

D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
N/A						

2. Measurements: No field measurement. Ground water storage water right.

E. FLOW CALCULATIONS

Measured Method: N/A

____ Additional Computation Sheets Attached

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses: (Seven (7) Aesthetic Storage Ponds)

Total Storage Pond Surface Area – 16.0 ac.

Maximum Water Bearing Depth – 7'

$$V(d) = 16.0 \text{ ac} \times 7 \text{ feet} = 112.0 \text{ AFA}$$

$$V(r) = 58.5 \text{ AFA} < 112.0 \text{ AFA } V(d)$$

Recommend permit storage volume of 58.5 AFA

G. NARRATIVE/REMARKS/COMMENTS**WATER SUPPLY SYSTEM:**

Seven (7) aesthetic storage ponds constructed within the Banbury Golf Course and Banbury Meadows residential development, are filled by seasonal high ground water. The seven (7) aesthetic storage ponds are hydraulically connected by culvert pipes, streams, and ditches. Water circulates through each aesthetic storage pond prior to discharging through a 48" CMP culvert pipe and stream to the Boise River.

Mitigation:

Mitigation for the consumptive use of the water for the seven (7) aesthetic storage ponds is provided by Warm Springs Ditch Company irrigation water rights 63-192, 63-216C, and 63-19425 as approved by Transfer 70620. The mitigation water is diverted from the Boise River and discharged to the headwaters of Warm Springs Creek. Warm Springs Creek discharges water through a 60" CMP culvert pipe to an aesthetic storage pond adjacent to Hole No. 9 in the Banbury Golf Course.

192 per other notes in exam

Note: The required mitigation volume of 37.8 AFA is for the removal of 13.0 acres of pasture grass for the construction of the seven (7) aesthetic storage ponds. However, based on 2013 aerial photography, the surface area of the aesthetic storage ponds was calculated to be 16.0 acres. Based on the evapotranspiration data used by the applicant's consultant to calculate the total volume of water required for mitigation of this permit, the required volume of water which needs to be mitigated for 16.0 acres of aesthetic storage ponds is 46.6 AFA. The current mitigation volume of 37.8 AFA is 8.8 AFA less than the required 46.6 AFA required to meet the evapotranspiration and consumptive irrigation water requirements. The applicant will need to file an additional transfer application to increase the total mitigation volume by 8.8 AFA.

Recommendation: Water Right Permit No. 63-31690 shall not be approved until a transfer application for the additional 8.8 AFA of mitigation volume has been approved by the Department.

Overlap Analysis:

Point of Diversion: There are no point of diversion overlaps for Water Right Permit No. 63-31690.

Place of Use: Water Right Permit No. 63-31690 and Water Rights 63-192, 63-216C, and 63-19425 have overlapping places of use in the seven (7) aesthetic storage ponds located in the Banbury Golf Course and the Banbury Meadows development.

Have conditions of permit approval been met? ____Yes ____X____No

CONDITION NO. 4 – Mitigation for consumptive use of water under this right shall be provided by Water Rights 63-192, 63-216C, and 63-19425 as approved by Transfer 70620. The approved mitigation volume of 37.8 AFA is for the removal of 13.0 acres of pasture grass to construct the seven (7) aesthetic storage ponds. However, the calculated surface area of the storage ponds is 16.0 acres, not 13.0 acres as indicated in Transfer 70620. The 37.8 AFA mitigation volume does not meet the evapotranspiration and consumptive use irrigation requirements. The applicant is not in conformance with Condition No.4.

RATE &/OR STORAGE RECOMMENDED FOR LICENSING

Description	Rate of Flow (cfs)		Storage (af)
Permit Amount	N/A	&/or	58.5
Beneficial Use Limit	N/A	&/or	58.5
System Measurement	N/A	&/or	112.0
Proof Fee Amount	N/A	&/or	100.0
Recommended Amount	N/A	&/or	58.5

H. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	N/A	58.50 AF
<u>Totals:</u>			58.50 AF

2. Recommended Amendments

____Change P.D. as reflected above ____X____Add P.D. as reflected above ____None

__X__Change P.U. as reflected above ____Add P.U. as reflected above ____Other

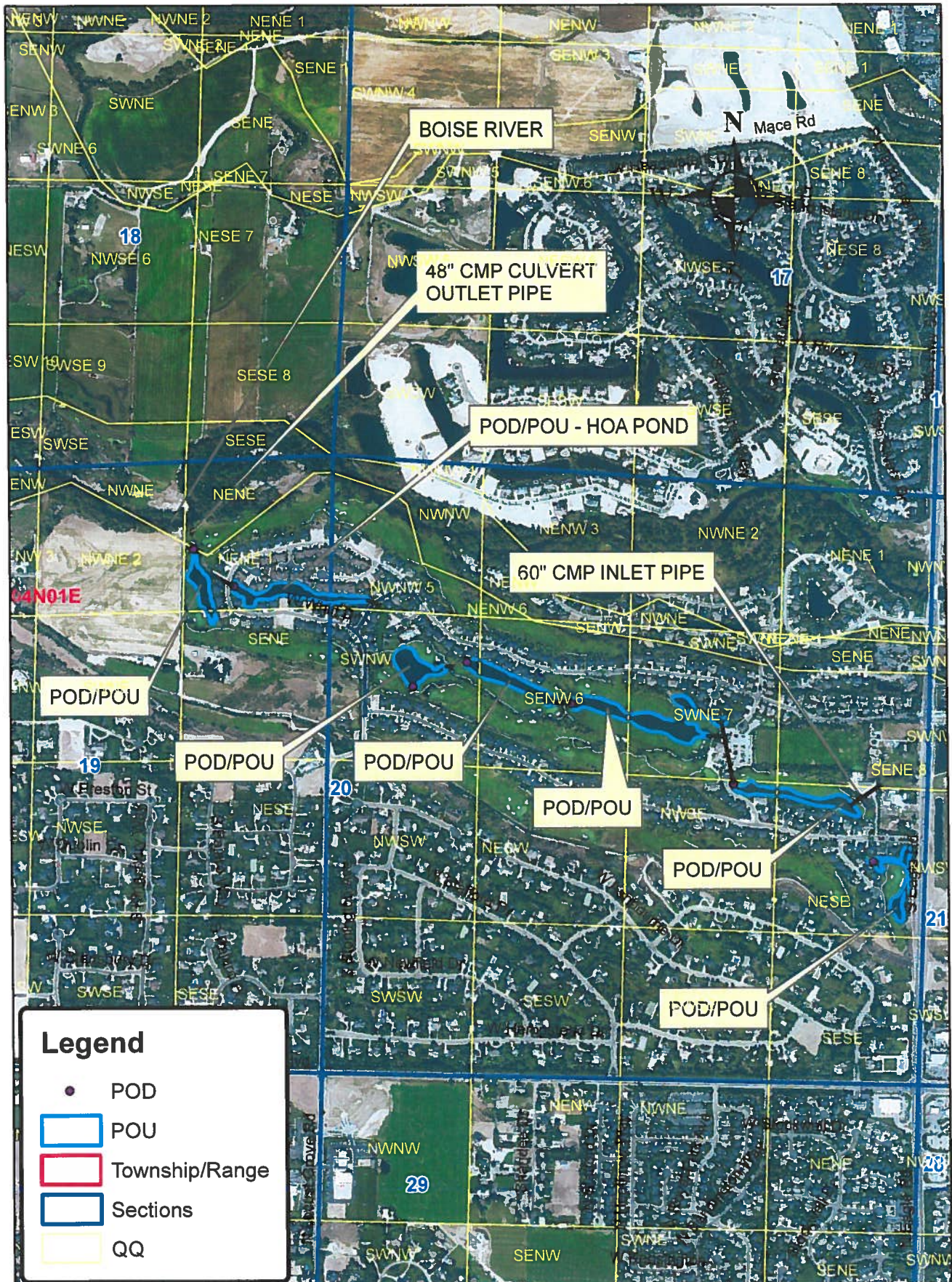
I. AUTHENTICATION

Field Examiner's Name Rick Collingwood Date 5/16/14

Reviewer _____ Date _____

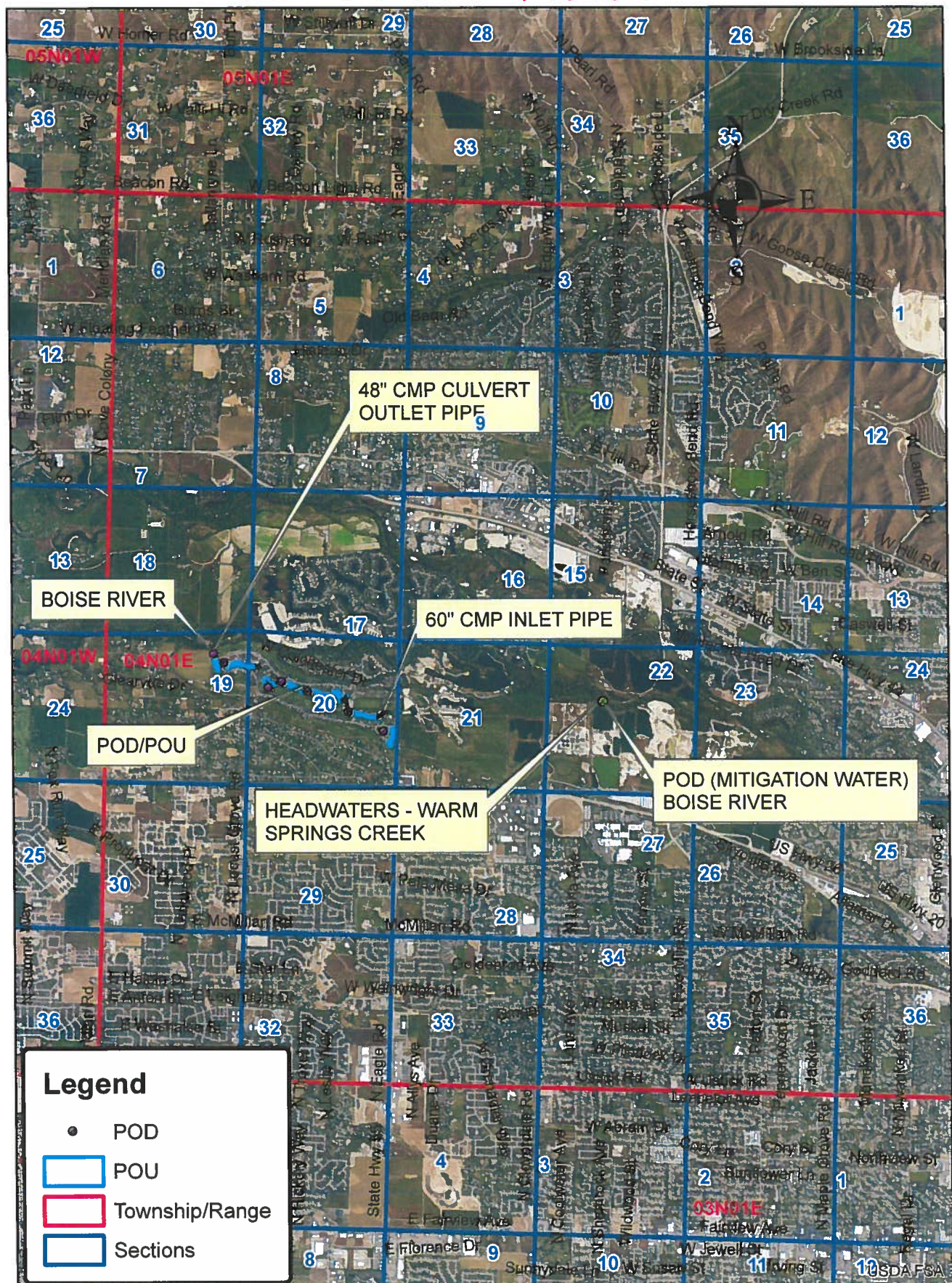
63-31690
GOV'T. LOTS 1, 5, 6, & 7

AERIAL PHOTO - 2013



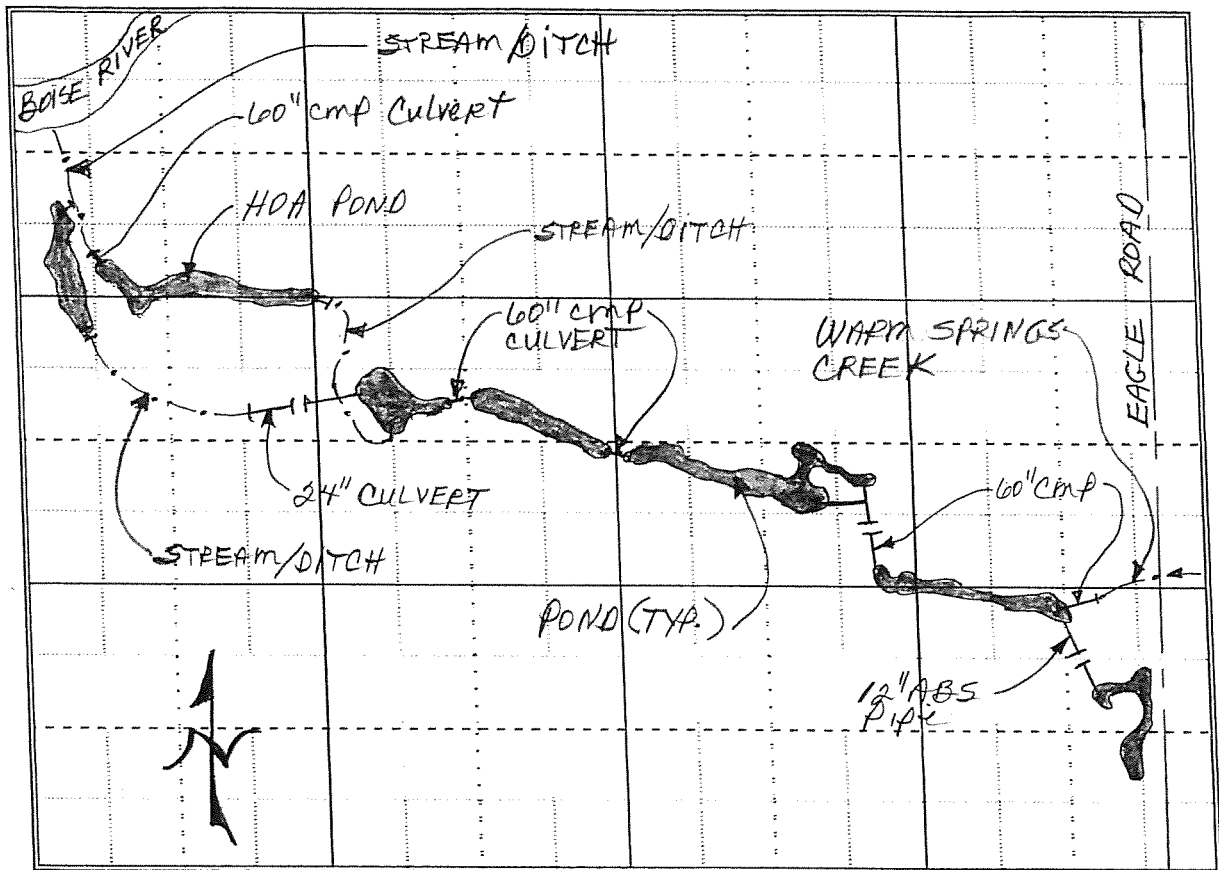
AERIAL PHOTO - 2013

GOV'T. LOTS 1, 5, 6, & 7



Form 219 07/11

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" = NTS

- ☐ 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

FIELD EXAM PHOTOS

Water Right Permit: 63-31690

Field Exam Date: 5-1-14

PLS: SW1/4, SE1/4 Section 20, T.05N, R.01E

Field Examiner: RC



View southeasterly of the concrete headgate structure and 36" slide gate which diverts water from the Boise River to the headwaters of Warm Springs Creek. Mitigation water is conveyed in Warm Springs Creek to the Banbury development aesthetic storage ponds.



View southeasterly of the 36" CMP discharge pipe from the Boise River to the headwaters of Warm Springs Creek.



View southwesterly of a concrete flow measuring structure in Warm Springs Creek. The structure is approximately 100' downstream from the 36" CMP discharge pipe from the Boise River. A staff gauge is mounted to the northerly abutment upstream of the flow control boards.



View southeasterly and upstream of the headwaters of Warm Springs Creek and the concrete flow measuring structure.



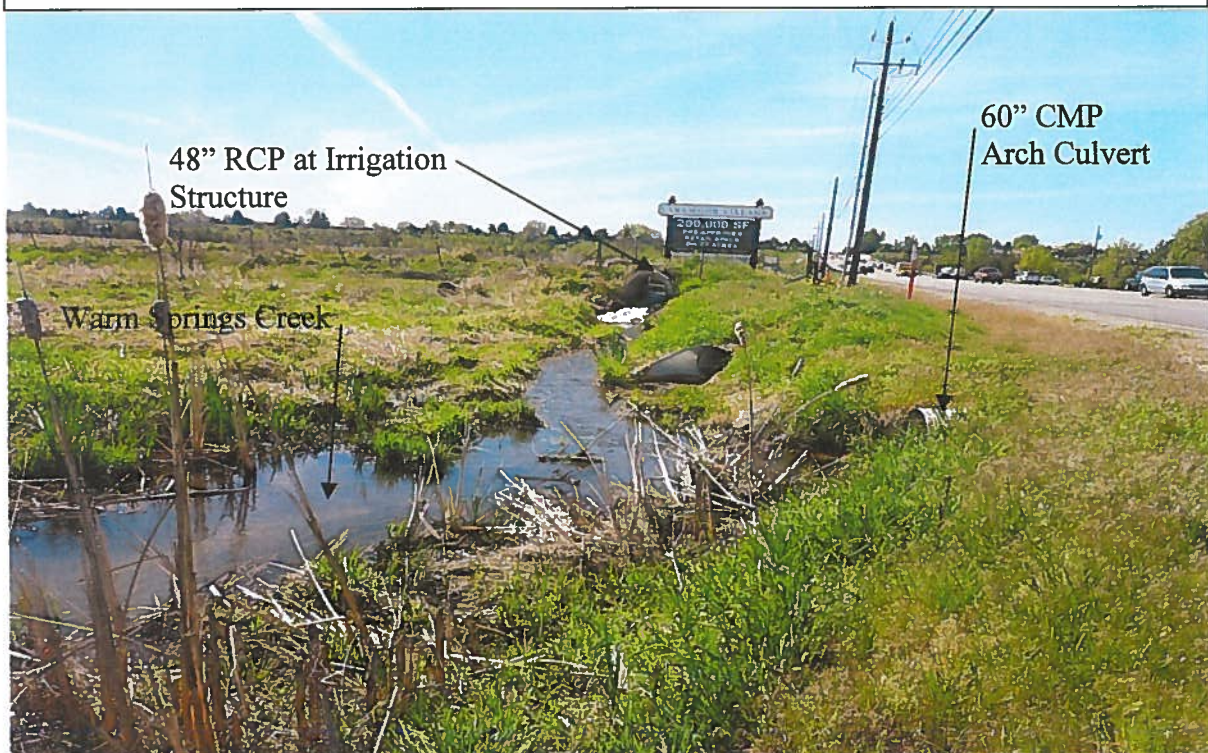
View easterly and upstream of Warm Springs Creek near Eagle Road. A 60" CMP arch culvert conveys Warm Springs Creek across Eagle Road.



View easterly of a secondary ditch from Warm Springs Creek which provides irrigation water to property owner's adjacent to and west of Eagle Road. Water is diverted back to Warm Springs Creek at the point of crossing Eagle Road on the days when the property owner's are not irrigating.



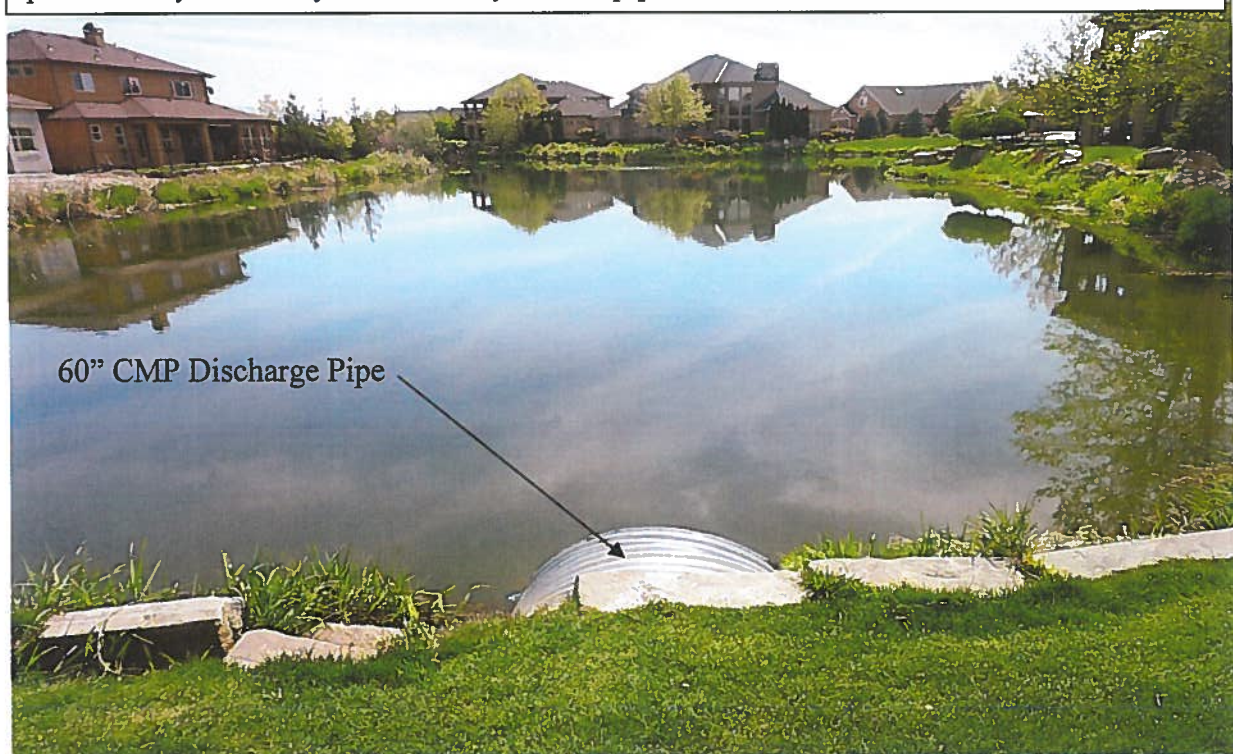
View southeasterly of the 48" RCP pipe discharging water from the concrete irrigation structure serving the property owner's adjacent to Eagle Road back to Warm Springs Creek.



View southerly of the 48" RCP pipe discharging water back to Warm Springs Creek. The 60" CMP arch culvert conveying Warm Springs Creek across Eagle Road is shown to the right of the photo.



Place of Use: View of a 60" CMP Warm Springs Creek inlet pipe in an aesthetic storage pond adjacent to Hole No. 9 in the Banbury Golf Course. The seven aesthetic storage ponds are hydraulically connected by culvert pipe, streams, and ditches.



Place of Use: View southeasterly of the HOA aesthetic storage pond within the Banbury Meadows development. The 60" CMP discharge pipe is located at the west end of the aesthetic storage pond.



View westerly of the 60" CMP discharge pipe from the HOA aesthetic storage pond. The waterway continues northwesterly through the Banbury Meadows development and Banbury Golf Course prior to discharging to the Boise River.



View northerly of a 48" CMP discharge pipe and channel discharging water from the aesthetic storage ponds to the Boise River.



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705-5082

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 22, 2014

Banbury Meadows, LLC
C/O Brian Hoff
1840 N. Lakes Avenue
Meridian, ID 83642

Re: Water Permit No. 63-31690
Transfer for Additional Mitigation & Storage Pond Volume

Dear Brian:

One of the conditions of approval for Water Permit No. 63-31690 is the mitigation requirement for consumptive use of water for the seven (7) aesthetic storage ponds located in the Banbury Golf Course and the Banbury Meadows residential development. The mitigation volume of 37.8 AFA is provided by the Warm Springs Ditch Company's Water Rights 63-192, 63-216C, and 63-19425 as stated in the approved Transfer 70620.

In processing Water Permit No. 63-31690 for licensure, I have discovered a discrepancy with regards to the proposed surface area and the storage volume of the seven (7) aesthetic storage ponds. The permit indicates a total storage volume of 58.5 AF. Based on a maximum depth of 18' as provided by Clint Travis, for each storage pond, the total storage volume is approximately 288.5 AF. In order to account for the additional storage volume, 230.0 AF, a new water right application will need to be submitted to the Department.

The approved mitigation volume of 37.8 AFA was based on a total aesthetic storage pond surface area of 13.0 acres. The total pond surface area calculated from 2013 aerial photography is 16.0 acres. Based on the evapotranspiration data approved for Transfer 70620, the required volume of water which needs to be mitigated for 16.0 acres of aesthetic storage ponds is 46.6 AFA. With the increased storage pond surface area of 3.0 acres, the 37.8 AFA of mitigation volume does not meet the evapotranspiration and consumptive use irrigation water requirements for Idaho. In order to comply with these requirements, a transfer application will need to be filed with the Department for an additional 8.8 AFA. The additional mitigation volume of 8.8 AFA corresponds to retiring 3 acres of irrigation.

Upon receiving the new application for permit for the additional storage pond volume, and the transfer application for the additional 8.8 AFA of mitigation volume, we will proceed toward licensing for Water Permit No. 63-31690. I have enclosed Application for Permit and an Application for Transfer forms for your use.

If you have any questions, you can contact me at (208) 334-2190, or by e-mail at rick.collingwood@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink that reads "Rick Collingwood". The signature is written in a cursive, flowing style.

Rick Collingwood, P.E.
Water Resource Agent, Sr.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
April 22, 2014

GARY SPACKMAN, Director

Banbury Meadows, LLC
C/O Brian Hoff
1840 N. Lakes Avenue
Meridian, ID 83642

RE: Scheduling Field Exam for Water Right Permit No. 63-31690

Dear Permit Holder:

The Idaho Department of Water Resources (IDWR) is planning to conduct water right field examinations in the vicinity of the above-referenced permit **during the week of May 12**. An examination is needed to verify water use(s) developed under the permit in order to issue a water right license.

Your permit authorizes the diversion of ground water for aesthetic storage. If you developed a beneficial use of water and still own the place of use property identified in the permit, please contact me at your earliest convenience to schedule an examination.

If you developed a beneficial use of water under the permit but no longer own the place of use property, please use the enclosed Assignment of Permit form (\$25 fee). This will allow IDWR to work with the new permit owner through the water right licensure process.

A water right license cannot be issued if beneficial use of water was not developed or if use was developed but abandoned. If either of these cases has occurred, please relinquish the permit by using the enclosed Relinquishment of Permit form (no fee required). The permit will be voided if a relinquishment form is not submitted within thirty (30) days. If you no longer own the property and do not assign or relinquish your permit, IDWR will work with the current property owner to issue a license or to void the permit.

Please contact me to schedule a field examination for a day and time that is convenient for you. **Please call me at (208) 334-2190 by May 5 to conduct the field exam during the week of May 12.** If there is a problem with scheduling or conducting the field examination at this time, please let me know so we can reschedule.

Please call me at (208) 334-2190 if you have any questions. I appreciate your attention to this matter and look forward to hearing from you.

Sincerely,

Rick Collingwood, P.E.
Staff Engineer

Enclosure: Relinquishment and Assignment of Permit Forms



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 9, 2015

BANBURY MEADOWS LLC
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83642

RE: Water Right Permit No. 63-31690

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a 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:

✓ **Place of Use – Adding SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, 4N, 1E**

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

If you have any questions, please call me at 334-2190.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures

Amendment Application & Layout

1-12-15
Brian Hoff called-
explained amendment
to him- he will
sign & submit.
KW

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 63-31690

Date of Priority: September 20, 2002

Maximum Diversion Volume: 58.5 AF

Comes now BANBURY MEADOWS LLC
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83642

and represents to the Director of 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. 63-31690, and requests that the permit be changed as follows:

Source: GROUND WATER

Tributary: BOISE RIVER

BENEFICIAL USE

PERIOD OF USE

ANNUAL VOLUME

AESTHETIC STORAGE

01/01 to 12/31

58.5 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	L1 (NE1/4NE1/4)	Sec. 19, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L7 (SW1/4NE1/4)	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L1 (NE1/4NE1/4)	Sec. 19, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	SW1/4NW1/4	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	L6 (SE1/4NW1/4)	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County
GROUND WATER	NE1/4SE1/4	Sec. 20, Twp 04N, Rge 01E, B.M., ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01E 19	X			X													
	L 1																
04N 01E 20			X			X	X	X					X	X			
			L 7			L 5		L 6									

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 _____ day of _____, 2015.

(Signature & Title)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 63-31690

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, STEVE LESTER, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 63-31690 with the following:

CONDITIONS OF APPROVAL

1. Aesthetic storage use is for excavated ponds.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. Mitigation for consumptive use of water under this right shall be provided by Rights 63-192, 63-19425 and 63-216C as approved by Transfer 70620.
4. If the specified mitigation rights are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this permit shall be reduced by the same proportion as the reduction to the mitigation rights.
5. Water bearing zone to be appropriated is from 1 to 7 feet.

Witness my hand this _____ day of _____, 2015.

STEVE LESTER
Interim Western Region Manager



Idaho Department of Water Resources

Water Right
63-31690
(AESTHETIC STORAGE)

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters

*for your
information -
do not
return*

Ada County
IDWR Basin 63

Prepared by Walker, Kay

2009 Aerial Photography

