

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79654

OCT 22 2014

WATER RESOURCES
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Warm Springs Ditch CompanyCheck whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Attachments 7b and 8a.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Warm Springs Ditch Company Phone (208) 884-2002

Mailing address C/O Brian Hoff, 1840 N Lakes Ave, Meridian, ID 83646 Email brianh@hoffc.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

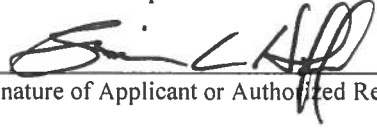
☐ No Representative

Name of Representative Dave Shaw, ERO Resources Corp Phone (208) 365-7684

Mailing address 4001 E Main St, Emmett, ID 83617 Email dshaw@eroreources.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 or Authorized Representative

Brian C. Hoff, Registered Agent
Print Name and Title if applicable

10/21/14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Mitigation for Banbury Meadows, LLC's ponds was originally approved by Transfer No. 70620 for 13 acres of ponds.

The as-built ponds have been found to be 16.5 acres in size and this transfer seeks to provide the mitigation for the additional 3.5 acres of existing ponds.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-192	2.15 cfs	Irrigation	3/1 to 11/15	Boise River - Snake River
☐ ☒	63-192	0.15 cfs	Diversion to Storage	3/1 to 11/15	Boise River - Snake River
☐ ☒	63-192	26.3 ac-ft	Aesthetic Storage	1/1 to 12/31	Boise River - Snake River
☐ ☒	63-19425	4.73 cfs	Irrigation	3/1 to 11/15	Boise River - Snake River
☐ ☒	63-19425	0.33 cfs	Diversion to Storage	3/1 to 11/15	Boise River - Snake River
☐ ☒	63-19425	57.8 ac-ft	Aesthetic Storage	1/1 to 12/31	Boise River - Snake River
☐ ☒	63-216C	0.37 cfs	Irrigation	3/1 to 11/15	Boise River - Snake River
☐ ☒	63-216C	0.03 cfs	Diversion to Storage	3/1 to 11/15	Boise River - Snake River
☐ ☒	63-216C	4.6 ac-ft	Aesthetic Storage	1/1 to 12/31	Boise River

Total authorized under rights 7.76 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.07 cubic feet per second and/or 10.2 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	19	L1 J			J													
		20			L7 J			L5 J	J	L6 J					J	J			
		21			L7 J				L5 J	L6 J	J	J							
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing diversions from the Boise River into the Thurman Mill and Warm Springs Canals.

- b. Who owns the property at the point(s) of diversion? Others

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Existing diversions and rights-of-way that will be unchanged by the transfer.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The land now described as irrigated is in fact part of the already constructed ponds. This transfer is for the purpose of correcting the water right description to match the water use on the ground as determined by the field examiner when examining water permit no. 63-31690.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Water right permit 63-31690 and an accompanying application for ground water provide the water that is stored in the ponds. The purpose of this application for transfer is to mitigate the evaporation from the pond surface.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

The portions of these rights already used for mitigation are not proposed to be changed.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-192

Current Owner: WARM SPRINGS DITCH CO

Priority Date: 6/1/1876

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOISE RIVER

<u>Beneficial Use</u>	<u>From To</u>
AESTHETIC STORAGE	01/01 to 12/31
DIVERSION TO STORAGE	03/01 to 11/15
IRRIGATION	03/01 to 11/15
	<u>Total Diversion</u>

Tributary

SNAKE RIVER

<u>Diversion Rate</u>	<u>Annual Volume</u>
	23.3 AF
0.13 CFS	
2.17 CFS	
2.3 CFS	

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L11(NE1/4SE1/4) Sec. 5, Twp 03N, Rge 02E B.M.

BOISE RIVER

ADA County

L6(SE1/4NW1/4) Sec. 22, Twp 04N, Rge 01E B.M.

Place of Use

AESTHETIC STORAGE Within ADA County

T04N R01E S19	NENE	T04N R01E S20	SWNE
T04N R01E S20	SENE	T04N R01E S20	NENW
T04N R01E S20	NWNW	T04N R01E S20	SWNW
T04N R01E S20	SENW	T04N R01E S20	NESE
T04N R01E S20	NWSE	T04N R01E S21	SWNE
T04N R01E S21	SWNW	T04N R01E S21	SENW
T04N R01E S21	NESW	T04N R01E S21	NWSW

IRRIGATION Within ADA County

T04N R01E S19	Lot 1	NENE	T04N R01E S19	Lot 1	NENE
T04N R01E S19	Lot 1	NENE	T04N R01E S19	Lot 1	NENE
T04N R01E S19		SENE	T04N R01E S19		SENE
T04N R01E S19		SENE	T04N R01E S19		SENE
T04N R01E S20	Lot 7	SWNE	T04N R01E S20	Lot 7	SWNE
T04N R01E S20	Lot 7	SWNE	T04N R01E S20	Lot 7	SWNE
T04N R01E S20	Lot 8	SENE	T04N R01E S20	Lot 8	SENE
T04N R01E S20	Lot 8	SENE	T04N R01E S20	Lot 8	SENE
T04N R01E S20	Lot 5	NWNW	T04N R01E S20	Lot 5	NWNW
T04N R01E S20	Lot 5	NWNW	T04N R01E S20	Lot 5	NWNW
T04N R01E S20		SWNW	T04N R01E S20		SWNW
T04N R01E S20		SWNW	T04N R01E S20		SWNW
T04N R01E S20	Lot 6	SENW	T04N R01E S20	Lot 6	SENW
T04N R01E S20	Lot 6	SENW	T04N R01E S20	Lot 6	SENW
T04N R01E S20		NESW	T04N R01E S20		NESW
T04N R01E S20		NESW	T04N R01E S20		NESW
T04N R01E S20		NWSW	T04N R01E S20		NWSW
T04N R01E S20		NWSW	T04N R01E S20		NWSW
T04N R01E S20		NESE	T04N R01E S20		NESE
T04N R01E S20		NESE	T04N R01E S20		NESE
T04N R01E S20		NWSE	T04N R01E S20		NWSE
T04N R01E S20		NWSE	T04N R01E S20		NWSE
T04N R01E S21	Lot 7	SWNE	T04N R01E S21	Lot 7	SWNE
T04N R01E S21	Lot 7	SWNE	T04N R01E S21	Lot 7	SWNE
T04N R01E S21	Lot 8	SENE	T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 8	SENE	T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 5	SWNW	T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 5	SWNW	T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 6	SENW	T04N R01E S21	Lot 6	SENW
T04N R01E S21	Lot 6	SENW	T04N R01E S21	Lot 6	SENW
T04N R01E S21		NESW	T04N R01E S21		NESW
T04N R01E S21		NESW	T04N R01E S21		NESW
T04N R01E S21		NWSW	T04N R01E S21		NWSW
T04N R01E S21		NWSW	T04N R01E S21		NWSW
T04N R01E S21		NWSE	T04N R01E S21		NWSE
T04N R01E S21		NWSE	T04N R01E S21		NWSE

Total Acres: 435

Place of Use: DIVERSION TO STORAGE same as AESTHETIC STORAGE

Conditions of Approval:

1. The following rights are diverted through point of diversion described above as the SENW, S22, T4N, R1E: 63-192, 63-216C and 63-19425.
2. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.

3. R05 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
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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. F06 The following rights are diverted through point of diversion described above as the NESE, S5, T3N, R2E: 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131, and 63-31936.
7. 129 Place of use is within the area served by Warm Springs Ditch Co.
8. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
9. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
10. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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.
12. F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
13. SD1 This right originated as all or part of right no. 61 in the Stewart Decree and the historic Boise River Water Masters records.
14. X27 This right is limited to the irrigation of 435 acres within the boundary of Warm Springs Ditch Co.
15. Rights 63-192, 63-216C and 63-19425 also authorize the diversion of an annual total of 40.7 af to be used for the replacement of losses caused by evaporation from the 14.0 acre total surface area of ponds established under Right 63-32366.

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Decreed Date: 12/10/2007

Total Acres (for irrigation use)	3.5
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-216C

Current Owner: WARM SPRINGS DITCH CO

Priority Date: 6/1/1889

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use **From To**

IRRIGATION 03/01 to 11/15

AESTHETIC STORAGE 01/01 to 12/31

DIVERSION TO STORAGE 03/01 to 11/15

Total Diversion

Diversion Rate

0.38 CFS

0.02 CFS

0.4 CFS

Annual Volume

4.1 AF

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

BOISE RIVER

ADA County

L6(SE1/4NW1/4)

Sec. 22, Twp 04N, Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01E S19	Lot 1	NENE	T04N R01E S19	Lot 1	NENE
T04N R01E S19	Lot 1	NENE	T04N R01E S19	Lot 1	NENE
T04N R01E S19		SENE	T04N R01E S19		SENE
T04N R01E S19		SENE	T04N R01E S19		SENE
T04N R01E S20	Lot 7	SWNE	T04N R01E S20	Lot 7	SWNE
T04N R01E S20	Lot 7	SWNE	T04N R01E S20	Lot 7	SWNE
T04N R01E S20	Lot 8	SENE	T04N R01E S20	Lot 8	SENE
T04N R01E S20	Lot 8	SENE	T04N R01E S20	Lot 8	SENE
T04N R01E S20	Lot 5	NWNW	T04N R01E S20	Lot 5	NWNW
T04N R01E S20	Lot 5	NWNW	T04N R01E S20	Lot 5	NWNW
T04N R01E S20		SWNW	T04N R01E S20		SWNW
T04N R01E S20		SWNW	T04N R01E S20		SWNW
T04N R01E S20	Lot 6	SENW	T04N R01E S20	Lot 6	SENW
T04N R01E S20	Lot 6	SENW	T04N R01E S20	Lot 6	SENW
T04N R01E S20		NESW	T04N R01E S20		NESW
T04N R01E S20		NESW	T04N R01E S20		NESW
T04N R01E S20		NWSW	T04N R01E S20		NWSW
T04N R01E S20		NWSW	T04N R01E S20		NWSW
T04N R01E S20		NESE	T04N R01E S20		NESE
T04N R01E S20		NESE	T04N R01E S20		NESE
T04N R01E S20		NWSE	T04N R01E S20		NWSE
T04N R01E S20		NWSE	T04N R01E S20		NWSE
T04N R01E S21	Lot 7	SWNE	T04N R01E S21	Lot 7	SWNE
T04N R01E S21	Lot 7	SWNE	T04N R01E S21	Lot 7	SWNE
T04N R01E S21	Lot 8	SENE	T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 8	SENE	T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 5	SWNW	T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 5	SWNW	T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 6	SENW	T04N R01E S21	Lot 6	SENW
T04N R01E S21	Lot 6	SENW	T04N R01E S21	Lot 6	SENW
T04N R01E S21		NESW	T04N R01E S21		NESW
T04N R01E S21		NESW	T04N R01E S21		NESW
T04N R01E S21		NWSW	T04N R01E S21		NWSW
T04N R01E S21		NWSW	T04N R01E S21		NWSW
T04N R01E S21		NWSE	T04N R01E S21		NWSE
T04N R01E S21		NWSE	T04N R01E S21		NWSE

Total Acres: 435

AESTHETIC STORAGE Within ADA County

T04N R01E S19	NENE	T04N R01E S20	SWNE
T04N R01E S20	SENE	T04N R01E S20	NENW
T04N R01E S20	NWNW	T04N R01E S20	SWNW
T04N R01E S20	SENW	T04N R01E S20	NESE
T04N R01E S20	NWSE	T04N R01E S21	SWNE
T04N R01E S21	SWNW	T04N R01E S21	SENW
T04N R01E S21	NESW	T04N R01E S21	NWSW

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. SD1 This right originated as all or part of right no. 116 in the Stewart Decree and the historic Boise River Water Masters records.
4. X27 This right is limited to the irrigation of 435 acres within the boundary of Warm Springs Ditch Co.
5. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
6. The following rights are diverted through point of diversion described above as the SENW, S22, T4N, R1E: 63-192, 63-216C and 63-19425.
7. F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
8. Rights 63-192, 63-216C and 63-19425 also authorize the diversion of an annual total of 40.7 af to be used for the replacement of losses caused by evaporation from the 14.0 acre total surface area of ponds established under Right 63-32366.

9. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
10. 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.
11. 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.
12. F06 The following rights are diverted through point of diversion described above as the NESE, S5, T3N, R2E: 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131, and 63-31936.
13. R05 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
14. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
15. 129 Place of use is within the area served by Warm Springs Ditch Co.

Decreed Date: 12/10/2007

Total Acres (for irrigation use)	3.5
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-19425

Current Owner: WARM SPRINGS DITCH CO

Priority Date: 6/1/1882

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOISE RIVER

<u>Beneficial Use</u>	<u>From To</u>
AESTHETIC STORAGE	01/01 to 12/31
DIVERSION TO STORAGE	03/01 to 11/15
IRRIGATION	03/01 to 11/15
	<u>Total Diversion</u>

Tributary

SNAKE RIVER

<u>Diversion Rate</u>	<u>Annual Volume</u>
	51.1 AF
0.29 CFS	
4.77 CFS	
5.06 CFS	

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L6(SE1/4NW1/4) Sec. 22, Twp 04N, Rge 01E B.M.

BOISE RIVER

ADA County

L11(NE1/4SE1/4) Sec. 5, Twp 03N, Rge 02E B.M.

Place of Use

AESTHETIC STORAGE Within ADA County

T04N R01E S19	NENE	T04N R01E S20	SWNE
T04N R01E S20	SENE	T04N R01E S20	NENW
T04N R01E S20	NWNW	T04N R01E S20	SWNW
T04N R01E S20	SENW	T04N R01E S20	NESE
T04N R01E S20	NWSE	T04N R01E S21	SWNE
T04N R01E S21	SWNW	T04N R01E S21	SENW
T04N R01E S21	NESW	T04N R01E S21	NWSW

IRRIGATION Within ADA County

T04N R01E S19	Lot 1	NENE	T04N R01E S19	Lot 1	NENE
T04N R01E S19	Lot 1	NENE	T04N R01E S19	Lot 1	NENE
T04N R01E S19		SENE	T04N R01E S19		SENE
T04N R01E S19		SENE	T04N R01E S19		SENE
T04N R01E S20	Lot 7	SWNE	T04N R01E S20	Lot 7	SWNE
T04N R01E S20	Lot 7	SWNE	T04N R01E S20	Lot 7	SWNE
T04N R01E S20	Lot 8	SENE	T04N R01E S20	Lot 8	SENE
T04N R01E S20	Lot 8	SENE	T04N R01E S20	Lot 8	SENE
T04N R01E S20	Lot 5	NWNW	T04N R01E S20	Lot 5	NWNW
T04N R01E S20	Lot 5	NWNW	T04N R01E S20	Lot 5	NWNW
T04N R01E S20		SWNW	T04N R01E S20		SWNW
T04N R01E S20		SWNW	T04N R01E S20		SWNW
T04N R01E S20	Lot 6	SENW	T04N R01E S20	Lot 6	SENW
T04N R01E S20	Lot 6	SENW	T04N R01E S20	Lot 6	SENW
T04N R01E S20		NESW	T04N R01E S20		NESW
T04N R01E S20		NESW	T04N R01E S20		NESW
T04N R01E S20		NWSW	T04N R01E S20		NWSW
T04N R01E S20		NWSW	T04N R01E S20		NWSW
T04N R01E S20		NESE	T04N R01E S20		NESE
T04N R01E S20		NESE	T04N R01E S20		NESE
T04N R01E S20		NWSE	T04N R01E S20		NWSE
T04N R01E S20		NWSE	T04N R01E S20		NWSE
T04N R01E S21	Lot 7	SWNE	T04N R01E S21	Lot 7	SWNE
T04N R01E S21	Lot 7	SWNE	T04N R01E S21	Lot 7	SWNE
T04N R01E S21	Lot 8	SENE	T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 8	SENE	T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 5	SWNW	T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 5	SWNW	T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 6	SENW	T04N R01E S21	Lot 6	SENW
T04N R01E S21	Lot 6	SENW	T04N R01E S21	Lot 6	SENW
T04N R01E S21		NESW	T04N R01E S21		NESW
T04N R01E S21		NESW	T04N R01E S21		NESW
T04N R01E S21		NWSW	T04N R01E S21		NWSW
T04N R01E S21		NWSW	T04N R01E S21		NWSW
T04N R01E S21		NWSE	T04N R01E S21		NWSE
T04N R01E S21		NWSE	T04N R01E S21		NWSE

Total Acres: 435

Place of Use: DIVERSION TO STORAGE same as AESTHETIC STORAGE

Conditions of Approval:

1. The following rights are diverted through point of diversion described above as the SENW, S22, T4N, R1E: 63-192, 63-216C and 63-19425.
2. F01 Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.

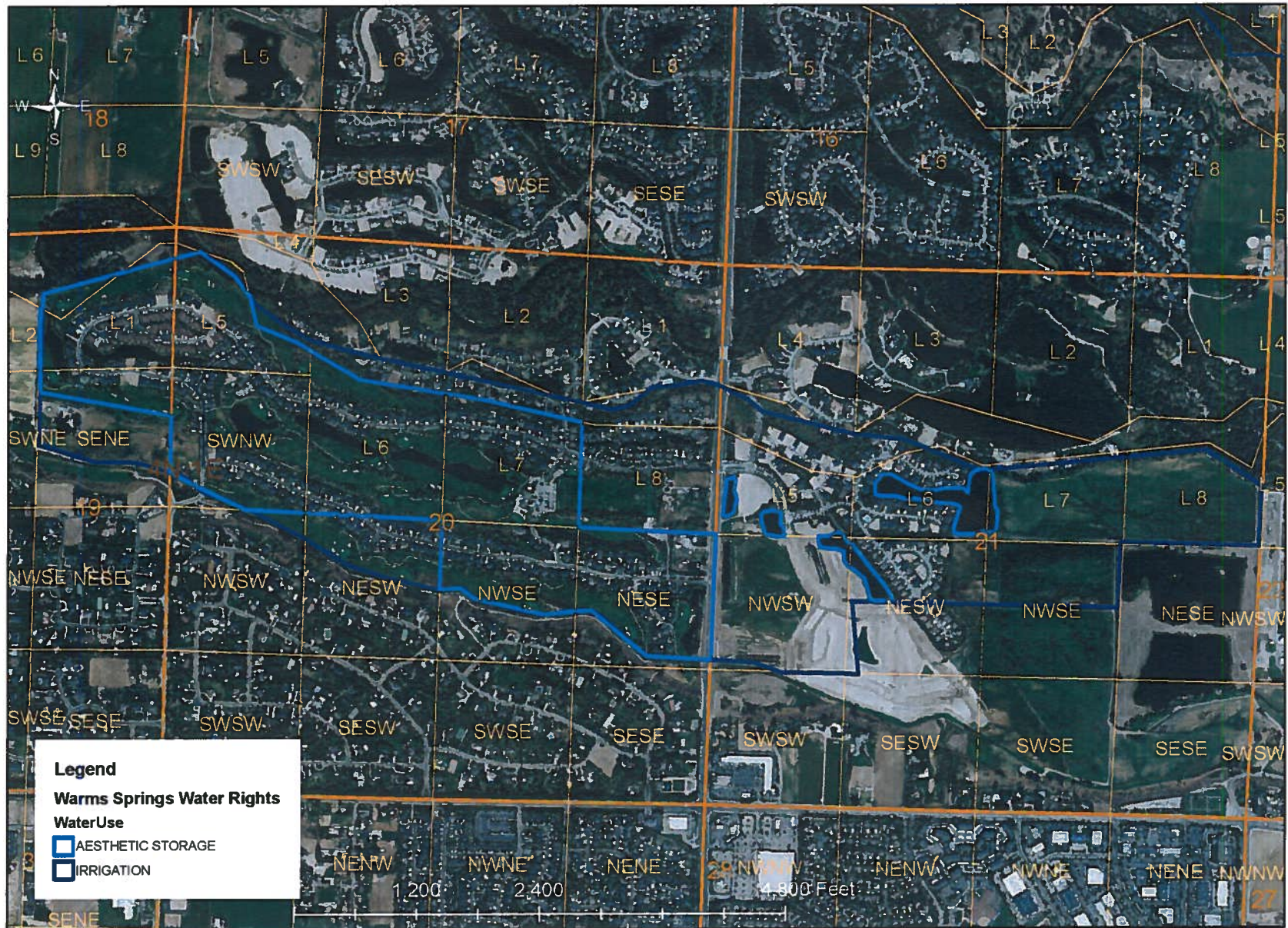
3. F06 The following rights are diverted through point of diversion described above as the NESE, S5, T3N, R2E: 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131, and 63-31936.
4. Rights 63-192, 63-216C and 63-19425 also authorize the diversion of an annual total of 40.7 af to be used for the replacement of losses caused by evaporation from the 14.0 acre total surface area of ponds established under Right 63-32366.
5. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. X27 This right is limited to the irrigation of 435 acres within the boundary of Warm Springs Ditch Co.
8. R05 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
9. This right is a combination of old Water Right Nos. 63-217, 63-218, 63-220 and parts of 63-214 and 63-219.
10. 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.
11. 129 Place of use is within the area served by Warm Springs Ditch Co.
12. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
13. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
14. SD1 This right originated as all or part of right no.81, 82, 83, 84 and 85 in the Stewart Decree and the historic Boise River Water Masters records.
15. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Page 19 of 23

16. 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.

Decreed Date: 12/10/2007

Warms Springs Ditch Co Application for Transfer for Aesthetic Pond Mitigation



Based on 2013 NAIP Photography

Prepared for Banbury Meadows LLC by ERO 10-2014

Warm Springs Ditch Co. Application for Transfer

Attachment 7b

The existing polygon depicting the place of use for aesthetic purposes has been edited to include the ponds as they exist today. The existing shape file does not have a separate polygon for each pond and the attached continues that same approach to not create a polygon for each pond. If a separate polygon for each pond is desired, please see the Application for Permit in the name of Banbury Meadows LLC filed concurrently with this application for transfer.

Attachment 8a

Application for Transfer of Water Right Nos. 63-192, 63-216C & 63-19425

This Application for Transfer is a follow-up to Transfer No. 70620 of the same 3 water rights to provide 3.5 acres more mitigation for pond surface evaporation. The digital boundary of the irrigation place of use includes all of the pond areas and the total irrigated area will be reduced from 435 acres to 431.5 acres. The 3.5 acres being removed from irrigation were removed at the time the ponds were originally constructed, no changes from present conditions will occur.

The file for Transfer No. 70620 contains the documentation of the historical irrigation practices for these water rights prior to development of the ponds. There was no intermediate irrigation since the additional pond acreage was created at the time the ponds were constructed.

None of the diversion works or delivery system will be changed. A new ground water application accompanies this transfer application for the additional storage water needed to fill the ponds. The new application is for storage water in addition to that authorized by Water Right Permit No. 63-31690.

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, March 16, 2015 9:15 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: 63. Applications for Permit and Transfer
Attachments: Watermaster Recommendation Form.docx; 63-33973.pdf; 63-34002.pdf; 63-34034.pdf; 79654.pdf

March 16, 2015

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

**RE: Application for Permit No's: 63-33973, 63-34002, 63-34034
Application for Transfer No. 79654**

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by April 6, 2015.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Friday, March 13, 2015 11:28 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Categories: Legal Ad Confirmed

Good Morning Janice Hildreth,

Please see the attached ad for publication on 3/19/15 & 3/26/15.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

March 13, 2015

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

RE: Application for Permit No's: 63-33977, 63-34002, 63-34005, 63-34033, 63-34034
Application for Transfer No. 79654

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 4/6/2015. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-33977

ANDREA LARSON
KYLE LARSON
1860 S CANONERO WAY
BOISE, ID 83709
Point of Diversion SENW S22 T03N R01E ADA County Source GROUND WATER
Use: AESTHETIC STORAGE 01/01 to 12/31 0.3 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.13 CFS
Use: IRRIGATION 03/01 to 11/15 0.13 CFS
Use: STOCKWATER STORAGE 01/01 to 12/31 0.1 AF
Total Diversion: 0.13 CFS
Date Filed: 8/8/2014
Place of Use: AESTHETIC STORAGE, IRRIGATION, STOCKWATER STORAGE
T03N R01E S22 NENW SENW
Total Acres: 4.2
Water bearing zone to be appropriated is from 150-160 feet.

63-34002

BANBURY MEADOWS LLC
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83642
Points of Diversion SWNW NESE NESE L6(SENW) L7(SWNE) S20 T04N R01E ADA County Source GROUND WATER
(2)Points of Diversion L1(NENE) S19 T04N R01E ADA County Source GROUND WATER
Use: AESTHETIC STORAGE 01/01 to 12/31 238.5 AF
Total Diversion: 238.5 AF
Date Filed: 10/22/2014
Place of Use: AESTHETIC STORAGE
T04N R01E S19 L1(NENE) SENE
T04N R01E S20 L7(SWNE) L5(NWNW) SWNW L6(SENW) NESE NWSE
Water bearing zone to be appropriated is from 1 to 18 feet.

63-34005

M & C STANLEY LLC
2224 N RAM AVE
EAGLE, ID 83616
Point of Diversion NENW S35 T05N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 10/31/2014
Place of Use: IRRIGATION
T05N R01E S35 NW(ALL) NESW NWSW
Total Acres: 132
Water bearing zone to be appropriated is from 200 to 500 feet. Applicant proposes irrigation of 20 acres within place of use.

63-34033

SCS BRIGHTON, LLC
12601 WEST EXPLORER DRIVE, SUITE 200
BOISE, ID 83713
Points of Diversion NWSW NESW S14 T03N R01W ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.76 CFS
Total Diversion: 0.76 CFS
Date Filed: 1/27/2015
Place of Use: IRRIGATION
T03N R01W S14 NESW NWSW
Total Acres: 76
Water bearing zone to be appropriated is from 50 to 300 feet. Applicant proposes irrigating 38 acres. Applicant proposes using a single well in either location.

Continued on page 2

63-34034

CITY OF MERIDIAN

33 E BROADWAY STE 206

MERIDIAN, ID 83642

Point of Diversion L4(SWSW) S7 T03N R01E ADA County Source GROUND WATER Tributary NINEMILE CREEK

Use: IRRIGATION 03/01 to 11/15 0.9 CFS

Total Diversion: 0.9 CFS

Date Filed: 1/29/2015

Place of Use: IRRIGATION

T03N R01E S18 NENW L1(NWNW) SENW

Total Acres: 19

Water bearing zone to be appropriated is from 1 to 80 feet. Applicant proposes supplemental irrigation of 16 acres within the proposed place of use.

PROPOSED CHANGE OF WATER RIGHTS

Warm Springs Ditch Co. of 1840 N. Lakes Ave., Meridian, ID, 83646, filed Application No. 79654 to transfer three water rights with 1876 to 1889 priority dates from the Boise River totaling 7.76 cfs. The purpose of the transfer is to change the nature of use for 3.5 acres, 0.07 cfs and 10.2 af to aesthetic storage and diversion to storage uses. The proposed change will mitigate for evaporative losses from the ponds in Banbury Meadows. An application for permit 63-34002 was filed for the Banbury pond system. Water will be used in the Warm Springs Ditch Co. service area in the Banbury Meadows subdivision located south of W. Colchester Drive, west of N. Locust Grove Road and east of S. Eagle Road.

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 rights &/or proposed transfer, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this 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 4/6/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/19/2015 and 3/26/2015

MEMORANDUM

TO: Transfer No. 79654
FROM: Kay Walker *KW*
DATE: March 4, 2015
RE: Evaluation of Application

The transfer proposes to change the nature of use for 3.5 acres to be used for mitigation of ponds previously developed under Rt. 63-31690. When field exam was done for that right it was determined that the ponds had been developed larger than permitted so another application for permit (63-34002) was filed along with this accompanying transfer to cover mitigation for the larger ponds.

The site is located at Lakemoor Subdivision at the northeast corner of Eagle Road and Chinden Blvd. intersection in Boise.

Contact person for the applicant is Dave Shaw of ERO Resources Corporation, 4001 E. Main St., Emmett, ID, 83617, phone number: 365-7684.

Summary of Information Submitted

Authority to File:

The applicant, Warm Springs Ditch Company, is the current water right holder of record.

Water Right Validity:

Rights presumed to be valid. Rights were decreed in the SRBA on December 10, 2007. Recent beneficial use under the rights has been confirmed on 2013 aerial photography.

Injury to Other Water Rights:

No injury should occur due to this nature of use change.

Enlargement of Use:

No enlargement is expected to occur. The 3.5 acres that will be changed to mitigation were removed from irrigation at the time the ponds were originally constructed, so no changes from present conditions will occur. The diversion to storage for aesthetic purposes will occur during the irrigation season. No more rate or volume should be diverted by the ditch company due to this change.

Local Public Interest:

It is in the local public interest to allow right holders to change their water rights to cover additional uses that have been developed and need mitigation water to prevent injury to prior water rights.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis

It has been determined that the place of use under the transfer application does not include all the land under prior transfer approval. I also found that prior Transfer 73930 included a piece of land that was not on the transfer application but was included on transfer approval. The applicant's representative will look into the problems identified and let me know what the place of use should be. An amended transfer application would need to be submitted to correct the place of use if the above items need correction.

Mr. Shaw reviewed the discrepancy I found in the place of use description and determined that the map and place of use he had submitted with the transfer application is correct. We will proceed with the application as submitted.

Watermaster comments will be solicited from the Boise River Watermaster.

Discussion

Data entry affected the correct records which are the partial decrees that have recent transfer approval No. 73930.

The portions of three water rights that are proposed to be transferred share the same points of diversion and are used on the same 435 acre ppu. There are no other overlapping rights. After this transfer is processed the 435 acre ppu will be reduced to 431.5 acre ppu.

The priority dates of the three rights involved in this transfer are 1876, 1882 and 1889. The priority dates make it unlikely these rights will ever be curtailed so the rights are candidates to be used to mitigate the ponds.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Walker, Kay

From: Dave Shaw [dshaw@erresources.com]
Sent: Wednesday, March 04, 2015 3:22 PM
To: Walker, Kay
Cc: Brian Hoff (brianh@hoffc.com)
Subject: RE: Application for Transfer 79654
Attachments: Banbury Meadows Transfer.pdf

Hi Kay,

I believe the attached transfer map is correct. The NENW is Lot 3 of Section 20 and does not include any ponds that are part of Banbury Meadows subdivision. Likewise, the SENE is Lot 8 of Section 20 and does not include any ponds that are part of Banbury Meadows subdivision. This is also consistent with the new license that was issued for 63-31690.

As the photography and PLSS data layers have improved over the past 10 to 15 years it has become easier to identify public land survey boundaries in areas of subdivisions and I believe it is correct this time, neither Lot 3 nor Lot 8 should be included on the transfer that is now being processed for aesthetic water use.

Thanks Kay, let me know if you have any additional questions.

Dave

David Shaw

ERO Resources Corporation

208.365.7684 dshaw@erresources.com | www.erresources.com

From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Tuesday, March 03, 2015 3:11 PM
To: Dave Shaw
Cc: Walker, Kay
Subject: Application for Transfer 79654

Hi, Dave!

I was just looking at the Warm Springs Ditch Company Transfer 79654 and have a question regarding the aesthetic storage place of use. I have listed the place of use for aesthetic storage purposes under Transfer 70620 (issued 3/4/05), Partial Decree (issued 12/23/05), Transfer Application 73930, Transfer 73930 (issued 12/12/11) and the place of use listed on the current transfer application 79654, all on the attached land list. If you will look at the transfer application 73930, it does not include any water use in the NENW of Sec. 20, 4N, 1E. However, the transfer approval did include this 40 acre tract as a place of use. I am not sure if that area should have been included on the approval or not. I cannot confirm if that 40 acre tract was included by an error or not.

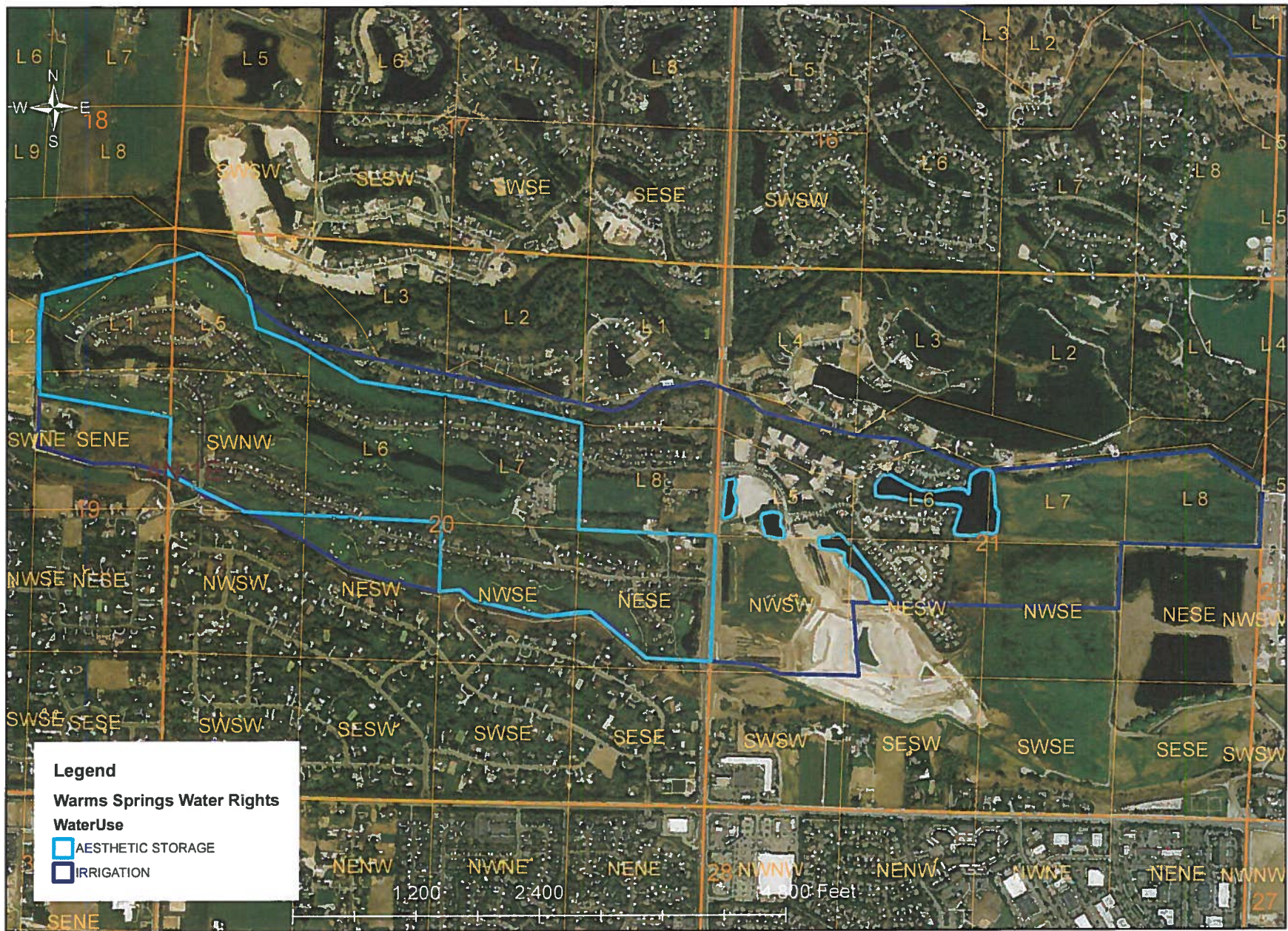
On the application you just submitted (Transfer App. 79654), the place of use does not include the SENE, Sec. 20, 4N, 1E. You also did not include the NENW, Sec. 20, 4N, 1E on the application which is why I went through the land list attachment identifying each step that modified the place of use.

Could you please review the place of use that you have listed on the transfer application and see if the SENE and NENW of Sec. 20, 4N, 1E, should or should not be listed as a place of use under these rights after Transfer 79654 is finalized. I would like to make sure the place of use will be correct after this transfer is approved. Your help in this matter will be appreciated.

Kay Walker

Sr. Water Resource Agent

Warms Springs Ditch Co Application for Transfer for Aesthetic Pond Mitigation



Based on 2013 NAIP Photography

Prepared for Banbury Meadows LLC by ERO 10-2014

Walker, Kay

From: Dave Shaw [dshaw@erresources.com]
Sent: Tuesday, March 03, 2015 3:18 PM
To: Walker, Kay
Subject: RE: Application for Transfer 79654

I will take a look Kay.
Thanks,
Dave

David Shaw

ERO Resources Corporation
208.365.7684 dshaw@erresources.com | www.erresources.com

From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Tuesday, March 03, 2015 3:11 PM
To: Dave Shaw
Cc: Walker, Kay
Subject: Application for Transfer 79654

Hi, Dave!

I was just looking at the Warm Springs Ditch Company Transfer 79654 and have a question regarding the aesthetic storage place of use. I have listed the place of use for aesthetic storage purposes under Transfer 70620 (issued 3/4/05), Partial Decree (issued 12/23/05), Transfer Application 73930, Transfer 73930 (issued 12/12/11) and the place of use listed on the current transfer application 79654, all on the attached land list. If you will look at the transfer application 73930, it does not include any water use in the NENW of Sec. 20, 4N, 1E. However, the transfer approval did include this 40 acre tract as a place of use. I am not sure if that area should have been included on the approval or not. I cannot confirm if that 40 acre tract was included by an error or not.

On the application you just submitted (Transfer App. 79654), the place of use does not include the SENE, Sec. 20, 4N, 1E. You also did not include the NENW, Sec. 20, 4N, 1E on the application which is why I went through the land list attachment identifying each step that modified the place of use.

Could you please review the place of use that you have listed on the transfer application and see if the SENE and NENW of Sec. 20, 4N, 1E, should or should not be listed as a place of use under these rights after Transfer 79654 is finalized. I would like to make sure the place of use will be correct after this transfer is approved. Your help in this matter will be appreciated.

Kay Walker
Sr. Water Resource Agent
Western Region

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
TRANS. 70620 - approved 3/4/2005																			
4N	1E	19	X																
		20			L7 X	L8 X		L5 X	X	L6 X						X	X		
Partial Decree - 12/23/2005																			
4N	1E	19	X																
		20			L7 X	L8 X		L5 X	X	L6 X						X	X		
Trans. 73930 - Application																			
4N	1E	19	X																
		20			X	X		X	X	X						X	X		
		21			X			X	X	X	X								
TRANS. 73930 - approved 12/12/2011																			
4N	1E	19	X																
		20			X	X	X	X	X	X						X	X		
		21			X			X	X	X	X								
TRANS. App. 79654 - Rec'd 10/22/14																			
4N	1E	19	X				X												
		20			L7 X	X	X	L5 X	X	L6 X						X	X		
		21			L7 X			L5 X	X	L6 X	X	X							
on prior app. + approval																			

not on
application
but on
approval

on prior app. + approval