

RECEIVED

MAR 05 2015

WATER RESOURCES
WESTERN REGION

RECEIVED APPLICATION

Ident. No.

63-34002

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

1. Name of applicant(s) Banbury Meadows LLC Phone (208) 884-2002
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address C/O Brian Hoff, 1840 N Lakes Ave City Meridian
 State ID Zip 83642 Email brianh@hoffc.com

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

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	1E	19	1		NE	NE	Ada	Ground Water	
			1		NE	NE	Ada	Ground Water	
		20	7		SW	NE	Ada	Ground Water	
					SW	NW	Ada	Ground Water	

4. Water will be used for the following purposes:

Amount 238.5 AFY for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

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

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

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

5. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 238.5 acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Shallow aesthetic ponds reported to be 18 feet in depth, excavated into the shallow ground water.

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

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

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

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

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

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

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

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households _____

e. Other; describe fully. Aesthetic pond storage for ponds located in Banbury Golf Course and Banbury Subdivision.
No out-of-pond water use will occur. Mitigation for surface evaporation will be from Warm Springs Ditch Co.

8. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	19	Lt1J			J													
		20			Lt7J			Lt5J	J	Lt6J					J	J			

Total number of acres to be irrigated: _____

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

Warm Springs Ditch Co. water will provide mitigation for pond evaporation.

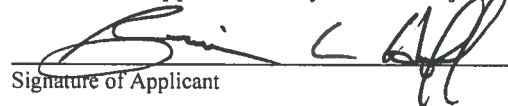
10. a. Who owns the property at the point of diversion? Banbury Meadows LLC and Banbury Meadows HOA
- b. Who owns the land to be irrigated or place of use? Banbury Meadows LLC and Banbury Meadows HOA
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Application is for additional storage in existing connected ponds.

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

The depth and size of the aesthetic ponds was underestimated at the time the original application for permit 63-31690 was applied for. This application is for the additional storage water already in place that occurred since the original ponds are larger, 16.5 acres instead of 13 acres in size, and deeper than originally applied for. The additional mitigation water for 3.5 acres will be provided by a transfer of water rights 63-192, 63-19425 and 63-216C. Ground water will be captured from 1 to 18 feet in depth.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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


Signature of Applicant

Brian C. Hoff
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Received by kw Date 3/5/15 Time 12:30 Preliminary check by kw
Fee \$ 330.00 Received by BB Receipt No. W042602 Date 10/22/14

Ident. No. _____

Attachment to: ☒ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible][illegible]



RECEIVED

OCT 22 2014

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

1. Name of applicant(s) Banbury Meadows LLC Phone (208) 884-2002
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address C/O Brian Hoff, 1840 N Lakes Ave City Meridian
 State ID Zip 83646 Email brianh@hoffc.com

2. Source of water supply Ground Water which is a tributary of _____
 3. Location of point(s) of diversion:

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					SE	NE	Ada	Ground Water	
		20	7		SW	NE	Ada	Ground Water	
			5		NW	NW	Ada	Ground Water	

4. Water will be used for the following purposes:
 Amount 238.5 AFY for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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 (cfs or acre-feet per year)

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- a. Describe type and size of devices used to divert water from the source. Shallow aesthetic ponds reported to be 18 feet in depth, excavated into the shallow ground water.
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- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

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

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. Aesthetic pond storage for ponds located in Banbury Golf Course and Banbury Subdivision.
No out-of-pond water use will occur. Mitigation for surface evaporation will be from Warm Springs Ditch Co.

Superseded by Amended App Rec'd 3/5/15

Ident. No. _____

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☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible][illegible]

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	19	Lt1J			J													
		20			Lt7J			Lt5J	J	Lt6J					J	J			

Total number of acres to be irrigated: _____

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Warm Springs Ditch Co. water will provide mitigation for pond evaporation.

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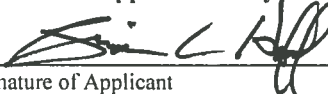
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12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

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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

Brian C. Hoff
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by B33 Date 10/22/14 Time 10:15am Preliminary check by _____
Fee \$ 330.00 Received by B33 Receipt No. W042602 Date 10/22/14

Banbury Meadows LLC Application for Permit for Aesthetic Pond Storage



Based on 2013 NAIP Photography

Prepared for Banbury Meadows LLC by ERO 8-2014

63-34002

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 NWSW
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/#New_Listings. 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

Walker, Kay

From: Brian Hoff [brianh@hoffc.com]
Sent: Thursday, March 05, 2015 1:57 PM
To: Walker, Kay
Cc: Dave Shaw @ ERO
Subject: RE: Amended Application for Permit #63-34002

Kay,
Just dropped off original paperwork at IDWR to your attention.
If you need anything else, please let me know.
Thanks,
Brian Hoff
884-2002

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Thursday, March 05, 2015 10:46 AM
To: Brian Hoff
Cc: Walker, Kay
Subject: RE: Amended Application for Permit #63-34002

Brian:
The Amended application looks fine. We must have the original signature page so if you will send me that page we will be able to proceed. Thanks for your attention to this matter.
Sincerely,
Kay Walker
Sr. Water Resource Agent
334-2190

From: Brian Hoff [mailto:brianh@hoffc.com]
Sent: Thursday, March 05, 2015 10:02 AM
To: Walker, Kay
Cc: Dave Shaw @ ERO; Jake Smith; Todd Armstong
Subject: Amended Application for Permit #63-34002

Kay,
In response to your letter dated February 25, 2015 (1st attached scan) , please find the 2nd attached scan of an "amended application" for Banbury Meadows, LLC permit No. 63-34002. If you need the original signature page or anything, else, please let me know.
Thank you,
Brian Hoff
208-884-2002

Walker, Kay

From: Brian Hoff [brianh@hoffc.com]
Sent: Thursday, March 05, 2015 11:05 AM
To: Walker, Kay
Subject: RE: Amended Application for Permit #63-34002

Kay,
Great, I will drop off the original at IDWR office today.
Thanks,
Brian

From: Walker, Kay [mailto:Kay.Walker@idwr.idaho.gov]
Sent: Thursday, March 05, 2015 10:46 AM
To: Brian Hoff
Cc: Walker, Kay
Subject: RE: Amended Application for Permit #63-34002

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The Amended application looks fine. We must have the original signature page so if you will send me that page we will be able to proceed. Thanks for your attention to this matter.
Sincerely,
Kay Walker
Sr. Water Resource Agent
334-2190

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Sent: Thursday, March 05, 2015 10:02 AM
To: Walker, Kay
Cc: Dave Shaw @ ERO; Jake Smith; Todd Armstong
Subject: Amended Application for Permit #63-34002

Kay,
In response to your letter dated February 25, 2015 (1st attached scan) , please find the 2nd attached scan of an "amended application" for Banbury Meadows, LLC permit No. 63-34002. If you need the original signature page or anything, else, please let me know.
Thank you,
Brian Hoff
208-884-2002

Walker, Kay

From: Brian Hoff [brianh@hoffc.com]
Sent: Tuesday, March 03, 2015 8:23 AM
To: Walker, Kay
Cc: Dave Shaw @ ERO; Jake Smith; Todd Armstong
Subject: Banbury LLC, Application for Permit # 63-34002

Kay,
I received your letter regarding the above referenced application. Dave Shaw at ERO will amend the application and we will forward it to you.
Thanks,
Brian Hoff



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

February 25, 2015

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

RE: Application for Permit No. 63-34002

Dear Mr. Hoff:

In my initial review of this application I found the points of diversion listed on the application are not consistent with the points of diversion on Water Right 63-31690. It is my understanding the new application has been filed to add more water (volume) to the ponds that were developed under Rt. 63-31690. If this is the case, the application should reflect the points of diversion shown on Rt. 63-31690. It appears to me that you have left out two points of diversion and added 3 more points that may or may not be necessary.

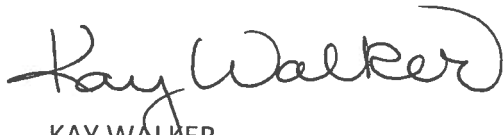
When we prepare a water right for shallow ground water ponds, the point of diversion used is generally in the middle of the pond. In the case of the ponds developed under 63-31690, the field examiner has placed a point in each of the ponds he found. It would be consistent for the application to show the same diversion points as found by our field examiner. In the instance of Lot 1(NENE), Sec. 19, the examiner found 2 separate ponds in that government lot so we have included that description twice on the draft license. The same thing happens in the NESE, Sec. 20; two separate ponds and 2 separate points of diversion. On the application for permit form, it appears that you have listed a point of diversion for each of the 40 acre tracts that have been shown as the place of use for the ponds. It is generally more efficient to show only 1 point of diversion for each of the ponds. If you have better information to show that method does not cover your proposal, please explain so we can review the new approach to this process. I have included a copy of a map that shows the ponds and the points of diversion we have used to describe Rt. 63-31690. If you like, you could attach this map to an amended application form, showing your proposal is consistent with the findings of our examiner.

Please let me know how you want us to proceed with your application. If you want to submit an amended application for permit, there would be no additional filing fee required. If you want us to process the application as you submitted it, it will need to be amended to include the points of diversion for the 2nd ponds in the locations described above.

We will also need to have the water bearing zone to be appropriated in the remarks area of this application. For Rt. 63-31690, the water bearing zone listed on the application was between 1 to 7 feet. If you agree with this, you can add this information to the application.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is fluid and cursive, with the first name "Kay" and last name "Walker" clearly distinguishable.

KAY WALKER

Sr. Water Resource Agent

Enclosure



Walker, Kay

From: Walker, Kay
Sent: Tuesday, February 24, 2015 10:31 AM
To: Brian Hoff
Cc: Walker, Kay
Subject: RE: Banbury Meadows

Brian:

I was just looking at your applications. The letter authorizing you to sign was perfect. I have included it in the water right files. I think we are in good shape and can process the applications now. Thanks for your help!

Kay

From: Brian Hoff [<mailto:brianh@hoffc.com>]
Sent: Tuesday, February 24, 2015 10:27 AM
To: Walker, Kay
Subject: Banbury Meadows

Hi Kay,

I was just checking to make sure you received the letter authorizing me as a signer for Banbury Meadows LLC and it is what you needed?

Thanks,

Brian Hoff

Walker, Kay

From: Brian Hoff [brianh@hoffc.com]
Sent: Monday, February 23, 2015 10:55 AM
To: Walker, Kay
Cc: Jake Smith; Staci Smith; Billy Mann; Todd Armstong ; Dave Shaw @ ERO
Subject: Banbury Meadows, LLC
Attachments: 0967_001.pdf

Hi Kay,

Attached is a scanned image signed by Harvey Hoff and Dick Phillips, authorizing me to sign on behalf of Banbury Meadows, LLC.

Since Harvey is now deceased, we will follow through and change the name of the Registered Agent.

If you need anything else, please let me know.

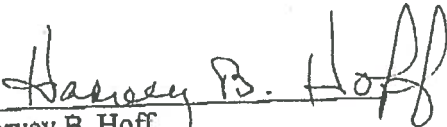
Brian Hoff

208-884-2002

BanBury Meadows LLC

ELECTION OF ADDITIONAL MANAGER

The Managers of BANBURY MEADOWS, LLC being Richard M. Phillips and Harvey B. Hoff elect Brian C. Hoff to serve as a Manager of Banbury Meadows, LLC and to conduct the business of the company according to the rights and duties of managers defined in Article IV of the Operating Agreement of BANBURY MEADOWS, LLC.


Harvey B. Hoff

6-1-11
Date


Richard M. Phillips

6-1-11
Date

RECEIVED

FEB 23 2015

WATER RESOURCES
WESTERN REGION

Via
e-mail
KW