

Kelly, Patrick

From: Kaus, Michelle [MKaus@ddr.com]
Sent: Tuesday, July 15, 2014 9:37 AM
To: Kelly, Patrick
Subject: RE: Water Right 63-12513

Hi Patrick, I am relocating my office tomorrow from SF to Roseville and my files are now all packed up and I am going to be pre-disposed for a few days dealing with the move. I will have to do a search in the our electronic database with respect to agreements with Wal Mart and/or the other section of Meridian Crossroads that share in the water to see if I can find any actual agreements. I should also get the in house attorney that worked this several years ago back involved because he may know of more information. Give me a week or so and I will see what else I can come up with to complete the information you need.

Michelle A. Kaus

General Manager

DDR Corp.

1000 Van Ness Avenue, Ste. 107
San Francisco, CA. 94109
p. 415.678.5053 \ **m.** 925.389.0356
NYSE: DDR



From: Kelly, Patrick [mailto:Patrick.Kelly@idwr.idaho.gov]
Sent: Tuesday, July 15, 2014 8:26 AM
To: Kaus, Michelle
Subject: RE: Water Right 63-12513

Hi Michelle,

Thank you for the document that you sent. It provided a good background correspondence that I did not have when trying to follow the trail this water right has left. I have completed my exam and have a few remaining questions and some information for DDR. First, I found out that Crossroads Subdivision is not using the well after all. This is a relief since the permit would not have covered all of the area needed to irrigate. We do need to find an agreement however between DDR and any of the different groups that now own the property. For example, the well is now on Wal-Mart property and it is likely that an agreement was made between the two companies as well as anyone else now using the irrigation system on their land. Based on taxlot data, there are a number of different properties not in the name of DDR. I am not familiar with any partnerships that may be associated with DDR either.

As I move forward with completing the licensing process, the permit is still private property owned by DDR. Once it becomes a license the water right becomes tied to the land. In that case, a property owner may claim ownership of a portion of the water right unless an agreement was already in place. If you read the second to last paragraph of the Tom Bauwens letter that you sent, he suggests that an agreement is necessary. I just want to be sure we have all of the information in our file before I move on with the license.

Patrick Kelly

Water Resource Agent

Idaho Department of Water Resources

322 E. Front St.

Boise, Idaho 83702

d: 208.287.4933

f: 208.287.6700

patrick.kelly@idwr.idaho.gov

From: Kaus, Michelle [mailto:MKaus@ddr.com]

Sent: Wednesday, July 02, 2014 1:38 PM

To: Kelly, Patrick

Subject: Water Right 63-12513

Hello Patrick, I am attaching correspondence that I have found in our files that seems to shed some light on how the water rights were set up for Meridian Crossroads. It is still very confusing to me but will probably be easy for you to understand since this is your expertise. Please let me know what the next step is after reviewing.

Michelle A. Kaus

General Manager

DDR Corp.

1000 Van Ness Avenue, Ste. 107

San Francisco, CA. 94109

p. 415.678.5053 \ **m.** 925.389.0356

NYSE: DDR



From: Kelly, Patrick [mailto:Patrick.Kelly@idwr.idaho.gov]

Sent: Tuesday, June 24, 2014 3:47 PM

To: Kaus, Michelle

Subject: RE: Water Right 63-12513

Hello Ms. Kaus,

I was able to meet with Mr. Peck last Friday and visit the well on site. Thank you for passing on that contact information. During our field visit Mr. Peck informed me that other areas nearby use the well when irrigation water is not available. This includes Crossroads Subdivision which is directly south of the well. There may also be other commercial properties that use the well for irrigation.

The area of the irrigated property on DDR's application totals 3.0 acres. This includes the grass dividing the parking lot from the street and small drip lines for trees throughout the parking area and shopping sidewalks. Permit 63-12513 authorizes a total diversion of 0.4 cfs and 20.0 acres, however I am only able to license what I am able to measure being

used. The 3.0 acres will cut the diversion rate to 0.06 cfs at licensing. By condition of mitigation, DDR has agreed to pay 35 acre shares of surface water from the Nampa Meridian Irrigation District.

I am curious to know if there was an agreement made by DDR and another user to access the well. If this is the case, we may amend the permit to include this area in the license. If an agreement was not made prior to the submittal of the Proof of Beneficial Use, then we are only able to license the irrigation of the 3.0 acres, and other users must cease use from the well.

Please call me and we can discuss the matter. I understand this may be confusing. I am out of the office later in the week but please leave a message and I will get back to you.

Sincerely,

Patrick Kelly

Water Resource Agent

Idaho Department of Water Resources

322 E. Front St.

Boise, Idaho 83702

d: 208.287.4933

f: 208.287.6700

patrick.kelly@idwr.idaho.gov

From: Kaus, Michelle [<mailto:MKaus@ddr.com>]

Sent: Sunday, June 08, 2014 4:05 PM

To: Kelly, Patrick

Cc: Anthony Peck

Subject: RE: Water Right 63-12513

Hi Patrick, my apology in the delay in getting back to you. However, it has been a number of years since we originally submitted and less than three weeks since you first contacted me. I have been out of the office for two weeks straight but I do not have a follow up voice mail message from you. I would have thought a reasonable reply time would be within thirty days. Either way, here I am and you have my attention on finalizing this water right issue.

I would like a representative of our landscape contracting company to meet with you to provide access to the pump house. I am copying Tony Peck of Metcalf Landscape on this e-mail and requesting that he make arrangements for a mutually agreeable time to meet on site. You may feel free to reach out to Tony directly. If by chance you have not scheduled a meeting before June 18th or 19th I will be on site both dates and can meet with you.

Tony Peck - (208) 941-7159.

Thank you,

Michelle A. Kaus

General Manager

DDR Corp.

1000 Van Ness Avenue, Ste. 107

San Francisco, CA. 94109



From: Kelly, Patrick [<mailto:Patrick.Kelly@idwr.idaho.gov>]
Sent: Friday, June 06, 2014 9:42 AM
To: Kaus, Michelle
Subject: Water Right 63-12513

See attached letter.

Patrick Kelly

Water Resource Agent

Idaho Department of Water Resources

322 E. Front St.

Boise, Idaho 83702

d: 208.287.4933

f: 208.287.6700

patrick.kelly@idwr.idaho.gov

4/6/00 ~~4/6/00~~

DAKOTA
COMPANY, INC.

FAX-O-GRAM

To: Mr. Jerry Cyncynatus - DDRC

From: Tom Bauwens
Dakota Company, Inc.
For Developers Diversified Realty Corp.

RE: Meridian Crossroads Shopping Center Project - Meridian, Idaho
Irrigation System & Water Rights Summary

Mr. Cyncynatus: I will attempt to provide a brief summary of the irrigation system and water rights situation for the Meridian Crossroads Shopping Center project. This includes the original Phase I portion and the Phase II portion which includes Wal-Mart.

When the original project was designed (before Wal-Mart was known to be a part) the parcel of land east of Records Drive (Parcel #5) was included in the design of the permanent irrigation system. One system was to be designed to irrigate all of the landscape areas between Pine Street and the east side of Parcel #5. See site plan Exhibit "A". The property is served by an irrigation ditch which is under the jurisdiction of the Nampa Meridian Irrigation District (NMID). The ditch alignment is shown on the site plan. As part of the original construction the ditch was tiled and buried from Records Drive west across the project. The project had water rights to use water from the NMID ditch to irrigate the landscape. The use of City Of Meridian water to irrigate a commercial project is not allowed. To take advantage of the NMID ditch, a pump station was constructed to draw water from the ditch and pump it throughout the project utilizing an underground sprinkler distribution system. The pump house location was located just east of Records Drive in the southwest corner of Parcel #5. See site plan. The pump station is complete and being utilized.

The problem with the pump system is it can only be operated when there is water in the NMID ditch. The ditch normally flows water from April 15 through October 1. Normally irrigation is required before and after those dates. To provide supplemental irrigation water before and after those dates, a well was to be drilled immediately next to the pump house. The well would come on when water was needed and pump directly into the pump system, which would then distribute the water throughout the project. We tried for over a year to obtain a well permit from the State Of Idaho, but due to the moratorium were unsuccessful. We then found a water right that was for sale by Mr. McKay which could be transferred to the project. We have been trying to complete that purchase and are

Mr. J. Cyncynatus
April 06, 2000
page 2/2

ready to do so. I believe you have been informed of this by Mr. Cumer Green. Once the water right purchase is completed we will be able to obtain a well permit from the State.

Now that Wal-Mart is in the project it gets a little more complex. The area where the existing pump house is located will ultimately be on Wal-Mart property. The Phase II portion east of Records Drive also has two parcels owned by DDRC. See site plan Exhibit "B". The existing pump station and future well has the capacity to service all three of these parcels plus Phase I. The Phase II area is shown in greater detail on site plan Exhibit C".

The two parcels of land east of the original Parcel #5 being purchased by DDRC from Mr. & Mrs. Gibson and Terrace Lawn Memorial Gardens, which will ultimately be sold to Wal-Mart has an existing water right allocated to it. That water right alone is not enough to irrigate the entire project. That water right only covers the portion east of the original parcel #5. The though is to transfer this water right to the entire project.

There is an existing well on the old sod farm property being purchased by DDRC and then by Wal-Mart. Wal-Mart will have to complete an independent investigation to determine if that well is sufficient to be used for irrigation purposes.

An agreement needs to be set up for both Phase I and Phase II to use the existing pump station and future well to irrigate the entire project. An easement can be described for the pump station a distribution lines and a irrigation agreement developed.

Pacific Land Design (Wal-Mart's Engineer) has been aware of the existing irrigation system design, pump station and well drilling since they began working on the project. The ALTA survey shows the pump station NMID ditch and existing well. The landscape irrigation system design completed by Pacific Land Design's consultant shows utilizing the existing pump station. Pacific Land Design has also designed the tiling of the NMID ditch where it crosses the south property line.

I have tried to make this as simple as possible. Call if you have any questions.

attachments

cc: Mr. Craig Trottier - DDRC w/attachments
Mr. Michael Beck - DDRC w/attachments
Mr. Cumer Green - Green Law Offices w/attachments

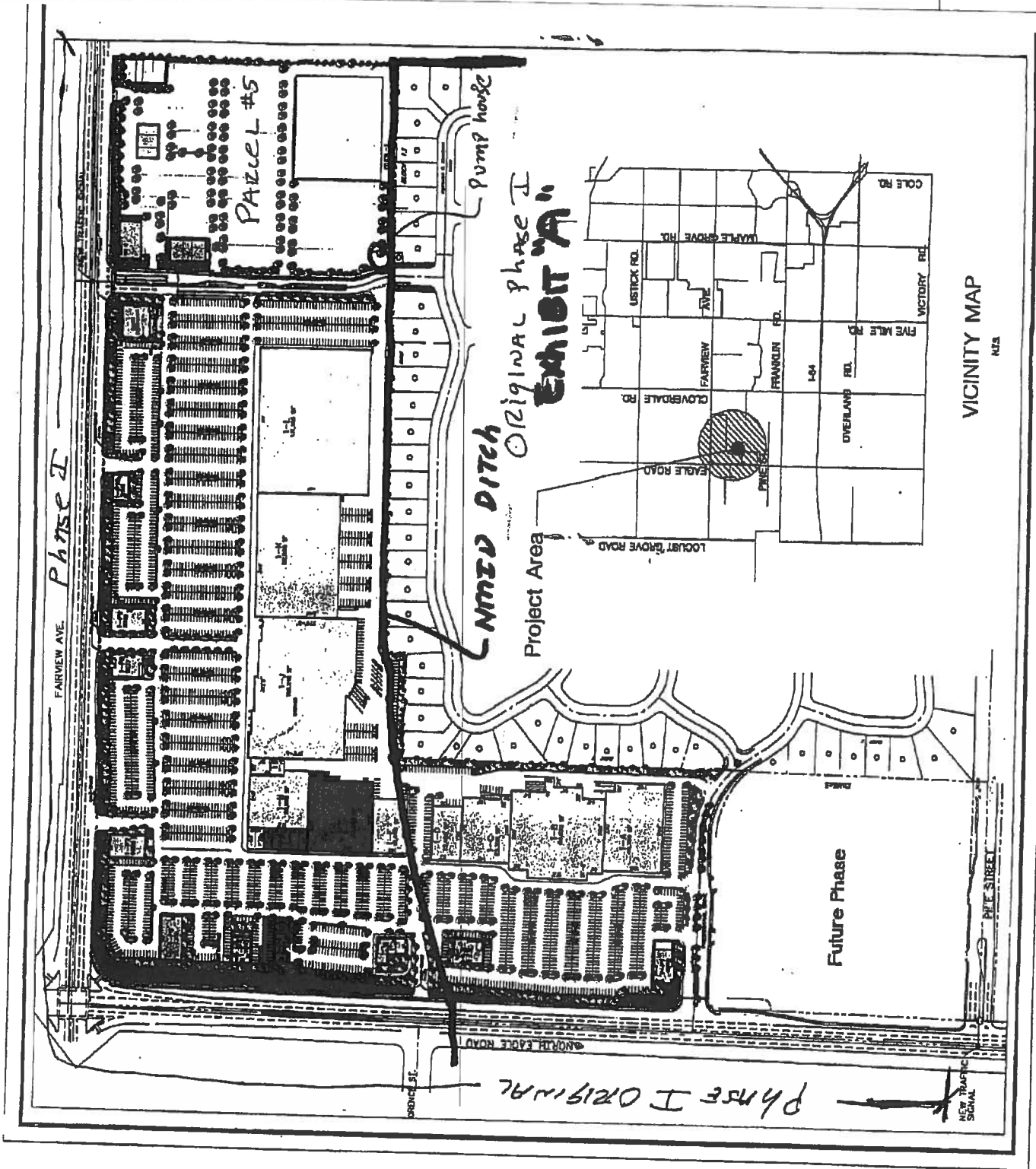
the Family Center
Meridian Idaho

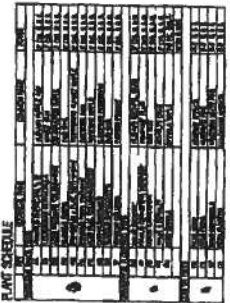
GRAPHIC #1 - Current Site Plan

1/10/10



THE LAND GROUP, INC.
Surveying, Mapping & Planning
2000 N. 10th St., Suite 100
Meridian, ID 83402
208.333.1234
www.thelandgroup.com





SCANLAN ENGINEERING

Groundwater and Environmental Engineering

Rec 02/05/01
Meridia Crossroads
C.C. Trotter
P. Miller

RECEIVED

FEB 05 2001

February 2, 2001

Cumer Green
Green Law Offices
1505 Tyrell Lane
Boise, ID 83701-2597

Subject: Water Rights for Walmart and DDR Properties -- Records East Subdivision

Dear Cumer:

Enclosed please find the following:

1. Notice of Change in Water Right Ownership forms for the portions of water right 63-10953 appurtenant to the Terrace Lawn and DG Turf Farm properties that have been purchased by Walmart and DDRC. The Walmart property (Lot 2, Block 1 of Records East Subdivision) includes approximately 10.7 acres purchased from Terrace Lawn and DG Turf Farm. Since most (but not all) of these 10.7 acres were historically irrigated, I have assumed that the appurtenant portion of the water right is 10.0 acres. The DDR property (Lot 3, Block 1 of Records East Subdivision) and the right-of-way take for North Venture Street covers approximately 1.4 acres purchased from Terrace Lawn. I have assumed that the portion of the water right appurtenant to this property is 1.0 acres. Each change of ownership form will require a copy of the deed or other documentation of ownership. A list of corporate officers for each company is also required. The filing fee is \$100 for each notice.
2. Application for Transfer of Water Right for water right 63-10953. The application proposes to (1) split the water right into three pieces (Gibson, Walmart, and DDRC), (2) allow spring and fall use on the Walmart and DDRC lands, (3) change the place of use to add portions of Lot 2 in the NENW of Section 9, and (4) change the point of diversion for the Walmart and DDRC portions of the water right to the Meridian Crossroads well in the NE 1/4 of the NW 1/4 Section 9. To allow for the longer season of use (i.e., spring and fall), I am proposing that a maximum of 5 acres be irrigated within Lot 2 (rather than the 10 acres currently authorized for fall only irrigation) and a maximum of 0.5 acres be irrigated in Lot 3 (rather than the 1.0 acres currently authorized for fall only irrigation). The application fee is \$200.

600 East River Park Lane, Suite 105
Boise, Idaho 83706

Telephone (208) 383-4140
Facsimile (208) 383-4156

February 2, 2001

I have included an extra copy of the applications with the portions that remain to be completed by your office highlighted. Upon completion and signing of the applications, you can submit them directly to Idaho Department of Water Resources, or return them to me and I will submit them.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Tom Bauwens

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

me of Applicant: Walmart

Phone _____

st Office address:

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 split water right

Describe the reason for the proposed changes Applicant has purchased a 10-acre portion of the water right. Applicant proposes changing season of use from "fall only" to spring and fall. Irrigated area will be reduced to offset longer season of use. New diversion point and modified place of use are also proposed.

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

<u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
63-10953B	8/25/1989	0.139 cfs/9.0 af	irrigation	3/1 to 11/15

4. Total amount of water being transferred 0.139 cubic feet per second and/or 9 acre-feet per annum.

Source of water groundwater tributary to NA

Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NE	NW		9	3N	1E	Ada	

Lands irrigated or place of use:

Lands irrigated or place of use:

[illegible]

Total Acres 5

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Developers Diversified Realty Corporation Phone 801-363-5555
Post Office address 455 East 500 South, Suite 400, Salt Lake City, UT 84111

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 split right
2. Describe the reason for the proposed changes Applicant has purchased one acre of land with appurtenant water right. Applicant proposes changing season of use from "fall only" to spring and fall. Irrigated area will be reduced by 50% to offset longer season of use. New diversion point is also proposed.

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
<u>63-10953C</u>	<u>8/25/1989</u>	<u>0.014/0.9</u>	<u>irrigation</u>	<u>3/1</u>	to <u>11/15</u>
					to
					to
					to

2. Total amount of water being transferred 0.014 cubic feet per second and/or 0.9 acre-feet per annum

3. Source of water ground water tributary to NA

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	<u>9</u>	<u>3N</u>	<u>1E</u>	<u>Ada</u>	<u>Meridian Crossroads Well</u>

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>3N</u>	<u>1E</u>	<u>9</u>		<u>0.5</u>															<u>0.5</u>

Total Acres 0.5

a. Description of diversion system Shared well (8" x 114') w/ electric submersible pump. Existing surface water booster pump will be used to pressurize water for use in landscape sprinkler system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer.
Land is being developed for a shopping center. Most land will be paved or building. A portion will be irrigated landscape. 63-10953B will be used on Lot 2, Block 1 of Records East Subdivision. 63-10953C will be used on Lot 3, Block 1 of Records East Subdivision.

d. Remarks:
Primary irrigation source will be Nampa & Meridian Irrigation District. This water right will be used for supplemental purposes only. Transfer will reduce irrigated area by 50 percent to offset longer season of use.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

and the said application is hereby _____, subject to the following conditions:

I witness my hand this _____ day of _____, 20 _____

For the Director _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-10953 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below.

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

Source of water groundwater tributary to NA

Date or priority _____

Water is used for the following purposes:

amount <u>0.71 / 45.9</u>	for <u>irrigation</u>	purposes from <u>10/15</u>	to <u>12/01</u>	
(cfs/ac-ft)				
amount <u>0.12 / 86.9</u>	for <u>wildlife</u>	purposes from <u>1/1</u>	to <u>12/31</u>	
(cfs/ac-ft)				
amount <u>0.12 cfs</u>	diversion to storage	1/1	12/31	
amount <u>2 ac ft</u>	wildlife storage	1/1	12/31	
(cfs/ac-ft)				

Total amount of water under right 0.71 cubic feet per second and/or 132.8 acre-feet per annum.

Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NE		9	3N	1E	Ada	

Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1E	9	16	35															
3N	1E	9		W															51

Total Acres 51

Describe any other water rights used for the same purpose as described above Nampa & Meridian Irrigation Dist

18. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 no If yes, describe

3. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (63-10953B)
 (If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.139 / 9.0 for irrigation purposes from 10/15 to 12/1
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)
 amount for purposes from to
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	9	3N	1E	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1E	9		10															10

*Transfer will reduce irrigated area to 5 acres.

DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) (63-10953A) Total Acres 10*
 1. amount 0.557/36.0 for irrigation purposes from 10/15 to 12/1
 (cfs/ac-ft)
 amount 0.12/86.9 for wildlife purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount 0.12 cfs for diversion to storage purposes from 1/1 to 12/31
 (cfs/ac-ft) 2.0 ac ft wildlife storage 1/1 12/31

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	9	3N	1E	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1E	9	16	24															40

Total Acres 40

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (63-10953C)
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.014 / 0.9 for irrigation purposes from 10/15 to 12/1
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NE		9	3N	1E	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	1E	9		1															1

*Transfer will reduce irrigated area to 0.5 acres.

Total Acres 1*

2. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)
amount for purposes from to
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres

המחלקה הכלכלית והמנהלית של משרד המבחן והמבחן

- 2013

116°22'30"
43°37'30"



PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
_____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 20____

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments
Received by _____ Date _____ Protest filed by _____
Prelim. Check by _____ Fee _____
Receipted by _____ Date _____
Published in _____
Copies of protest forwarded by _____
Pub. Dates _____ Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
_____ received _____ by _____
Copy of transfer sent to lien holder _____

PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount (cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 20____

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

DESCRIPTION OF WATER RIGHTS AFTER PROPOSED CHANGE

Water Right	Owner	Nature of Use	Diversion		Period of Use	Place of Use (Sec 9, T3N, R1E)	Point of Diversion (Sec 9, T3N, R1E)
			Rate (cfs)	Volume (af)			
63-10853A (Cloverdale Memorial Park)	Gibson	Irrigation wildlife diversion to storage wildlife storage	0.557	36.0	10/15 - 12/1	16 ac NENE, 24 ac NWNE	NNWNE (Terrace Lawn Well)
			0.120	88.9	1/1 - 12/31	NWNE	
			0.120		1/1 - 12/31	NWNE	
				12.0	1/1 - 12/31	NWNE	
63-10953B	Walmart	Irrigation	0.139	9.0	3/1 - 11/15	3 ac NWNE, 2 ac NENW	NENW (Meridian Crossroads Well)
63-10953C	Developers Diversified Realty	Irrigation	0.014	0.9	3/1 - 11/15	0.5 ac NWNE	NENW (Meridian Crossroads Well)
Total			0.710	132.8	2.0	45.5 acres irrigated	

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
63-10953		X			

The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts.
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following:
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
 OR
 If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

Name and Address of Former Owner/Claimant(s)

Carolyn A Gibson and Daniel G Gibson Jr
19500 Hwy 20/26, Caldwell, ID 83605

New Owner/Claimant(s)

Walmart

New Mailing Address

Name Connector (Check one): () and () or, () and/or

City, State and ZIP Code

New Telephone Number

Date you acquired the property

6. If the change in ownership is the entire water right for each water right or adjudication claim number listed in item 1, then you may skip this item and go to item 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT			
Water Right and/or Adjudication Claim Number <u>63-10953</u>			
Water Use	Rate of Diversion (CFS)	Annual Volume (acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>0.139</u>	<u>9.0</u>	<u>10</u>
Stock			
Domestic			
Other			
Total			

DESCRIPTION OF YOUR PORTION OF WATER RIGHT			
Water Right and/or Adjudication Claim Number _____			
Water Use	Rate of Diversion (CFS)	Annual Volume (acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation			
Stock			
Domestic			
Other			
Total			

Signature of New Owner(s) _____
or Claimant(s) _____

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____ Date _____

DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
63-10953		X			

The following **REQUIRED** information must be submitted with this form:

- The appropriate **FILING FEE**. See instructions for fee amounts.
- A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question. **WITH ATTACHED LEGAL DESCRIPTION.**
- Either of the following:
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY or SURVEY MAP**.

Name and Address of Former Owner/Claimant(s) Carolyn A Gibson and Daniel G Gibson Jr
19500 Hwy 20/26, Caldwell, ID 83605

New Owner/Claimant(s) Developers Diversified Realty Corporation
Name Connector (Check one): [] and [] or [] and/or
455 East 500 South

New Mailing Address Salt Lake City, UT 84111

City, State and ZIP Code (801) 363-5555

New Telephone Number

Date you acquired the property

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, then you may skip this item and go to item 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT			
Water Right and/or Adjudication Claim Number <u>63-10953</u>			
Water Use	Rate of Diversion (CFS)	Annual Volume (acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	0.014	0.9	1.0
Stock			
Domestic			
Other			
Total			

DESCRIPTION OF YOUR PORTION OF WATER RIGHT			
Water Right and/or Adjudication Claim Number _____			
Water Use	Rate of Diversion (CFS)	Annual Volume (acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation			
Stock			
Domestic			
Other			
Total			

Signature of New Owner(s) _____
or Claimant(s) _____

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
Received by _____ Date _____ Receipt No. _____
Processed by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.

3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.

4. The name, mailing address, and telephone number of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.

5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at Item 6. Copy the page as many times as necessary to fully describe each water right after the change. Add additional remarks or attachments as necessary to describe unusual agreements or arrangements regarding division of the water right(s). If the water right(s) will not be split, skip Item 6 and go to Item 7.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.

The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

WELL DRILLER'S REPORT

WELL TAG NO. 001531
 DRILLING PERMIT NO. _____
 Other IDWR No. _____

OWNER Developers Diversified Realty
 Name 455 E. 5th S. Suite 400
 Address Salt Lake City State UT Zip 84111

LOCATION OF WELL by legal description:
 Sketch map location must agree with written location.

Section 1: Township, Range, Section, and Corner Location. Township 3, Range 9, Section 1. Corner Lot 1. County Utah. Longitude 114. Address of Well Site Records Drive. City Mendon. BTL Sub. Name .

USE: ☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation ☐ Thermal ☐ Injection ☐ Other . TYPE OF WORK check all that apply (Replacement, etc.) ☒ New Well ☐ Modify ☐ Abandonment ☐ Other . DRILL METHOD ☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other .

SEALING PROCEDURES

Material	From	To	Amount Bags or Pounds	METHOD
entonok	0	20	850	overhaul

is drive shoe used? ☒ Yes ☐ No Shoe Depth(s) 92
 is drive shoe seal tested? ☒ Yes ☐ No How?

CASING/LINER:

Size	From	To	Depth	Material	Casing	Liner	Welded	Threaded
42	0	25	25	Steel	☒	☐	☒	☐

Length of Headpipe 10 Length of Tailpipe

PERFORATIONS/SCREENS
 Perforations Method
 Screens Screen Type Angkor - pipe

From	To	Sp. Size	Number	Diameter	Material	Casing	Liner
1	114	120	6"	SS	☐	☐	☐

STATIC WATER LEVEL OR ARTESIAN PRESSURE:
 ft. below ground Artesian pressure lb.
 with flow encountered ft. Describe access port or
 tool devices well cap

FORWARD WHITE COPY TO WATER RESOURCES

Inspected by _____
 Twp _____ Rge _____ Sec _____
 Lat _____ Long _____
☒ Pump ☐ Sailer ☒ Air ☐ Flowing Artesian

11. WELL TESTS:

Yield gal/min.	Drawdown	Pumping Level	Time
200			9 hours

Water Temp. _____ Bottom hole temp. _____
 Water Quality test or comments: _____

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Core Dts.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
12	0	12	pit run - rocks & sand		
12	20	30	cobble stone & sand		
8	20	32	cobble stone & sand	X	
22	32	35	gravel & clay	X	
35	35	45	clay		
45	45	55	soft sandy clay	X	
55	55	62	sandy loam gravel & sand	X	
62	62	72	sand (light brown color)	X	
72	72	82	sand with clay pieces		
82	82	92	then straight clay		
92	92	93	sand		
93	93	96	clay		
96	96	100	sand		
100	100	117	sand	X	
				X	

Completed Depth 114 (Measurable)
 Date: Started 7-17-00 Completed 7-19-00

13. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Adams Pump & Drilling Firm No. 0457
 Firm Owner Don Adams Date 7-27-00
 and
 Driller or Operator Don Adams Date 7-27-00
 (Sign once if Firm Owner & Operator)

Water Right Report

01/31/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 63-10953

Owner Type	Name and Address
Current Owner	CAROLYN A GIBSON
Current Owner	DANIEL G GIBSON JR 19500 HWY 20/26 CALDWELL, ID 83605 (208)453-2649
Original Owner	CLOVERDALE MEMORIAL PARK INC 1200 N CLOVERDALE RD BOISE, ID 83704 (208)375-2212

Priority Date: 08/25/1989

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	10/15	12/01	0.71 CFS	45.9 AFA
WILDLIFE	1/01	12/31	0.12 CFS	86.9 AFA
WILDLIFE STORAGE	1/01	12/31		2 AFA
DIVERSION TO STORAGE	1/01	12/31	0.12 CFS	
Total Diversion			0.71 CFS	

Location of Point(s) of Diversion:

RightReport.asp?BasinNumber=63&SequenceNumber=10953&SplitSuffix=&101/31/2001

GROUND WATER NWNE Sec. 09 Township 03N Range 01E ADA County

Licensed Diversion Capacity: 0.71

IRRIGATION Use:

Acre Limit: 51

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Place of Use Legal Description: WILDLIFE ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot
03N	01E	9		NENE	16		NWNE	35				
Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot
03N	01E	9		NWNE								

Total Acres: 51

Conditions of Approval:

1.	R32	This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
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Remarks:

1.	General	The right holder shall fully use all surface water rights appurtenant to the lands identified above prior to using water under this right.
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Dates:

Licensed Date: 06/03/1994

Decreed Date:

Permit Proof Due Date: 4/1/91

.../RightReport.asp?BasinNumber=63&SequenceNumber=10953&SplitSuffix=& 01/31/2001

Permit Proof Made Date: 16/90
Permit Approved Date: 1/90
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date: 08/25/1989
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Microsoft OLE DB Provider for SQL Server error '80040e37'

Invalid object name 'wrPedigree'.

/ExtSearch/RightReport.asp, line 1756

.../RightReport.asp?BasinNumber=63&SequenceNumber=10953&SplitSuffix=& 01/31/2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 6, 2014

DEVELOPERS DIVERSIFIED REALTY
455 EAST 500 SOUTH GARDEN LEVEL
SALT LAKE CITY UT 84111

RE: Water Right No. 63-12513

Developers Diversified Realty:

On May 25, 2005, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement submitted by Developers Diversified Realty for Permit 63-12513, which authorized the diversion of groundwater for irrigation purposes in Section 9, Township 3 North, Range 1 East, B.M., in Ada County.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. Before issuing a license IDWR must conduct an examination to verify the development. Initial contact was made with Michelle Kaus and the Department was promised a follow up would be made by the property manager. No contact since the May 21, 2014 phone call has been received. Since then, I have attempted to contact DDR by telephone to schedule a time for conducting an examination with no success.

If you believe a water right was developed in accordance with the permit, please contact me to make arrangements for a field examination to be conducted on the property described above. If I do not receive a response from DDR by Monday July 7, 2014, action may be taken to send notice to void the permit and authorized use of the well to irrigate the property will cease.

Please contact me by telephone at 208-287-4933 or by mail to the contact information below.

Respectfully,

Patrick Kelly
Water Resource Agent
322 E. Front St.
Boise, ID 83720
208.287.4933
patrick.kelly@idwr.idaho.gov

Kelly, Patrick

From: Kelly, Patrick
Sent: Wednesday, May 21, 2014 3:36 PM
To: 'mkaus@ddr.com'
Subject: Field exam for water right 63-12513

Good Afternoon Michelle,

This email is in regards to the phone conversation we had on May 21, 2014 regarding water right 63-12513. The final step in completing the water right licensing process is the field exam. During the field exam I will measure diversion rates from the well through the properties water system. I will also observe the properties usage of the water for a final recommendation to the State. To do this, I need someone to grant me access to the properties well and water systems. It should take no more than 90 minutes of their time. I appreciate your assistance and look forward to meeting with your property manager. See my contact information below and feel free to call or write with any questions.

Sincerely,

Patrick Kelly

Water Resource Agent
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83702
d: 208.287.4933
f: 208.287.6700
patrick.kelly@idwr.idaho.gov