

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78918

This is to certify that: HILLCREST COUNTRY CLUB INC
4610 HILLCREST DR
BOISE, ID 83705

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-3320	WR/DECREED	11/30/1962	0.200 cfs	6.0 af	N/A	6.0	GROUND WATER
63-9178	WR/DECREED	9/25/1978	1.780 cfs	607.5 af	N/A	131.9	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-3320	NO	NO	NO	YES	NO	NO
63-9178	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-3320	63-3320	0.200 cfs	6.0 af	N/A	6.0	N/A	N/A	N/A	N/A	N/A
63-9178	63-9178	1.780 cfs	607.5 af	N/A	131.9	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.980 cfs	613.5 af	N/A	132.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 31st day of December, 2013.


Western Regional Manager

SUPPORT DATA

IN FILE # 63-3320

Transfer No. 78918

WATER RIGHT NO. 63-3320**As Modified by Transfer No. 78918**

In accordance with the approval of Transfer No. 78918, Water Right No. 63-3320 is now described as follows:

Right Holder: HILLCREST COUNTRY CLUB INC
4610 HILLCREST DR
BOISE, ID 83705

Priority Date: 11/30/1962

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
AESTHETIC STORAGE	1/01	to 12/31		6.0 af
DIVERSION TO STORAGE	3/15	to 11/15	0.200 cfs	
IRRIGATION FROM STORAGE	3/15	to 11/15		6.0 af
IRRIGATION STORAGE	1/01	to 12/31	0.200 cfs	6.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 20 Twp 03N Rge 02E	ADA County
GROUND WATER	NESE	Sec 20 Twp 03N Rge 02E	ADA County
GROUND WATER	NESE	Sec 20 Twp 03N Rge 02E	ADA County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	20	X																

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	20	1.0	1.0	1.0										1.0			1.0	6.0

POU Total Acres: 6.0

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	20	X																

Transfer No. 78918

WATER RIGHT NO. 63-3320
As Modified by Transfer No. 78918

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. This right is for irrigation of golf course greens and tees.
3. Rights 63-9178 and 63-3320 when combined shall not exceed the irrigation of 132 acres.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1, provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. Use of this right is combined with water from New York Canal.
7. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. The following rights are diverted through points of diversion described above: 63-3320, 63-9178 & 63-11880.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. 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. 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.

WATER RIGHT NO. 63-9178
As Modified by Transfer No. 78918

In accordance with the approval of Transfer No. 78918, Water Right No. 63-9178 is now described as follows:

Right Holder: HILLCREST COUNTRY CLUB INC
 4610 HILLCREST DR
 BOISE, ID 83705

Priority Date: 9/25/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.780 cfs 1.780 cfs	607.5 af 607.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 20 Twp 03N Rge 02E ADA County
GROUND WATER	NESE	Sec 20 Twp 03N Rge 02E ADA County
GROUND WATER	NESE	Sec 20 Twp 03N Rge 02E ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	20	37.0	22.0	3.9	15.0									33.0			21.0	131.9

POU Total Acres: 131.9

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Rights 63-3320 and 63-9178 when combined shall not exceed the irrigation of 132 acres.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1, provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. Use of this right is combined with water from New York Canal.

Transfer No. 78918

WATER RIGHT NO. 63-9178
As Modified by Transfer No. 78918

CONDITIONS OF APPROVAL

6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. The following rights are diverted through points of diversion described above: 63-3320, 63-9178 & 63-11880.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

RECEIVED

NOV 04 2013

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) Hillcrest Country Club, Inc. Phone 342-8369 (Hydro Logic)
2. MAILING ADDRESS 4610 Hillcrest Dr. City Boise
State ID Zip 83705 Email ed@hydrologicinc.net (Hydro Logic, Inc.)

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-3320, 63-9178

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 1.98 cubic feet per second and/or 613.5 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
03N	02E	20		NE	SE		Ada	Ground Water	Well #1
03N	02E	20		NE	NE		Ada	Ground Water	Well #2
03N	02E	20		NE	SE		Ada	Ground Water	Proposed Well #3

6. 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:

Proposed Well #3 will divert water into existing irrigation distribution and supply system. Well will easily accommodate flow-meter and sounding tube with lockable control valve. Water bearing zone - 200 - 1,000 feet.

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe _____

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

James D. LeDue James D. LeDue - President 9-24-13
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes 2 pages of attachments. Received by MG Date 11-4-13

* Fee paid 980 Date 11-4-13 Received by MG Receipt # W041634

Preliminary review completed by KW Date 12/13/13

* FEE NEEDED = \$580

-82 11/15/13

Location of Proposed Hillcrest Country Club Supply Well #3 (New Point of Diversion)

T. 3 N. R. 2 E. Section 20, NE¼, SE¼
November 4, 2013



Figure 1. Aerial vicinity map of Hillcrest Country Club's proposed new point of diversion (Supply Well #3). Also shown on this map are the existing points of diversion (Supply Well #2 and Supply Well #3) and the irrigated acres per quarter-quarter (shown in yellow text in parentheses).

2007 FEB 16 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-03320

NAME AND ADDRESS: HILLCREST COUNTRY CLUB INC
4610 HILLCREST DR
BOISE, ID 83705

SOURCE: GROUND WATER

QUANTITY: 0.20 CFS
6.00 AFY

PRIORITY DATE: 11/30/1962

POINT OF DIVERSION: T03N R02E S20 NENE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation Storage	01-01 TO 12-31	6.00 AFY
	Irrigation from Storage	03-15 TO 11-15	6.00 AFY
	Aesthetic Storage	01-01 TO 12-31	6.00 AFY
	Diversion to Storage	03-15 TO 11-15	0.20 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation from Storage	Within Ada County
	T03N R02E S20	
	NENE 1.0	NWNE 1.0
	SENE 1.0	SENE 1.0
	NESE 1.0	SESE 1.0
	6.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO.63-9178 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-09178

NAME AND ADDRESS: HILLCREST COUNTRY CLUB INC
4610 HILLCREST DR
BOISE, ID 83705

SOURCE: GROUND WATER

QUANTITY: 1.78 CFS
607.50 AFY

PRIORITY DATE: 09/25/1978

POINT OF DIVERSION: T03N R02E S20 NESE Within Ada County
NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	1.78 CFS 607.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS
SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR
LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A
PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Ada County
	T03N R02E S20	NENE 37.0 NWNE 22.0
		SWNE 3.9 SESE 15.0
		NESE 33.0 SESE 21.0
	131.9 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 63-3320 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 132 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).



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

December 31, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

HILLCREST COUNTRY CLUB INC
4610 HILLCREST DR
BOISE ID 83705

Re: Transfer No: 78918
Water Right No's: 63-3320, 63-9178

Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Sommer". The signature is fluid and cursive, with the first name "Rachel" being more prominent than the last name "Sommer".

Rachel Sommer
Administrative Assistant

Enclosure

CC:

HYDRO LOGIC INC
C/O ED SQUIRES
1002 W FRANKLIN ST
BOISE ID 83702

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

Re: Transfer No. 78918
Water Right No's: 63-3320, 63-9178

HILLCREST COUNTRY CLUB INC
4610 HILLCREST DR
BOISE ID 83705

HYDRO LOGIC INC
C/O ED SQUIRES
1002 W FRANKLIN ST
BOISE ID 83702



Rachel Sommer
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 78918
FROM: Kay Walker 
DATE: December 12, 2013
RE: Evaluation of Application

The transfer proposes to add a third well to an existing system.

The site is located on the south side of Overland Road, east of South Orchard Street, west of South Roosevelt Road and north of Pasadena Drive in Boise.

Contact person for the applicant is Ed Squires of Hydro Logic Inc., 1002 W. Franklin St., Boise, ID, 83702, Phone No. 342-8369.

Deviations from Transfer Policy Standards

The transfer application was submitted on a short form and proposes adding a single point of diversion to an existing system. The transfer application for 2 decreed rights was accompanied by an amendment of permit for Rt. 63-11880. In review of the transfer application form it states: "Describe all the points of diversion to be included on the water rights after the proposed change." Mr. Squire's submittal letter says: "Both applications seek only to add a new point of diversion to each of the three rights." Rt. 63-3320 currently has only 1 point of diversion. I left a message at Hydro Logic stating that there seems to be a discrepancy between the application form and the submittal letter. Also stated that I would assume they want all 3 wells on all 3 water rights unless I heard otherwise.

Summary of Information Submitted

Authority to File:

The applicant is the right holder of record.

Water Right Validity:

Rights presumed to be valid based on aerial photography. The rights were decreed in February 2007 and aerial photography of 2009 shows the lands as irrigated.

Injury to Other Water Rights:

There should be no injury since this is an existing system and they are not requesting more water or adding land under these applications.

Enlargement of Use:

No enlargement should occur as long as conditions are applied accordingly.

Local Public Interest:

It is within the local public interest to allow an additional well for this golf course in case we do have another water shortage this year. The system is supplemental to New York Canal shares and there is concern we may have another short water year in regard to the surface water shares.

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.

Discussion

Data entry affected the correct records which are the partial decrees issued in February of 2007.

Overlapping rights at existing &/or proposed POD are none. The only points of diversion in the location of these wells are the water rights for the golf course. The place of use is irrigated with New York Irrigation District under Boise Project Board of Control water rights and the wells are used to supplement the surface water. United water also serves this area as an overlapping right.

Since this application proposes adding a well to an existing system that has not been controversial and the well is in same location as existing well for this system, an advertisement is not required for this application.

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.

Condition 046 is applicable since a new well is proposed.

MEMORANDUM

TO: Lorna Sutcliffe
FROM: Kay Walker, Western Region *Kay*
DATE: December 12, 2013
RE : Refund

Hillcrest Country Club Inc. paid \$980.00 for an Application for Transfer on November 4, 2013. The application fee was only \$580.00. A partial refund of \$400.00 should be issued.

Please issue a \$400.00 refund as follows:

TO

HILLCREST COUNTRY CLUB INC
4610 HILLCREST DR.
BOISE ID 83705

TEL. #343-6563

RECEIPT #

W041634, copy attached

Copy: Transfer 78918

COPY

November 4, 2013

Mr. Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705

RECEIVED

NOV 04 2013

WATER RESOURCES
WESTERN REGION

Re: Water Rights Nos. 63-3320 and 63-9178 Point of Diversion Transfer Application and Application for Amendment of Permit No. 63-11880 by Hillcrest Country Club, Inc.

Dear Steve:

With this letter, I transmit an Application for Transfer of water rights Nos. 63-3320 and 63-9178 along with an Application for Amendment of Permit for water right No. 63-11880 on behalf of Hillcrest Country Club, Inc. of Boise, Idaho. Both applications seek only to add a new point of diversion (Well #3) to each of the three rights. No changes to the place of use, distribution system, diversion rate, or diversion volume are proposed.

This application consists of the following documents:

- 1) Application for Amendment of Permit No. 63-11880 signed by the applicant.
- 2) A signed Application for Transfer of water rights Nos. 63-3320 and 63-9178.
- 3) Copies of the decrees for the two water rights subject to the transfer.
- 4) An annotated Google Earth aerial photograph of the diversions and place of use.
- 5) A check in the amount of \$ 1,080.⁰⁰ for processing fees (both applications).
- 6) This transmittal letter.

Please call me if you have any questions or if you require any additional information.

Respectfully,

Ed Squires



c: Joe Aholt, Hillcrest Country Club, Inc.