

RECEIVED

JUL 25 2013

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78771

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78771**RECEIVED****JUL 25 2013****APPLICATION FOR TRANSFER OF WATER RIGHT****PART 1**Name of Applicant New Union Ditch Co LTD. Phone 208-859-9360Mailing address P.O. Box 31 Eagle Idaho 83616 Email _____

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

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

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

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

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e.

number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Irrigation water will be transferred to supply mitigation for evaporated losses in four excavated pond in the Edgewater Estates, 1 pond and the Carlton Bay development, 3 ponds. The transfer effects .12 cfs and six shares of irrigation of Water Right 63-146.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 25 2013

WATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 ContinuedB. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	<u>63-146</u>	<u>13.0 cfs.</u>	<u>Irrigation</u>	<u>3-01</u> to <u>11-15</u>	<u>Boise and Snake River</u>
☐		<u>.76 cfs</u>	<u>Diversion to Storage</u>	<u>3-01</u> to <u>11-15</u>	
☐		<u>140.2 ac-ft</u>	<u>Aesthetic Storage</u>	<u>1-0-</u> to <u>12-31</u>	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 13.76 cfs and/or 140.2 ac-ft2. Total amount of water proposed to be transferred or changed 0.12 cubic feet per second and/or 21 acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>04N</u>	<u>01E</u>	<u>14</u>											<u>J</u>						
		<u>15</u>															<u>J</u>		
		<u>16</u>			<u>LT2</u>	<u>J</u>	<u>J</u>								<u>J</u>	<u>LT1</u>			
		<u>23</u>					<u>J</u>	<u>J</u>	<u>J</u>	<u>J</u>									
							<u>LT3</u>	<u>LT4</u>	<u>LT5</u>	<u>LT6</u>									

Total Acres (for irrigation use) 649.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

No change proposed in point of diversion or means of delivery to place of use.

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

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

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Excavation of the ponds will eliminate 6 acres of agriculture lands and expose ground water to the effects of evaporation. Irrigation water currently delivered to the properties by the NUDC will be used to mitigate for the consumptive loss

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: There are no other irrigation rights for the NUDC service area. This is a 1:1 swap of highly consumptive irrigation for ponds. Irrigation within the service area will be reduced by 6.0 acres, from 655.8 to 649.8 acres. Irrigation service area will not change as a result of this transfer.

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

Yes No

☐
☒
☐
☒
☐
☒
☐
☒
☐
☒

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

If yes, describe:

Page 4 of 8

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

Current Water Right No.: 63-146

Current Owner: NEW UNION DITCH CO LTD

Priority Date: 6/1/1865

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOISE RIVER

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

Tributary

SNAKE RIVER

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.64 CFS	
	119.2 AF
13.12 CFS	
<u>Total Diversion</u>	
13.76 CFS	

Location of Point(s) of Diversion

BOISE RIVER
ADA County

L1(NE1/4SE1/4) Sec. 23, Twp 04N, Rge 01E B.M.

Place of Use

AESTHETIC STORAGE Within ADA County

T04N R01E S14		SWSW	T04N R01E S15	Lot 1	SESE
T04N R01E S16	Lot 2	SWNE	T04N R01E S16	Lot 1	SENE
T04N R01E S16		NENW	T04N R01E S16	Lot 1	NESE
T04N R01E S23	Lot 3	NENW	T04N R01E S23	Lot 4	NWNW
T04N R01E S23	Lot 6	SENW			

IRRIGATION Within ADA County

T04N R01E S9		SESW	T04N R01E S9		SWSE
T04N R01E S9		SESE	T04N R01E S14		SWNW
T04N R01E S14		NWSW	T04N R01E S14		SWSW
T04N R01E S14		SESW	T04N R01E S15		SWNE
T04N R01E S15		SENE	T04N R01E S15		NENW
T04N R01E S15		NWNW	T04N R01E S15		SWNW
T04N R01E S15		SENW	T04N R01E S15	Lot 3	NESW
T04N R01E S15	Lot 4	NWSW	T04N R01E S15	Lot 6	SESW
T04N R01E S15		NESE	T04N R01E S15		NWSE
T04N R01E S15	Lot 2	SWSE	T04N R01E S15	Lot 1	SESE
T04N R01E S16		NENE	T04N R01E S16		NWNE
T04N R01E S16	Lot 2	SWNE	T04N R01E S16	Lot 1	SENE
T04N R01E S16		NENW	T04N R01E S16		NWNW
T04N R01E S16	Lot 3	SENW	T04N R01E S16	Lot 8	NESE
T04N R01E S22	Lot 1	NESE	T04N R01E S23	Lot 2	NWNE
T04N R01E S23	Lot 3	NENW	T04N R01E S23	Lot 4	NWNW
T04N R01E S23	Lot 5	SWNW	T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 1	NESE			

Total Acres: 655.8

Place of Use: DIVERSION TO STORAGE same as AESTHETIC STORAGE

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
2. This approval (Transfer 75286) authorizes the diversion of water in the amount of 0.16 cfs and 28.0 af to be used for replacement of losses caused by evaporation from three (3) ponds associated with Right 63-33631.
3. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

4. T07 The right holder shall accomplish the change authorized by this Transfer within one (1) year of the date of the approval.
5. SD1 This right originated as all or part of right no. 14 in the Stewart Decree and the historic Boise River Water Masters records.
6. X27 This right is limited to the irrigation of 655.8 acres within the boundary of the New Union Ditch Company Ltd. in a single irrigation season.
7. 172 The boundary encompassing the place of use for irrigation under this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use for irrigation is attached to this approval document to illustrate the place of use described by the digital boundary.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfers.
9. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. Transfer 73632 authorizes the diversion of water in the amount of 0.09 cfs and 20.2 af to be used for replacement of losses caused by evaporation from one pond and evapotranspiration from the irrigation of 4 acres associated with Right 63-32143.
11. Transfer 70266 authorizes the diversion rate in the amount of 0.03 cfs and 4.6 af to be used for replacement of losses caused by evaporation from one pond associated with Right 63-12598.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
13. X36 Rights 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806, and 63-31937 are also diverted through the point of diversion described above.
14. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
15. Transfer 73632 authorizes the diversion of water in the amount of 0.36 cfs and 66.4 af to be used for replacement of losses caused by evaporation from 10 ponds associated with Right 63-31934.

Total Acres (for irrigation use) 6.0 acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

This application proposes to change the nature of use for 6 acres of irrigation to aesthetic storage and diversion to storage uses to mitigate for consumptive uses/evaporative losses associated with 4 excavated ponds in the Edgewater Estates (1 pond 3 acres) and Carlton Bay development (3 ponds 3 acres). Shares for irrigation and pond mitigation will continued to be delivered to the ponds. The transfer fee submitted is based on the amount of water proposed for the change in the transfer 0.12 cfs.

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 4 attachments.

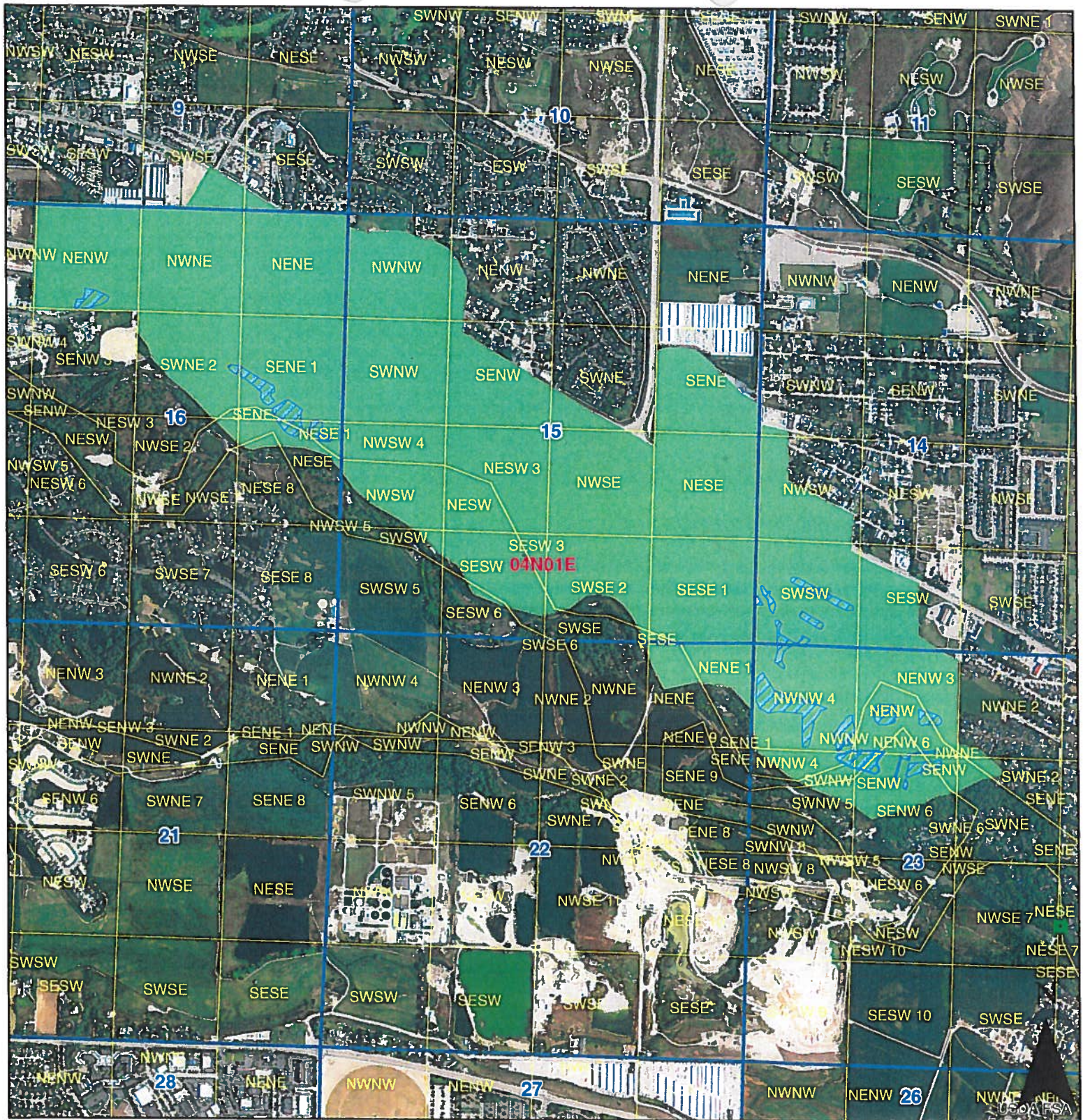
Received by JA Date 7/25/2013 Prelim. Check by KW Date 9-11-2013

Fee Paid \$450.00 Date 7/29/13 - \$225 Received by JA Receipt # W041387

Add'l Fee Paid _____ Date 8/9/13 - \$225 Received by JA Receipt # W041422

Fee Req'd = \$200.00 See refund request.

Attachment 7a



0 0.125 0.25 0.5 0.75 1 1.25 1.5 1.75 Miles

2011 Aerial Photo

Legend

- | | |
|--|--|
|  NewUnionPOD |  Township/Range |
|  Aesthetic Storage POU |  Sections |
|  Irrigation Service Area | QQ |

Attachment 1

Attachment 7b - Irrigation to Aesthetic Storage POU Change



0 0.035 0.07 0.14 0.21 0.28 0.35 0.42 0.49 Miles 2011 Aerial Photo

Legend

- | | | | |
|--|------------------------|---|----------------|
|  | Carlton Bay Ponds |  | Township/Range |
|  | Edgewater Estates Pond |  | Sections |
| | | | QQ |

RECEIVED

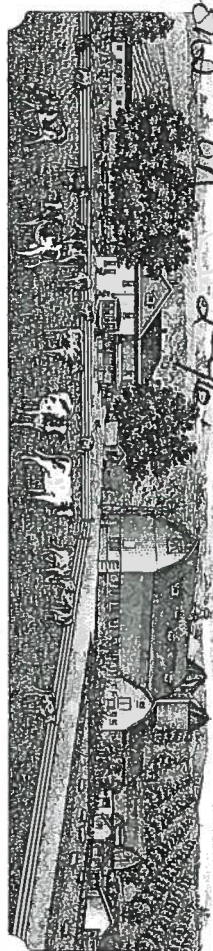
JUL 25 2013

WATER RESOURCES
WESTERN REGION

Attachment 2

ORGANIZED UNDER THE LAWS OF THE STATE OF IDAHO

49



1162

Duplicate copy. Original at [illegible] to be mailed to Larry Stevens by Jean Lyssa on 2-9-62

THE NEW UNION DITCH COMPANY, LIMITED

688 Shares

The Officers That

Registered Holders of

Edgewater Estates

is the Shares

THE NEW UNION DITCH COMPANY, LIMITED

transferable only on the books of the Corporation by the holder hereof in person or by attorney when surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 28th day of March A.D. 1962

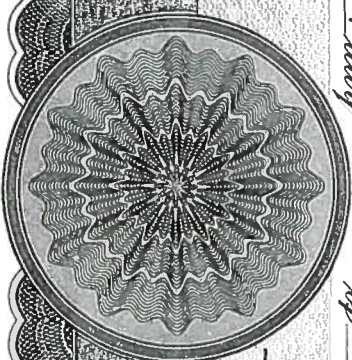
NO PAR VALUE

SECRETARY

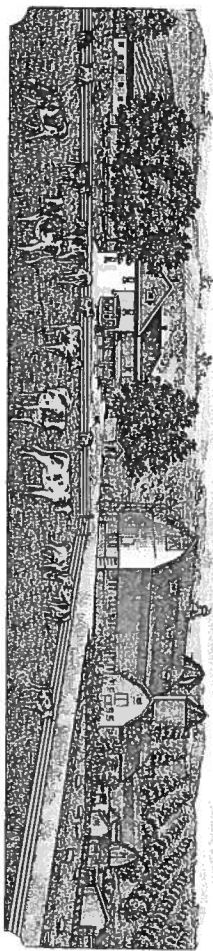
PRESIDENT

Junda H. [illegible]

[illegible]



ORGANIZED UNDER THE LAWS OF THE STATE OF IDAHO



THE NEW UNION DITCH COMPANY, LIMITED

688 Shares

This Certificate

represents

Carlton Bay HCA

17.78

is the

THE NEW UNION DITCH COMPANY, LIMITED

transferable only on the books of the Corporation by the holder hereof in person or by attorney upon surrender of this Certificate properly endorsed.

In Witness Whereof, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 25th day of July A.D. 1913

NO PAR VALUE

SECRETARY

Dada & Seides

PRESIDENT

J. G. Seides

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, November 04, 2013 10:11 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: (2) Applications for Permit & (1) Application for Transfer
Attachments: Application for Permit 63-33772.pdf; Application for Permit 63-33792.pdf; Application for Transfer 78771.pdf

November 4, 2013

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

**RE: Application for Permit No's: 63-33772, 63-33792
Application for Transfer No. 78771**

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office within 21 days.

The protest deadline for any interested party is November 25, 2013. A written protest and the \$25 filing fee must be received by 5:00 p.m. that day in order to be recognized by IDWR.

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
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, October 31, 2013 10:34 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Notice.docx

Good Morning Janice Hildreth,

Please see the attached ad for publication on 11/7/2013 & 11/14/2013.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

October 31, 2013

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

RE: Application For Permit No's: 63-33772, 63-33792, 63-33853.
Transfer No. 78771

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 11/25/2013.** 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:

63-33772

CARLTON BAY HOMEOWNERS ASSN INC

PO BOX 810

STAR, ID 83669

(3)Points of Diversion SWSW S14 T04N R01E ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 15.9 AF

Total Diversion: 15.9 AF

Date Filed: 5/3/2013

Place of Use: AESTHETIC STORAGE

T04N R01E S14 SWSW

Water bearing zone to be appropriated is from 0 to 10 feet.

63-33792

EDGEWATER ESTATES OWNERS ASSN INC

C/O STAN GRAY

10140 W RIVER ROCK LN

BOISE, ID 83714

Point of Diversion L6(SENW) S23 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 63 AF

Total Diversion: 63 AF

Date Filed: 6/17/2013

Place of Use: AESTHETIC STORAGE

T04N R01E S23 NENW L4(NWNW) L5(SWNW) L6(SENW)

Water bearing zone to be appropriated is from 0 to 21 feet.

63-33853

KAIL SEIBERT

2807 W HOMER RD

EAGLE, ID 83616

Point of Diversion L1(NWNW) S31 T05N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 9/11/2013

Place of Use: IRRIGATION

T05N R01E S31 NENW L1(NWNW)

Total Acres: 4.2

Water bearing zone to be appropriated is from 198 to 208 feet.

PROPOSED CHANGE OF WATER RIGHT

New Union Ditch Co. LTD of PO Box 31, Eagle, ID, 83616, filed **Application No. 78771** to transfer a water right with an 1865 priority date from the Boise River totaling 13.76 cfs. The purpose of the transfer is to change the nature of use for a 6 acre portion of the right to mitigate consumptive use for 3 ponds in Carlton Bay (Application 63-33772) and 1 pond in Edgewater Estates (Application 63-33792) Developments located at Eagle Island on the south side of State Street, approximately 1 mile north of Chinden Blvd., and 2 miles west of Eagle Road. The unchanged portion of the right will remain within the ditch company service area.

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/apps/ExtSearch/WRFiling.asp. 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 11/25/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/7/2013 and 11/14/2013