

RECEIVED

JUN 27 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) Gaylon Ball (63-32416); Echanove Drive LLC (63-32417) Phone 208-229-8460
2. MAILING ADDRESS 14180 W. Ball Manor Place City Boise
State ID Zip 83714 Email _____

- ☐ 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) 63-32416 & 63-32417

- ☒ 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 0.38 cubic feet per second and/or 162.0 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 #
5N	2E	31			SW	NE	Ada	Ground Water	

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:

Well, pump, pressurized irrigation system. Measuring device and lockable controlling works will be accommodated upon Department request.

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

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.

Gaylon Ball
Signature of applicant or authorized agent

Gaylon Ball
Print name and title if applicable

6/26/2013
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

Water right 63-32416 is owned by Gaylon Ball. Water right 63-32417 is owned by Echanove Drive LLC. Gaylon Ball signs this application as director of American Sphere, Inc. American Sphere, Inc. is the sole member of Echanove Drive LLC.

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 10 pages of attachments.

Received by JA

Date 6/27/13

Fee paid 2000- Date 6/27/13

Received by JA

Receipt # WCA1288

Preliminary review completed by JK

Date 7/1/2013



[Close](#)

RECEIVED

JUN 27 2013

WATER RESOURCES
WESTERN REGIONIDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/26/2013

WATER RIGHT NO. 63-32416

Owner Type	Name and Address
Current Owner	GAYLON BALL 14180 BALLMANOR PL BOISE, ID 83714 (208)229-8460
Original Owner	BULL DEVELOPMENT INC ATTN: MIKE HOMAN 2229 W STATE ST STE B BOISE, ID 83702 (208)429-1900

Priority Date: 07/14/1959

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	0.28 CFS	117 AFA
Total Diversion			0.28 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENWNE|Sec. 31|Township 05N|Range 02E|ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	02E	31		NWNE	24		SWNE	2						

Total Acres: 26

Conditions of Approval:

1. C18 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. Section 42-1412(6),

- Idaho Code.
2. This right is a split from former right 63-31739 .
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 63-32407 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 26 ACRES IN A SINGLE IRRIGATION SEASON.
4. E51 USE OF THIS RIGHT WITH RIGHT NO. 63-32407 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .52 CFS.
5. X35 Rights 63-32403, 63-31738, 63-32404, 63-32405, 63-32407, 63-32408, 63-32637, 63-32638, 63-32707, 63-32708, 63-32709, 63-32710, 63-33243, 63-33244, 63-32412, 63-31740, 63-32413, 63-32414, 63-32416, 63-32417, 63-32639, 63-32640, 63-32712, 63-32713, 63-32714, 63-32715, 63-33246 and 63-33247 when combined shall not exceed a total diversion rate of 2.78 cfs, and the irrigation of 139 acres.

Dates:

Licensed Date:

Decreed Date: 04/29/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 26

Combined Volume Limit:

Combined Rate Limit: 0.52

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

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/26/2013

WATER RIGHT NO. 63-32417

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ECHANOVE DRIVE LLC C/O GAYLON BALL 14180 W BALL MANOR PL BOISE, ID 83714 (208)229-8460
Original Owner	BULL DEVELOPMENT INC ATTN: MIKE HOMAN 2229 W STATE ST STE B BOISE, ID 83702 (208)429-1900

Priority Date: 07/14/1959
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.1 CFS	45 AFA
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SE|NWNE|Sec. 31|Township 05N|Range 02E|ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	02E	31		NENW	10									

Total Acres: 10

Conditions of Approval:

(4)

1. E51 USE OF THIS RIGHT WITH RIGHT NO. 63-32408 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .2 CFS.
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water
2. C18 rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. This right is a split from former right 63-31739 .
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 63-32408 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 10 ACRES IN A SINGLE IRRIGATION SEASON.
Rights 63-32403, 63-31738, 63-32404, 63-32405, 63-32407, 63-32408, 63-32637, 63-32638, 63-32707, 63-32708, 63-32709, 63-32710,
5. X35 63-33243, 63-33244, 63-32412, 63-31740, 63-32413, 63-32414, 63-32416, 63-32417, 63-32639, 63-32640, 63-32712, 63-32713, 63-32714, 63-32715, 63-33246 and 63-33247 when combined shall not exceed a total diversion rate of 2.78 cfs, and the irrigation of 139 acres.

Dates:

Licensed Date:

Decreed Date: 04/29/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 10

Combined Volume Limit:

Combined Rate Limit: 0.2

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

[Close](#)

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No. W 114192 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than May 31, 2013 Annual Report Form 1. Mailing Address: Correct in this box if needed. ECHANOVE DRIVE, LLC IDAHO ESTATE PLANNING PC 839 E WINDING CREEK DR #102 EAGLE ID 83616	2. Registered Agent and Address (NO PO BOX) IDAHO ESTATE PLANNING PC 839 E WINDING CREEK DR STE 102 EAGLE ID 83616 USA 3. New Registered Agent Signature:*														
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager. <table border="1"><thead><tr><th>Office Held</th><th>Name</th><th>Street or PO Address</th><th>City</th><th>State</th><th>Country</th><th>Postal Code</th></tr></thead><tbody><tr><td>MEMBER</td><td>AMERICAN SPHERE INC.</td><td>14180 W. BALL MANOR PL.</td><td>BOISE</td><td>ID</td><td>USA</td><td>83714</td></tr></tbody></table>			Office Held	Name	Street or PO Address	City	State	Country	Postal Code	MEMBER	AMERICAN SPHERE INC.	14180 W. BALL MANOR PL.	BOISE	ID	USA	83714
Office Held	Name	Street or PO Address	City	State	Country	Postal Code										
MEMBER	AMERICAN SPHERE INC.	14180 W. BALL MANOR PL.	BOISE	ID	USA	83714										
5. Organized Under the Laws of: ID W 114192	6. Annual Report must be signed.* <table border="1"><tbody><tr><td>Signature: Gaylon Ball</td><td>Date: 04/17/2013</td></tr><tr><td>Name (type or print): Gaylon Ball</td><td>Title: Pres. American Sphere, Inc.</td></tr></tbody></table>		Signature: Gaylon Ball	Date: 04/17/2013	Name (type or print): Gaylon Ball	Title: Pres. American Sphere, Inc.										
Signature: Gaylon Ball	Date: 04/17/2013															
Name (type or print): Gaylon Ball	Title: Pres. American Sphere, Inc.															
Processed 04/17/2013 * Electronically provided signatures are accepted as original signatures.																

RECEIVED
JUN 27 2013
WATER RESOURCES
WESTERN REGION

6

FILED EFFECTIVE

**ARTICLES OF INCORPORATION
OF
AMERICAN SPHERE, INC.**

2013 APR -5 PM 1:26

SECRETARY OF STATE
STATE OF IDAHO



ARTICLE 1 – NAME OF CORPORATION

The name of the corporation shall be AMERICAN SPHERE, INC.

ARTICLE 2 – DURATION OF CORPORATION

The duration of the corporation shall be perpetual.

ARTICLE 3 – CORPORATE PURPOSE

The purposes for which the corporation is organized are to carry on any lawful business for which corporations may be organized under the Idaho Business Corporations Act, and to exercise all powers granted to a corporation formed under that Act, including any amendments thereto or successor statute that may be hereinafter enacted.

ARTICLE 4 - CORPORATE POWERS

This corporation shall have all the powers granted to corporations organized under the Idaho Business Corporation Act, as amended, except for such limitations thereon as may be imposed by the Idaho Professional Service Corporation Act, as amended, including any additional powers granted or limitations imposed by amendments to said Acts after the formation of this corporation.

ARTICLE 5 – CAPITALIZATION

The aggregate number of shares this corporation shall have the authority to issue shall be:

100,000 shares of non-assessable common stock having a par value of \$1.00 per share.

ARTICLE 6 - RESTRICTIONS ON SALE OR TRANSFER OF SHARES

Each shareholder in this corporation shall provide for the redemption or cancellation of all shares owned by him which are transferred to any person or entity ineligible under the Idaho Professional Service Corporation Act, as amended, to be a shareholder in this corporation, whether such transfer be voluntary, involuntary or by operation of law.

IDAHO SECRETARY OF STATE
04/05/2013 05:00
CK: 7652 CT: 100203 SH: 1360107
1 @ 100.00 = 100.00 CORP # 3

ARTICLE 7 – BOARD OF DIRECTORS

The number of directors constituting the initial Board of Directors is One (1). The number of directors may be increased or decreased from time to time by resolution of the directors, but the number of directors shall not be less than one (1). No decrease in the number of directors shall have the effect of shortening the term of any incumbent director. The names and addresses of the persons who are to serve until the first annual meeting of the shareholders and until their successors are elected and qualified are:

GAYLON W. BALL

14180 W. BALL MANOR PLACE
BOISE, IDAHO 83714

ARTICLE 8 – PREEMPTIVE RIGHTS

The owners of shares of common stock of the corporation shall be entitled to preemptive rights to subscribe for or purchase any part of new or additional issues of stock or securities convertible into stock of any class whatsoever whether now or hereafter authorized, and whether issued for cash, property, services, by way of dividend or otherwise.

ARTICLE 9 – NO CUMULATIVE VOTING

There shall be no cumulative voting of shares.

ARTICLE 10 – AMENDMENT OF ARTICLES OF INCORPORATION

The corporation reserves the right to amend, alter, change or repeal any provisions contained in its articles of incorporation in any manner now or hereafter prescribed or permitted by statute. All rights of shareholders of the corporation are granted subject to this reservation.

ARTICLE 11 – AMENDMENT OF BYLAWS

The Board of Directors is expressly authorized to alter, amend or repeal the bylaws of the corporation and to adopt new bylaws, subject to repeal or change by majority vote of the shareholders. Nothing herein shall deny the concurrent power of the shareholders to adopt, alter, amend or repeal the bylaws.

ARTICLE 12 – LIMITATION ON DIRECTOR LIABILITY

To the fullest extent permitted by Idaho law and subject to the bylaws of this corporation, a director of this corporation shall not be liable to the corporation or its shareholders for monetary damages for his or her conduct as a director. Any amendment to or repeal of this Article shall not adversely affect any right of a director of this corporation hereunder with respect to any acts or omissions of the director occurring prior to amendment or repeal.

⑧

ARTICLE 13 – INDEMNIFICATION

To the fullest extent permitted by its bylaws and Idaho law, this corporation is authorized to indemnify any of its officers, directors, employees and agents. The Board of Directors shall be entitled to determine the terms of indemnification, including advance of expenses, and to give effect thereto through the adoption of bylaws, approval of agreements, or by any other manner approved by the Board of Directors. Any amendment to or repeal of this Article shall not adversely affect any right of an individual with respect to any right to indemnification arising prior to such amendment or repeal.

ARTICLE 14 – TRANSACTIONS WITH INTERESTED PARTIES

The corporation may enter into contracts and otherwise transact any business with its directors, officers, and shareholders, and with any entity in which they may have an interest adverse to the corporation, as freely as though such adverse interest does not exist, even though the vote, action or presence of such director, officer or shareholder may be necessary to obligate the corporation upon such contracts or transactions.

In the absence of fraud, and with the notice required by the following paragraph, no such contract or transaction shall be avoided and no such director, officer or shareholder shall be held liable to account to the corporation, by reason of such adverse interest or by reason of any fiduciary relationship to the corporation, for any profit or benefit realized by him through any such contract or transaction.

Directors and officers of the corporation shall notify the Board of Directors, at the meeting at which such contract or transaction is authorized or confirmed, of the nature of their adverse interest. A general notice that a director or officer of the corporation is interested in any entity shall be sufficient disclosure of such adverse interest. No notice shall be required if all directors have actual knowledge of the adverse interest.

ARTICLE 15 – REGISTERED OFFICE

The name and address of the registered agent of the corporation is:

IDAHO ESTATE PLANNING, P.C.
839 EAST WINDING CREEK DRIVE, SUITE 102
EAGLE, IDAHO 83616.

ARTICLE 16 – INCORPORATOR

The name and address of the incorporator is as follows:

MARK E. WIGHT
IDAHO ESTATE PLANNING, P.C.
839 EAST WINDING CREEK DRIVE, SUITE 102
EAGLE, IDAHO 83616.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of March, 2013



MARK E. WIGHT, Incorporator



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 10, 2013

ECHANOVE RANCH HOA INC
ATTN: JULIA WHITING
6122 W DRY CREEK
BOISE ID 83714

WAYNE MEULEMAN
5854 W DRY CREEK RD
BOISE ID 83714

Re: Application for Transfer No. 78689 — Ball & Echanove Drive LLC

Dear Interested Parties:

The above referenced applications may be of interest to you. I would like to inform you that the application has been submitted to The Idaho Statesman for advertising. I have enclosed a copy of the file for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you have any questions regarding the applications, please contact this office at 208-334-2190.

Sincerely,

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures

CC: Applicants

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, July 10, 2013 11:58 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Janice,

Please see the attached ad for publication on 7/18/2013 & 7/25/2013.

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

July 10, 2013

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

RE: Transfer No. 78689
Water Right No's: 63-32416, 63-32417

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 8/5/2013. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

PROPOSED CHANGE OF WATER RIGHTS

Gaylon Ball & Echanove Drive LLC of 14180 W. Ball Manor Pl., Boise ID 83714 filed Application No. **78689** to transfer 2 water rights with a 1959 priority date from ground water totaling 0.38 cfs. The purpose of the transfer is to quit diverting the rights from the Echanove Ranch Estates community irrigation well and instead use a new irrigation well recently drilled in the same vicinity as the old well. The site is located about 0.25 mile north of Dry Creek Road and North McFarland Creek Road in the vicinity of Hidden Springs.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for a full description of the right(s) and the proposed transfer. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change 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 8/5/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/18/2013 and 7/25/2013



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

July 3, 2013

GAYLON BALL & ECHANOVE DRIVE LLC
14180 W BALL MANOR PL
BOISE ID 83714

Re: Application for Transfer No. 78689, Water Right Nos. 63-32416 and 63-32417

Dear Mr. Ball:

Thank you for meeting at the new well site last week and for your timely filing of the above referenced transfer application. The application is being expedited as we discussed. The application proposes to change the point of diversion for these two rights from the community irrigation well to the new well recently completed on your property. The Idaho Department of Water Resources (IDWR) anticipates legal notices for the application to be published in *The Idaho Statesman* on July 18 and 25, with a protest deadline of August 5, 2013. Please allow until August 8 before contacting this office to confirm whether or not the application has been protested.

As noted the other day, the new well is not authorized for irrigation use until the transfer application is approved. Please contact this office if you experience irrigation water supply problems for your property before any water right approval is issued by IDWR.

While the application is being processed, please provide additional information noted below to allow IDWR to properly evaluate the application to determine if it is consistent with the "transfer statute," I. C. § 42-222. Issues regarding injury to other water rights, enlargement of use, and local public interest remain unresolved at this time. The legal notice process will help address these issues to some extent. Please answer the following questions to support your application. Question #1 will require some amount of technical expertise to discuss possible well interference.

- 1) Will reduced use of the community well coupled with use of your new well result in well interference for any well? This includes the community irrigation well and any other nearby wells (domestic, irrigation etc.).
- 2) What impacts will there be to the community irrigation system if 0.38 cfs under your ground water rights no longer contribute to that system?

Your ground water rights are supplemental to your Dry Creek rights (63-32407 and 63-32408) currently provided through the community irrigation system. This means you should continue to use Dry Creek water to the extent it is available. Without using the surface water, ground water use will be enlarged from supplemental to primary use. Enlargement of use cannot be approved in a transfer application.

Transfer Application No. 78689

July 3, 2013

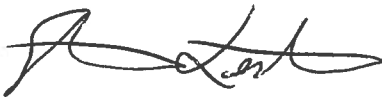
Page 2

3) Please explain how you intend to continue using Dry Creek water. Will this be through the community system? If so, how will you prevent use on your property of ground water delivered through that system? How will you divert from the creek if not via the community system? A change in point of diversion from the creek also requires an approved transfer.

Please submit the requested information to facilitate application processing. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be denied or rejected without a timely written reply within the next thirty (30) days. Refunds are not issued for denied or rejected applications.

Please contact me at 334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", written in a cursive style.

Steve Lester
Water Rights Supervisor

MEMORANDUM

TO: Transfer No. 78689 
FROM: Steve Lester
DATE: July 2, 2013
RE: Evaluation of Application

The transfer proposes to change the POD for two ground water rights currently diverted from a community irrigation well serving Echanove Ranch Estates subdivision. The site is on Dry Creek adjacent to Hidden Springs development north of the Ada County landfill (Seaman's Gulch).

NOTE: This application follows approval of the recent Whiting transfer 78258 (63-32713) to make the same change to Whiting's new well. IDWR was not aware of any controversy in the subdivision for that process. Now it appears there is some **controversy about this newest application**. Appropriate comment letters will be sent in addition to publishing legal notices.

Summary of Information Submitted

Authority to File: Gaylon Ball is the current owner of record for right 63-32416. He is also the key figure for Echanove Drive LLC, the current owner of record for right 63-32417. He can sign for both ownerships, see IDSOS W114192 in application. The co-applicants have authority to change these rights. Co-applicants are noted as Ball hereafter.

Water Right Validity: The rights were decreed in 2009 and thus remain valid within the five year period following issuance of the decrees. Additionally, my 6/26/2013 site visit to investigate this situation confirmed current irrigation of the POU.

Injury to Other Water Rights: There might be some concern in this regard, although the legal notice process is needed to determine this. See discussion later in this memo.

Enlargement of Use: Use will not be enlarged by using a different well for the transferred rights assuming primary Dry Creek rights remain in use for Ball.

Local Public Interest: This matter is similar to the injury question -- legal notice process will help determine local public interest factors.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application should be processed to determine if it is entirely consistent with criteria of I. C. § 42-222.

Discussion

The subdivision was originally part of Echanove Ranch irrigated by parent rights: Dry Creek 63-4849 and ground water 63-3162. Current lot owners have individual portions of both rights under

separate numbers. However, surface and ground water are commingled and used in a community irrigation system for the residents. Thus, the ground water rights have been diverted through the same community irrigation well.

The community well is on Ball's property, see attached 6/26/2013 site visit notes, map and well log. Note the community well includes shallow ground water upstream from Star. The only change to that well use is the recent approval for Whitings to use their own irrigation well.

Ball proposes the same type of change: use his own well instead of community well. The new well for Ball was recently, but prematurely, drilled under tag D0064359. See site visit notes for more information in that regard.

The Whiting transfer did not result in protest, controversy or concern directed to IDWR. The Ball transfer is at least partly a result of neighbor Meuleman expressing concerns by calling this office about ongoing irrigation well drilling on Ball's property. Processing this new transfer will include comment letters to the HOA¹ and to Meuleman, who is part of the association.

Injury, Enlargement, Local Public Interest

Legal notices will help identify local concerns about this proposed change. Some IDWR questions include these:

1. Will reduced use of the community well coupled with use of the new Ball well result in well interference?
2. What impacts, if any, will there be to the community irrigation system if 0.38 cfs under Ball ground water rights no longer contributes to the system?
3. Will Ball still get some water from the community system under his Dry Creek rights 63-32407 and 63-32408? If so, how could this not include some water from the community well?
4. If Ball will not get any water from the community system, what becomes of his primary surface water rights? Changing a supplemental right to a primary use is an expansion unless shown otherwise.²

Summary

A draft approval is not being prepared at this time due to expected protests or at least concerns from some portion of the HOA. Also, IDWR has above referenced concerns about this transfer. Those concerns will be addressed in a letter seeking more information from the applicant.

These concerns will factor into processing another new transfer application: Bohme 78669, which proposes use of the community well plus a new well on Bohme property. Processing of that application has not started yet. Bohme is currently building a house in the subdivision, making that situation less urgent than Balls' scenario.

¹ HOA c/o secretary (Whiting) since Ball is president (IDSOS C139502).

² For example, convert historic supplemental use into a "primary use equivalent" through reasonable data and analysis.

ECHANOVE SUBD. FIELD VISIT

- JZ 6/26/2013

Met onsite with Gaylon Ball (owner), Jeff Wilcox ("water manager" for Ball), Andy __ (Wilcox assistant) & Terry Scanlan (consultant for Ball).

Located new well just completed under **D0064359**.¹ DP approved 6/14/2013 under **63-32416**, Ball ground water irrigation right. There is no doubt of its location per excellent landmarks (between 2nd & 3rd trees west of road and just north of creek).

Ball has 2nd GW irr right **63-32417** (Echanove Drive LLC, Ball's company). Together, both rights along with Ball **Dry Creek rights 63-32407 & 63-32408** irrigate his POU (3 subd. lots).

GW & SW rights derive from parent rights for Echanove Ranch. Those rights split in ownership changes from Bull Development to lot owners. All the water is commingled in a community irrigation system.

Everyone uses the same Dry Creek POD & same well POD, except Whiting in recent approval of transfer 78258 (just use their own well).

GW rights from community well (just irrigation) only authorize that well for those rights. DP should not have been issued for Ball since no separate wr approval authorized adding/changing POD. Also, new well in different QQ than original well.

No log yet for just completed new irr well. They told me about 200 ft. unperforated casing, then 20 ft. of screens. Old well wb zone about 135-200 ft. so draw from same shallow zone.

Ball said community well produces enough water, not having problems with it.

Bottom line of discussion:

- Ball to file transfer to add or change POD for both GW rights.
- IDWR to expedite advertising & comment letter.
- Ball is head of HOA so letter to Mrs. Whiting (secretary?).
- Also notify Meuleman since his call originated questions about new well, concern about possible well interference.

¹ Disregard D0063883 issued for Ball in 2012 to drill new irrigation well. No drilling occurred. DP should not have been issued, same discussion later in this summary.

T. 78889 REVISION MEMO ATTACHMENT

ECHANOVE SUBD COMMUNITY WELL POD



Bokme
new
apply
6/2013,
this lot

Whiting
well
T. 78258

BAI
Lots
(3)

Comm
well

CON
New
in well
(want
BAI)

Creek

Grooten's Lots

Meuleman Lot

Dry Cr Rd

N. McFarland
Cr Rd
(dead end, dirt)

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only				
Well ID No.	804262			
Inspected by				
Twp	Rge	Sec		
1/4	1/4	1/4		
Lat:	:	Long:	:	:

1. WELL TAG NO. D D0029710
DRILLING PERMIT NO. _____
Water Right or Injection Well No. 63-3162 *

2. OWNER:

Name BULL DEVELOPEMENT INC.
Address 2229 W. STATE ST. Ste B
City BOISE State ID. Zip 83702

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 5 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 31 NW 1/4 NE 1/4 1/4
Gov't Lot _____ County ADA 160 acres

Lat: _____ Long: _____
Address of Well Site 1/2 NORTH OF DEY CRK. RD ON McFARLAND
City BOISE
(Give at least name of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name ECHANOVE RANCH EST.

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply

☐ New Well ☐ Modify ☐ Abandonment ☒ Other (Replacement etc.)
OF OLD 8" WELL

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
BENTONITE	0	18	750 lbs.	OVERCORE

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 131'
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8"	1	131	.250	STEEL	☒	☐	☒	☐
6"	128	134	.250	STEEL	☐	☒	☒	☐
6"	199	203	.250	STEEL	☐	☒	☒	☐

Length of Headpipe 5.16 Length of Tailpipe 4.5
Packer ☒ Y ☐ N Type RUBBER X-PACKER

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____
Screen Type & Method of Installation JOHNSON / PULLBACK

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
135	155	.040	304	6"	STAINLESS	☐	☒
157	177	.030	304	6"	STAINLESS	☐	☒
179	199	.025	304	6"	STAINLESS	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method
N/A				

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

53 ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: _____

12. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
250 +			1 1/2 hrs.

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter _____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
12"	0	2	TOP SOIL			X
	2	20	SAWDY BRN. CLAY			X
8"	20	33	SAWDY BRN. CLAY			X
	33	41	COARSE SAND			X
	41	54	SAWDY BRN. CLAY			X
	54	111	BLUE CLAY			X
	111	125	COARSE BRN. SAND		X	
	125	138	SAND W/CLAY		X	
	138	160	COARSE BRN. SAND		X	
	160	203	BLUE CLAY W/SAND STEPS.		X	

* COMMUNITY IRR WELL,

SHALLOW GW ABOVE STAR,

now multiple splits for
10+ owners, Echanove Subd.

RECEIVED

JUL 09 2003

WATER RESOURCES
WESTERN REGION

Completed Depth 203' (Measurable)

Date: Started 7/1/03 Completed 7/8/03

14. DRILLER'S CERTIFICATION

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

Company Name DEANIS PHIPPS WELL DRILLING INC. Firm No. 332

Principal Driller Mark Phipps Date 7/8/03

and Driller or Operator II _____ Date _____

Operator I _____ Date _____

Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.

FORWARD WHITE COPY TO WATER RESOURCES