

RECEIVED

JAN 06 2012

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

75912
Amended**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: Hillsdale Estates Covenants, Conditions and Restrictions

RECEIVED
JAN 06 2012
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75912

Amended

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Amended

Name of Applicant(s) Willowbrook Development, Inc. Phone 208-376-4665

Mailing address 210 Murray St., Boise, ID 83714 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 Richard Stover, Attorney Phone 208-334-5835 ^{344-8535 PS 12/22/11}

Mailing address PO Box 1368, Boise, ID 83701 Email rstover@eberle.com

- ☐ 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.

Willowbrook Development Inc
[Signature]
Signature of Applicant or Authorized Representative

Staci P. Smith
Print Name and Title if applicable

01-06-12
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. Move irrigation water appurtenant to developed lands to other lands not subject to development for continued irrigation use.**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. 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					
☒ ☐	63-7131A	4.45/1872.1	irrigation	4/1 to 10/31	Ground water
☐ ☐		0.02/4.0	stockwater	1/1 to 12/31	
☐ ☐		0.02/0.6	domestic	1/1 to 12/31	
☒ ☐	63-8376E	6.86/2313.0	irrigation	3/15 to 11/15	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 11.31 cfs and/or 4189.7 ac-ft

2. Total amount of water proposed to be transferred or changed 0.52 cubic feet per second and/or 186.9 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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1W	28							40			3.8							43.8
		29			40	35			30	30	40	40			15.2	40			270.2
		30			5	25					35			40	30	40	40	30	245.0
		30														D,S			

Total Acres (for irrigation use) 559.0 (63-7131A)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. 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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part					
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights _____ cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ 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	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1W	28										3.8	30						33.8
		29				39				33			40	40	30.2		40		222.2
		30				25					35				38			40	138.0
		32		40			40	40											120.0

Total Acres (for irrigation use) 514 (63-8376E)

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: _____

Wells, pumps, sprinklers, power records or totalizing flowmeter if required

- 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. 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:

Land has been subdivided. The subdivision lot irrigation will be provided. One half acre of lawn is covered under 63-12125 and the remaining irrigation is covered under these rights as described in the attached subdivision CC & Rs.

- 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:

- 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: _____

These rights are to be leased to the Water Supply Bank. The acres proposed for change will be withdrawn from the bank upon approval of this application.

Total Acres (for irrigation use) _____

Page 4 of _____

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

Current Water Right No.: 63-7131A

Current Owner: WILLOWBROOK DEVELOPMENT INC

Priority Date: 1/13/1969

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/30	4.45 CFS	1872.1 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF
	<u>Total Diversion</u>	4.45 CFS	1876.7 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 28,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	SW1/4NW1/4	Sec. 29,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	SE1/4NE1/4	Sec. 29,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	SW1/4NW1/4	Sec. 28,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	NW1/4SW1/4	Sec. 28,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	SE1/4NW1/4	Sec. 29,	Twp 05N,	Rge 01W B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T05N R01W S28	SWNW	40.00	T05N R01W S28	NWSW	19.00
T05N R01W S29	SWNE	40.00	T05N R01W S29	SENE	35.00
T05N R01W S29	SWNW	30.00	T05N R01W S29	SENE	30.00
T05N R01W S29	NESW	40.00	T05N R01W S29	NWSW	40.00
T05N R01W S29	NWSE	40.00	T05N R01W S30	SWNE	5.00
T05N R01W S30	SENE	25.00	T05N R01W S30	NESW	35.00
T05N R01W S30	SESW	40.00	T05N R01W S30	NESE	30.00
T05N R01W S30	NWSE	40.00	T05N R01W S30	SWSE	40.00
T05N R01W S30	SESE	30.00			

Total Acres: 559

STOCKWATER Within ADA County

T05N R01W S30	NESE
---------------	------

DOMESTIC Within ADA County

T05N R01W S30	NESE
---------------	------

Conditions of Approval:

1. J01 Property is also known as Hillsdale Estates.
2. T08 Failure of the right holder to comply with the conditions of Transfer No. 4385 is cause for the Director to rescind approval of the transfer.
3. E56 The rights listed below are limited to the irrigation of a combined total of 863.0 acres in a single irrigation season. Combined Right Nos.: 63-03079, 63-07131A, & 63-08376E.
4. WB5 Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
5. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
6. E60 Right Nos. 63-03079, 63-07131A, and 63-08376E are limited to a total combined annual diversion volume of 3883.5 af for irrigation.
7. 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.
8. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 30 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.
9. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
10. T07 The right holder shall accomplish the change authorized by Transfer No. 4385 within one (1) year of the date of the approval.
11. WB4 The total instantaneous diversion of water from all points of diversion under Transfer No. 4385 shall not exceed 12.13 cfs, nor a total combined annual volume of 3,888.1 af.
12. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
13. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
14. X02 Stockwater use is for 300 range cattle.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-8376E

Current Owner: WILLOWBROOK DEVELOPMENT INC
Priority Date: 10/12/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	6.86 CFS	2313 AF
	<u>Total Diversion</u>	6.86 CFS	2313 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 28,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	SE1/4NW1/4	Sec. 29,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	NW1/4SW1/4	Sec. 28,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	NW1/4SW1/4	Sec. 28,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	SE1/4NE1/4	Sec. 29,	Twp 05N,	Rge 01W B.M.
ADA County				
GROUND WATER	SW1/4NW1/4	Sec. 29,	Twp 05N,	Rge 01W B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T05N R01W S28	NWSW	34.00	T05N R01W S28	SWSW	30.00
T05N R01W S29	SENE	39.00	T05N R01W S29	SENE	33.00
T05N R01W S29	SWSW	40.00	T05N R01W S29	SESW	40.00
T05N R01W S29	SWSE	40.00	T05N R01W S30	SENE	25.00
T05N R01W S30	NESW	35.00	T05N R01W S30	NESE	38.00
T05N R01W S30	SESE	40.00	T05N R01W S32	NWNE	40.00
T05N R01W S32	NENW	40.00	T05N R01W S32	NWNW	40.00

Total Acres: 514

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. T08 Failure of the right holder to comply with the conditions of Transfer No.4385 is cause for the Director to rescind approval of the transfer.
3. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
5. WB4 The total instantaneous diversion of water from all points of diversion under Transfer No. 4385 shall not exceed 12.13 cfs, nor a total combined annual volume of 3888.1 af.
6. S39 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 14 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
7. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
8. E60 Right Nos. 63-03079, 63-07131A and 63-08376E when combined shall not exceed a total annual diversion volume of 3883.5 af for irrigation.
9. T07 The right holder shall accomplish the change authorized by Transfer No. 4385 within one (1) year of the date of the approval.
10. E56 The rights listed below are limited to the irrigation of a combined total of 863.0 acres in a single irrigation season. Combined Right Nos.: 63-03079, 63-07131A, & 63-08376E.
11. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
12. J01 Property is also known as Hillsdale Estates.

Decreed Date: 2/16/2007

Transfer contains 11 pages and 1 attachments.

Received by _____ Date _____ Prelim. Check by KW Date 11/1/2012

Fee Paid \$250.00 Date 8-25-09 Received by JMH Receipt # W037829

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

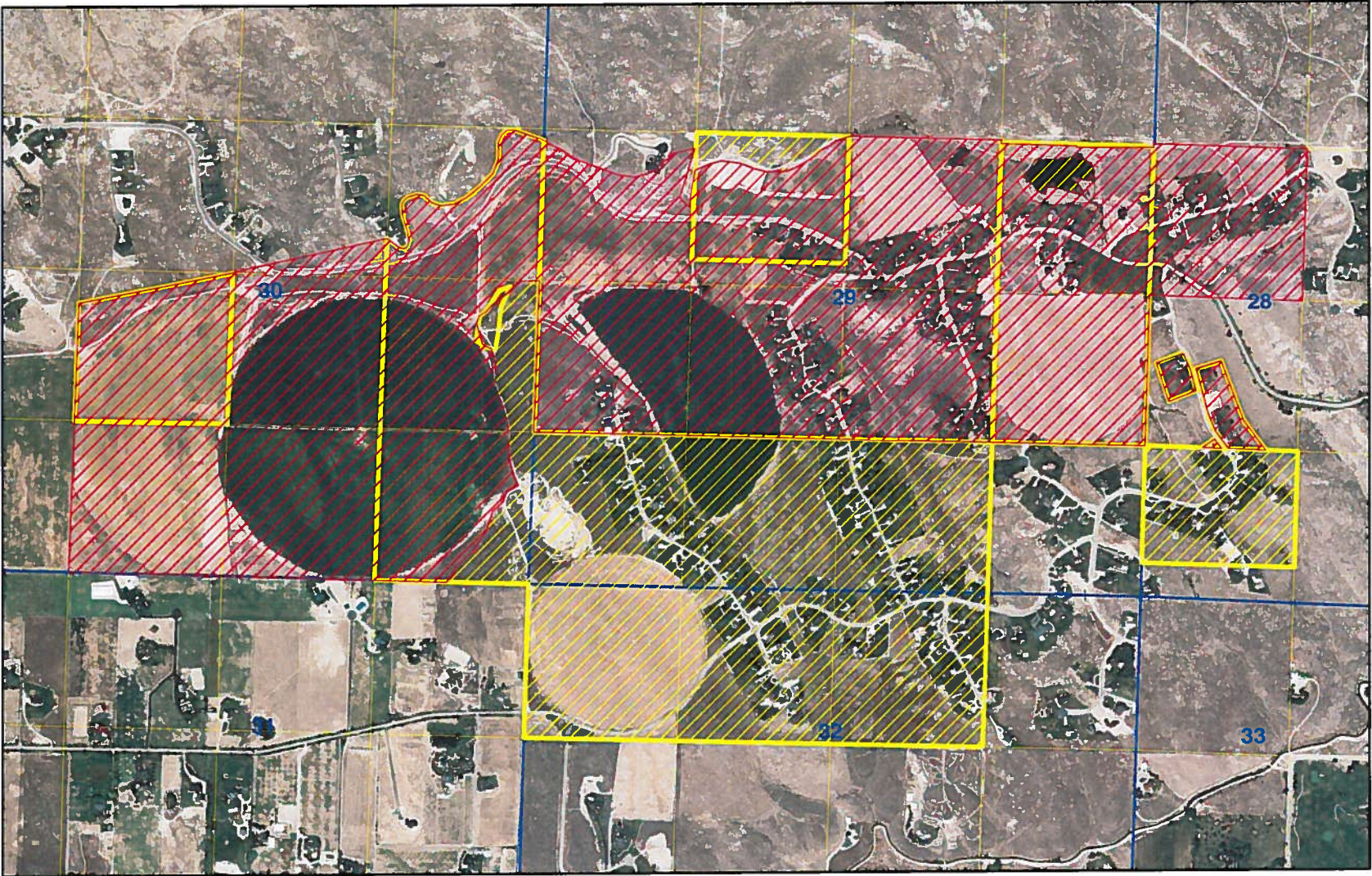
Legend

 new63-7131A

 new63-8376E

 Sections

Willowbrook Proposed Place of Use
Twp 5N, Rge. 1W



Attachment 1