

RECEIVED

FEB 07 2006

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

REJECTED

Name of Applicant PIONEER DITCH CO LTD Phone (208) 286-7481

Post Office address PO BOX 70 STAR ID 83669

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☐ Add diversion point(s)
 ☐ Change place of use
☒ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Describe the reason for the proposed changes Applicant proposes changing the nature of use of 1.1 cfs from irrigation to ground water recharge. The ground water recharge use will be associated with a new water right permit for aesthetic ponds and supplemental irrigation uses of ground water within the Pioneer Ditch Co service area.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-183</u>	<u>6/1/1870</u>	<u>24.56 cfs</u>	<u>irrigation</u>	<u>3/1</u> to <u>11/15</u>
_____	_____	<u>0.06 cfs</u>	<u>mitigation</u>	<u>3/1</u> to <u>11/15</u>
_____	_____	<u>1.10 cfs</u>	<u>diversion to storage</u>	<u>3/1</u> to <u>11/15</u>
_____	_____	<u>168 af</u>	<u>ground water recharge storage</u>	<u>3/1</u> to <u>11/15</u>
_____	_____	<u>1.10 cfs</u>	<u>ground water recharge</u>	<u>3/1</u> to <u>11/15</u>

2. Total amount of water being transferred 25.72 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
<u>3</u>		<u>NE</u>	<u>NW</u>	<u>14</u>	<u>4N</u>	<u>1W</u>	<u>ADA</u>	

5. Lands irrigated or place of use: **IRRIGATION: 1228.1 acres in the Pioneer Ditch Company LTD Service Area**

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>4N</u>	<u>1W</u>	<u>17</u>							<u>M</u>										
<u>4N</u>	<u>1W</u>	<u>16</u>							<u>E</u>										
<u>4N</u>	<u>1W</u>	<u>17</u>	<u>E</u>		<u>E</u>	<u>E</u>					<u>E</u>				<u>E</u>	<u>E</u>			
											<u>lot 3</u>				<u>lot 1</u>	<u>lot 2</u>			

M = Mitigation; E = Ground Water Recharge & Ground Water Recharge Storage

Total Acres 1228.1

PART 1

6. General Information:

- a. Description of diversion system Existing diversion dam with canal and laterals to place of use. Diversions to storage, ground water recharge storage and ground water recharge water will be diverted from Pioneer Ditch into ponds on Heron River Development, LLC property.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change in place of use of the transferred water. The irrigated place of use for water right 63-183 will be reduced by 55 acres in Sections 16 and 17, T04N R01W. This reduction is based on 35 acres of pond surface area and 20 acres of proposed roads within the development boundary. The identified 55 acres are currently irrigated lands within the Pioneer Ditch Company service area.
- d. Remarks:
See companion Application for Permit submitted by Heron River Community, LLC for 35 acres of aesthetic ponds and supplemental irrigation of 100 acres at 0.5 af/ac (50 af). The new permit will be mitigated by the 1.1 cfs/55 acres proposed to be transferred herein: 35 acres for ponds (1:1 pond to irrigated area) and 20 acres for supplemental irrigation (1:5 primary:supplemental). The volume identified as ground water recharge storage (168 af) is based on the consumptive irrigation requirement for 55 acres of pasture per Allen & Brockway, 1983, Caldwell station (931 mm/yr). Pasture is the historic crop produced at the place of use. The 1.1 cfs will be diverted from Pioneer Ditch into ponds where ground water recharge tributary to the Boise River will occur. Diverted water that does not seep out of the ponds and thereby contribute to ground water recharge will overflow from the ponds and return to the Boise River in NESW (Lot 3) of Section 17, 4N 1W.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20 _____.

For the Director

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:
- a. Decree No. 49 Decreed to Pioneer Canal
in case of Farmers Cooperative Ditch Company vs. Riverside Irrigation District
dated 1/18/1906 in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. 63-183 (see attached) on file with the Idaho Department of Water Resources.

d. Transfer No. 71198 which produced this right.
2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
- ☐ Tax Notice

☐ Warranty Deed

☒ Other Copy of Ditch Share Certificate #523
3. Source of water Boise River tributary to Snake River
4. Date or priority 6/1/1870
5. Water is used for the following purposes:
- amount 25.66 cfs for Irrigation purposes from 3/1 to 11/15
(cfs/ac-ft)

amount 0.06 cfs for Mitigation purposes from 3/1 to 11/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
6. Total amount of water under right 25.72 cubic feet per second and/or _____ acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
3		NE	NW	14	4N	1W	ADA	

8. Lands irrigated or place of use:
- IRRIGATION, 1283.1 acres within the boundaries of Pioneer Ditch Company Limited

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	17							M										

M = Mitigation

Total Acres 1283.1

9. Describe any other water rights used for the same purpose as described above none
-

PART 2

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 1.1 cfs for Irrigation purposes from 3/1 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
3		NE	NW	14	4N	1W	ADA	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	16						9	6										15
4N	1W	17	7	7	9	7				10									40

Total Acres 55

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

1. amount 24.56 cfs for Irrigation purposes from 3/1 to 11/15
(cfs/ac-ft)
amount 0.06 cfs for Mitigation purposes from 3/1 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
3		NE	NW	14	4N	1W	ADA	

3. Lands irrigated or place of use: IRRIGATION: 1228.1 acres in the Pioneer Ditch Company LTD Service Area

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	17							M										

M = Mitigation

Total Acres 1233.1

PART 3

Transfer No. _____

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
	Diversion to Storage	1.1 cfs	260 days/year	3/1 to 11/15
	Ground Water Recharge	1.1 cfs	260 days/year	3/1 to 11/15
	Ground Water Recharge Storage	168 af	260 days/year	3/1 to 11/15

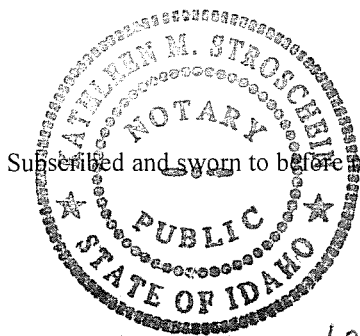
2. Quantity and quality of return flows and location of discharge: Discharge will be to ponds within the canal company service area resulting in ground water recharge and resultant river gains. Quality of return flow may improve due to reduced overland flow to drains (with resultant reduction in sediment load).

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

This transfer will allow Pioneer Ditch Company and the proposed Heron River Subdivision to continue the beneficial use of water right 63-183 on appurtenant lands within the Pioneer Ditch Company's service area. The transfer also will facilitate the use of ground water without depleting the resource or reducing the amount of water available to fill other water rights. This transfer will not result in an enlargement of the water right or cause injury to other water rights because the acres to which the water will be applied and the consumptive use of water will not increase. The irrigated area for water right 63-183 will be reduced by 55 acres.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this

3rd

day of

February

, 20 06

Kathleen M. Stroschein
(Notary Public)

My commission expires

6/30/2010

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 2-7-06 Protest filed by _____

Prelim. Check by SC Fee 290⁰⁰ W033814

Received by sk Date 2-7-06

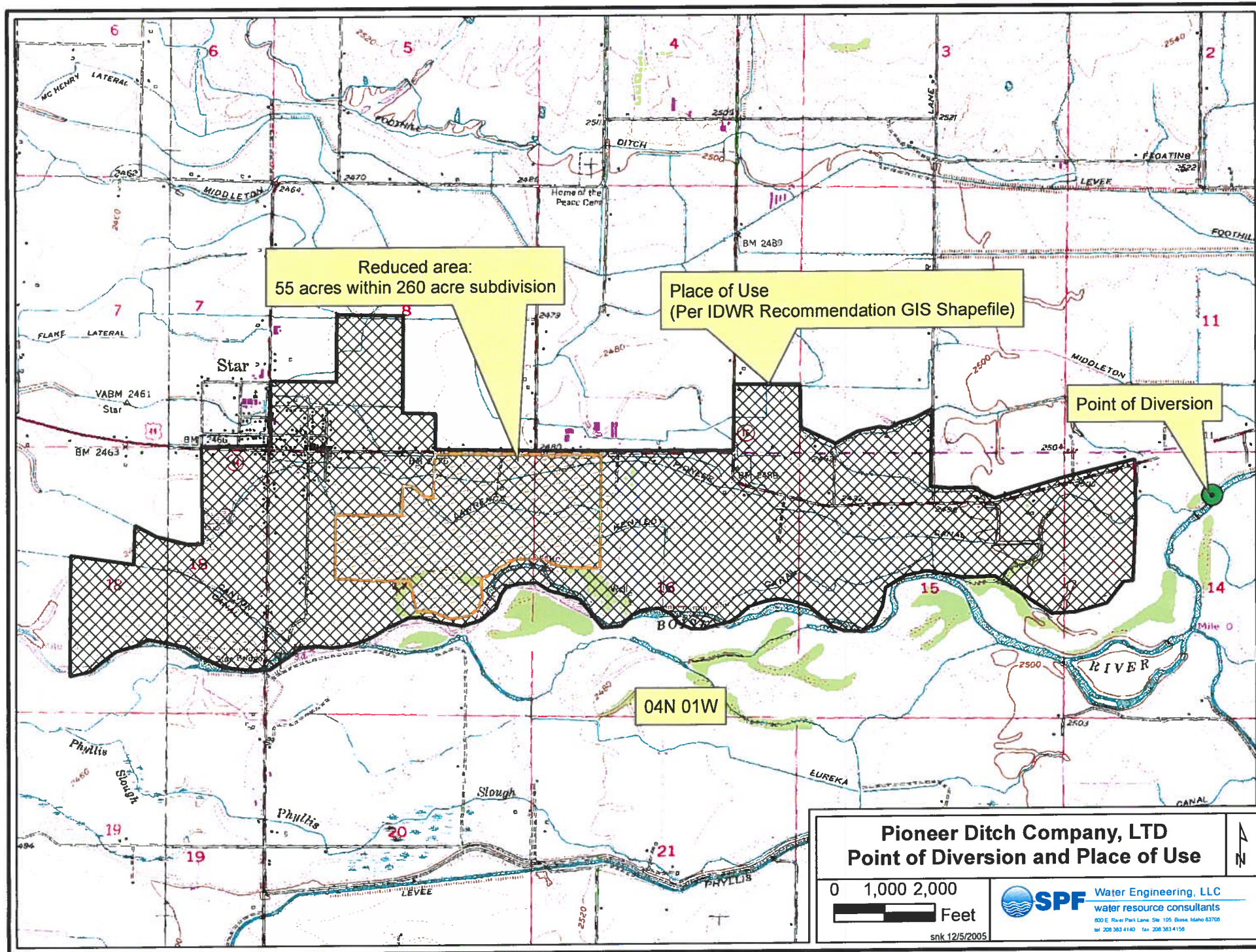
Published in _____ Copies of protest forwarded by _____

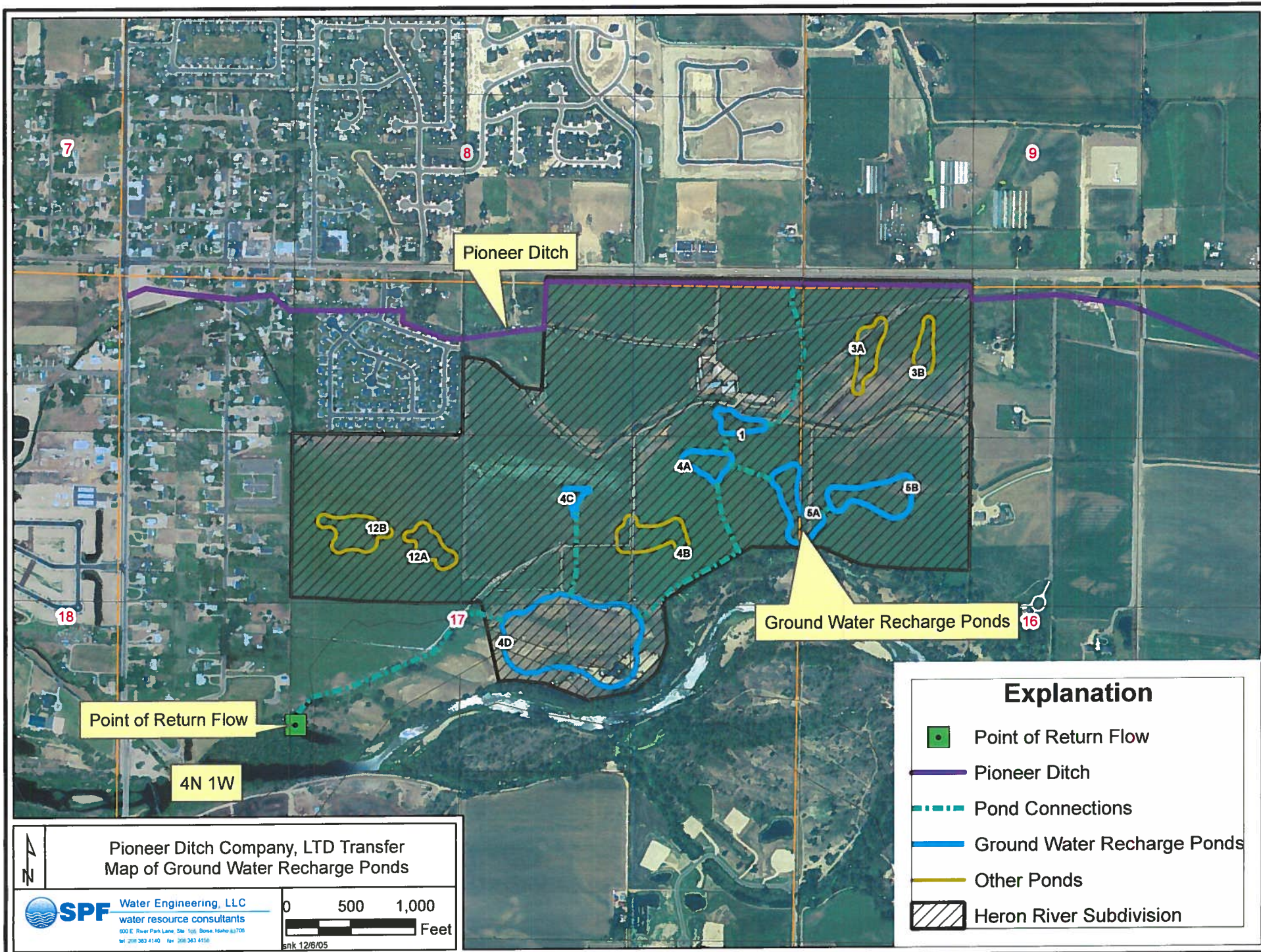
Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____





Est. QJ and CIR.

Caldwell

(Allen & Brockway, 1983)

mm/day and mm/season

	MO	NYRS	PREC	ETR	ALFH.	ALFS.	BEANS	F.CRN	SILGE	S.CRN	PEAS	POTAT	SBEEET	SGRAN	WGRAN	PAST.	ORCHO	VEGES	ONION	HOPS
AVE ET	3	49	1.04	2.34										.70	1.45	.80				
AVE IR	3	49	100.00											.24	.93	.29				
STDD ET	3	49	.68	.28										.09	.18	.10				
STDD IR	3	49	100.00											.32	.40	.36				
SKEW ET	3	49	.90	.54										.54	.54	.54				
SKEW IR	3	49	100.00											-.61	-.43	-.61				
AVE ET	4	49	1.02	4.74	3.63	3.69						1.56	1.42	1.42	1.60	4.60	3.42	2.07	1.56	1.48
AVE IR	4	49	95.92		3.01	3.07						1.08	1.02	.90	1.14	3.99	2.83	1.53	1.16	.97
STDD ET	4	49	.77	.37	.28	.29						.12	.11	.11	.13	.36	.27	.16	.12	.12
STDD IR	4	49	95.92		.64	.65						.44	.37	.47	.43	.69	.61	.50	.38	.46
SKEW ET	4	49	1.43	.20	.20	.20						.19	.19	.19	.20	.19	.19	.19	.19	.19
SKEW IR	4	49	95.92		-.53	-.52						-.79	-.76	-.85	-.78	-.58	-.53	-.73	-.73	-.83
AVE ET	5	49	.93	6.30	5.81	5.67	1.89	1.89	1.89	1.89	4.45	2.41	1.92	5.28	6.30	4.85	4.14	2.00	3.20	4.42
AVE IR	5	49	97.96		5.16	5.02	1.46	1.41	1.41	1.41	3.93	2.03	1.43	4.74	5.68	4.27	3.58	1.63	2.80	3.85
STDD ET	5	49	.70	.47	.44	.43	.14	.14	.14	.14	.33	.18	.14	.40	.47	.36	.31	.15	.24	.33
STDD IR	5	49	97.96		.80	.79	.42	.46	.46	.46	.64	.42	.47	.70	.82	.70	.64	.39	.48	.66
SKEW ET	5	49	1.10	-.24	-.24	-.25	-.24	-.24	-.24	-.24	-.25	-.25	-.25	-.24	-.24	-.24	-.24	-.24	-.24	-.24
SKEW IR	5	49	97.96		-.56	-.57	-.73	-.75	-.75	-.75	-.58	-.66	-.75	-.55	-.53	-.58	-.61	-.70	-.61	-.60
AVE ET	6	47	.85	7.90	6.86	6.76	4.19	3.81	3.81	3.98	5.61	6.08	4.60	7.89	7.88	6.08	6.54	4.55	5.26	7.49
AVE IR	6	47	100.00		6.19	6.10	3.71	3.29	3.29	3.46	5.07	5.61	4.04	7.28	7.23	5.48	5.91	4.13	4.82	6.83
STDD ET	6	47	.68	.51	.44	.43	.27	.24	.24	.26	.36	.39	.29	.51	.51	.39	.42	.29	.34	.48
STDD IR	6	47	100.00		.79	.78	.54	.55	.55	.56	.64	.62	.61	.80	.83	.71	.75	.51	.56	.82
SKEW ET	6	47	.85	.12	.11	.11	.12	.11	.11	.12	.12	.12	.12	.11	.11	.10	.11	.11	.11	.11
SKEW IR	6	47	100.00		-.14	-.14	-.20	-.26	-.26	-.25	-.14	-.07	-.22	-.07	-.09	-.15	-.13	-.14	-.10	-.10
AVE ET	7	48	.29	8.55	6.96	5.26	7.90	7.88	7.88	7.85	2.16	7.10	8.49	6.54	4.97	6.58	7.27	6.73	6.73	8.12
AVE IR	7	48	75.00		6.82	5.13	7.76	7.73	7.73	7.70	2.07	6.99	8.34	6.42	4.85	6.45	7.13	6.62	6.63	7.97
STDD ET	7	48	.35	.37	.30	.23	.35	.34	.34	.34	.09	.31	.27	.29	.22	.29	.32	.29	.29	.35
STDD IR	7	48	75.00		.38	.31	.40	.41	.41	.41	.19	.35	.44	.34	.29	.36	.39	.33	.34	.42
SKEW ET	7	48	2.50	.50	.48	.49	.50	.49	.49	.50	.51	.50	.48	.50	.48	.48	.47	.50	.51	.48
SKEW IR	7	48	75.00		-1.08	-1.38	-.73	-.92	-.92	-.91	-2.24	-.59	-.87	-.90	-1.31	-1.07	-.97	-.62	-.63	-.90
AVE ET	8	49	.45	6.98	5.31	2.86	3.22	6.38	6.38	5.93		5.20	6.74	1.27	1.07	5.38	5.94	5.50	5.59	6.62
AVE IR	8	49	63.27		5.13	2.70	3.08	6.19	6.19	5.75		5.07	6.54	1.15	.94	5.20	5.76	5.36	5.45	6.43
STDD ET	8	49	.62	.39	.29	.16	.18	.35	.35	.33		.29	.37	.07	.06	.30	.33	.30	.31	.37
STDD IR	8	49	63.27		.51	.38	.36	.56	.56	.54		.43	.59	.27	.28	.50	.34	.45	.45	.58
SKEW ET	8	49	2.09	.91	.93	.93	.91	.92	.92	.91		.91	.92	.92	.92	.92	.92	.92	.91	.91
SKEW IR	8	49	63.27		-1.22	-1.94	-1.59	-.93	-.93	-1.01		-.69	-.91	-2.43	-2.53	-1.13	-1.01	-.62	-.60	-.89
AVE ET	9	48	.57	5.34	3.70	1.39	.56	3.74	3.74			2.62	4.45			4.11	4.38	3.47	4.10	4.80
AVE IR	9	48	83.33		3.41	1.14	.36	3.47	3.47			2.43	4.16			3.83	4.09	3.26	3.88	4.51
STDD ET	9	48	.75	.38	.26	.10	.04	.27	.27			.19	.32			.29	.31	.25	.29	.34
STDD IR	9	48	83.33		.54	.41	.32	.53	.53			.38	.58			.55	.57	.43	.47	.60
SKEW ET	9	48	3.00	.56	.36	.57	.57	.57	.57			.57	.57			.57	.57	.57	.57	.56
SKEW IR	9	48	83.33		-2.20	-2.73	-2.81	-2.14	-2.14			-2.19	-2.00			-2.06	-1.99	-1.89	-1.70	-1.90
AVE ET	10	49	.79	3.26	1.29	.35		.86					1.94			2.51	1.99			
AVE IR	10	49	97.96		.88	-.04		.48					1.51			2.08	1.57			
STDD ET	10	49	.61	.26	.10	.03		.07					.15			.20	.16			
STDD IR	10	49	97.96		.35	.31		.32					.38			.41	.38			
SKEW ET	10	49	1.37	-.41	-.41	-.41		-.41					-.41			-.41	-.41			
SKEW IR	10	49	97.96		-.86	-1.00		-.92					-.77			-.70	-.76			
AVE ET	SE	45	140.9	1390.	1026.	793.	546.	755.	728.	606.	420.	760.	906.	713.	802.	1032.	989.	682.	809.	1008.
AVE IR	SE	45	0.0	0.	936.	707.	504.	694.	678.	565.	370.	708.	826.	642.	720.	931.	906.	644.	757.	955.
STDD ET	SE	45	42.6	50.	37.	31.	23.	29.	29.	26.	19.	30.	32.	31.	35.	37.	36.	27.	31.	39.
STDD IR	SE	45	0.0	0.	55.	51.	32.	39.	40.	38.	37.	41.	47.	48.	56.	54.	51.	34.	42.	55.
SKEW ET	SE	45	-.06	.04	-.02	-.13	.30	.36	.38	.50	-.41	.21	.23	-.17	-.23	.01	.12	.32	.13	.12
SKEW IR	SE	45			-.01	.04	.14	-.12	-.03	.22	-.22	.15	-.08	-.04	.01	.04	-.06	.03	.04	.06



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Yursa, Secretary of State

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[[Get a certificate of existence for PIONEER DITCH COMPANY, LIMITED](#)]

PIONEER DITCH COMPANY, LIMITED

P.O. BOX 70
STAR, ID 83669

Type of Business: CORPORATION, WATER USERS ASSOCIATION

Status: GOODSTANDING, ANREPT SENT 03 Oct 2005

State of Origin: IDAHO

Date of 14 Dec 1909

Origination/Authorization:

Current Registered Agent: MARIE KUENZLI
P. O. BOX 70
STAR, ID 83669

Organizational ID / Filing C6664
Number:

Number of Authorized Stock 1
Shares:

Date of Last Annual Report: 18 Oct 2005

Amendments:

Amendment filed 14 Dec 1909 INCORPORATION

[View Document Online](#)
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Amendment filed 07 May 1925 REINSTATEMENT

Amendment filed 23 Nov 1959 OTHER - EXTEND DURATION
TO PERPETUAL

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Amendment filed 07 Jun 1979 OTHER - R/A

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No. C 6664		Due no later than December 31, 2005	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form	
NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address - Correct in this box, if applicable PIONEER DITCH COMPANY, LIMITED RONALD KUENZLI P.O. BOX 70 STAR, ID 83669	
		2. Registered Agent and Office NO PO BOX MARIE KUENZLI P. O. BOX 70 451 S. STAR RD. STAR, ID 83669	
		3. New Registered Agent Signature <i>Betha Foster</i>	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.			
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u> <u>State</u> <u>Zip</u>
Pres.	Quinten Nesbitt	7435 Moon Valley Rd.	Eagle ID 83616
	Brad Carlson	960 So. Main St.	STAR ID 83669
	Ronald Kuenzli	P.O. Box 284	STAR ID 83669
Sec.	Betha Foster	25584 Birdie Dr.	Caldwell ID 83607
5. Organized Under the Laws of: IDAHO C 6664		6. Signature <i>Betha Foster</i> Date 10-17-05 Name (Typed or Printed) <i>Betha Foster</i> Title <i>Secretary</i>	
Issued 10/03/2005		Do Not Tape or Staple	
		2005120059415	

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER #74990 IN THE NAME	)	PRELIMINARY ORDER
OF PIONEER DITCH CO LTD	)	REJECTING APPLICATION
	)	

This matter having come before the Idaho Department of Water Resources as a result of an application for transfer, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On February 7, 2006, Pioneer Ditch Co LTD (Applicant) filed application for transfer no. 74990 with the Idaho Department of Water Resources (Department).
2. On April 4, 2011, the Department sent the Applicant's Consultant a letter requesting the Applicant's intentions regarding the application and necessary additional information. A sixty (60) day response deadline was set from the letter date.
3. On May 27, 2011, the Department received an email from the Consultant requesting an additional sixty (60) days from the deadline to provide the requested information.
4. On May 27, 2011, the Department sent the Consultant an e-mail granting an additional six months time to provide the information extending the deadline to November 28, 2011.
5. To date, the Department has not received a response nor the requested information from the Consultant/ Applicant.

CONCLUSIONS OF LAW

1. Idaho Code (IC)§ 42-222 states in pertinent part:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation or water resources in the State of Idaho and is in the local public interest.....

2. Without the requested additional information from the Applicant, the Department cannot ascertain that the changes proposed in the application for transfer are consistent with the provisions of Idaho Code §42-222.
3. The Applicant has failed or refused to provide the Department the requested information. The application for transfer should be rejected.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 74990 in the name of Pioneer Ditch Co LTD is REJECTED.

Dated this 13th day of December, 2011



John Westra
Manager, Western Regional Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2011, I mailed a true and correct copy, certified mail, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

PIONEER DITCH CO LTD
PO BOX 70
STAR ID 83669

SPF WATER ENGINEERING
SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706



Sherry Borgeman
Administrative Assistant

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Return Receipt Fee
(Endorsement Required)

2.30

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$ 5.98

Sent To

SPF WATER ENGINEERING - S. KING

Street, Apt. No.,
or PO Box No.

300 E MALLARD STE 350

City, State, ZIP+4

BOISE ID 83706

PS Form 3800, August 2006

See Reverse for Instructions

12-13-2011

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Street, Apt. No.,
or PO Box No.

PO BOX 70

City, State, ZIP+4

STAR ID 83669

PS Form 3800, August 2006

See Reverse for Instructions

12-13-2011

Postmark Here

623

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SPF WATER ENGINEERING
SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706

2. Article Number
(Transfer from service label)
7009 1410 0001 0944 5474

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-11

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Jensen

☒ Agent
☐ Address

B. Received by (Printed Name)
Crystal Jensen

C. Date of Delivery
12-14-11

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail
☐ Registered
☐ Insured Mail
☐ Express Mail
☒ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)
☐ Yes

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PIONEER DITCH CO LTD
PO BOX 70
STAR ID 83669

2. Article Number
(Transfer from service label)
7009 1410 0001 0944 5467

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-11

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Maria Vane

☒ Agent
☐ Address

B. Received by (Printed Name)
Maria Vane

C. Date of Delivery
12/19/11

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail
☐ Registered
☐ Insured Mail
☐ Express Mail
☒ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)
☐ Yes



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

December 13, 2011

PIONEER DITCH CO LTD
PO BOX 70
STAR ID 83669

SPF WATER ENGINEERING
SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706

RE: Preliminary Order in the matter of Application for Transfer No(s). 74990

Dear Applicant(s):

The accompanying order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed yellow information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190. Additional information is also available on our website, www.idwr.idaho.gov.

Sincerely,

Shirley R. Rasmussen
for:

John Westra
Manager, Western Regional Office

Enclosures

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.

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.

Walker, Kay

From: Walker, Kay
Sent: Friday, May 27, 2011 11:14 AM
To: Scott King
Cc: Walker, Kay
Subject: RE: Request for additional time for Heron River application

Hi, Scott.

We can interrupt processing of Application for Permit 63-32374 and Transfer App. 74990, for pursuit of the requested information, for up to six months. Please consider this e-mail notice that you must submit the information requested before the end of the 6-month period, that is, on or before November 28, 2011. We realize that you did not request this amount of time and you can certainly submit the information before then if you can provide it earlier. If you have any questions, please do not hesitate to contact me.

Sincerely,

Kay Walker
Sr. Water Resource Agent

From: Scott King [<mailto:SKing@spfwater.com>]
Sent: Friday, May 27, 2011 10:27 AM
To: Walker, Kay
Cc: Lori Graves
Subject: Request for additional time for Heron River application

Good Morning, Kay:

We have been working with the Heron River project owner to provide the information requested by you on April 4 (copy attached). However, we are unable to meet the upcoming deadline of June 3. Therefore, we are requesting an additional 60 days, to July 2, to complete our response. Please let us know if that is acceptable.

Thank you,
Scott

Scott N. King, P.E.
Supervising Engineer
SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350
Boise, Idaho 83706
Phone: (208) 383-4140
Fax: (208) 383-4156
sking@spfwater.com
www.spfwater.com



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

April 4, 2011

SCOTT KING P E
SPF WATER ENGINEERING LLC
300 E MALLARD DR SUITE 350
BOISE ID 83706

RE: Application for Permit 63-32374 – Heron River Development LLC and
→ Application for Transfer 74990 – Pioneer Ditch Co Ltd

Dear Mr. King:

We have pulled the above referenced applications for review and processing but would first like to know if the applicants wish to proceed with these filings. These applications were received in our office in February of 2006 and have not been processed yet. Please advise this office at your earliest convenience if the applicants still wish to pursue these proposals. If the applications are to be processed, we will need some additional information to continue our review.

Application for Permit 63-32374 – for applications requesting storage, greater than 500 acre feet of water, we require information to satisfy Rule 40 of the Water Appropriation Rules (copy enclosed). In this case, please submit the following:

1. Rule 40.05.c.ii – plat showing shallow ground water uses within ½ mile radius of the proposed diversion points (wells diverting from 1 – 200 feet deep).
2. Rule 40.05.c.iii – provide information showing how this application will not impact those uses identified under item 1 above, or how the impact will be mitigated if it occurs.
3. Rule 40.05.f.i – it appears that some of the ponds are already in place on 2009 aerial photography; however, for the ponds that have not been completed the applicant shall submit a current financial statement showing it is reasonably probable that financing will be available for this project.
4. Rule 40.05.g – comments obtained on the effects of the construction and operation of proposed project from the city and/or county within which the points of diversion and place of use are located, including Star Sewer and Water District.
5. We also need to know what the relationship is between Rt. 63-10273 and this application. It appears that they are overlapping rights from the same source of water. Will the irrigation well also be used as the source of one of the ponds?

Application for Transfer 74990

1. Since receipt of this application the guidelines from our State Office have been changed and we must have documentation that ground water recharge will actually be a beneficial use under this proposal. If you cannot provide this documentation, the application may be amended to change this proposed use to "aesthetic storage" to correspond with the application for permit.

Please submit the requested information identified above for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next sixty (60) days. Without a timely reply, IDWR will issue a preliminary order to reject the applications. The application fees will not be refunded for rejected applications. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

KW:k
Enclosure

Water Appropriation Rules 40.05.c through 40.05.g

c. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 13, 2006

SCOTT KING P E
SPF WATER ENGINEERING LLC
600 E RIVER PARK LN STE 105
BOISE ID 83706

Re: Application for Transfer of Water Right No. 63-183 for Pioneer Ditch Co.
and Application for Permit for Heron River Development LLC

Dear Mr. King:

The above referenced applications for the Heron River pond project were recently received. Processing of the applications must be delayed as explained below.

The transfer application serves to mitigate consumptive use proposed by the permit application. The former filing describes a water right for which a Snake River Basin Adjudication (SRBA) Claim has been filed. SRBA Claims in the area affected by the transfer application are currently being reviewed. The role of the Idaho Department of Water Resources (IDWR) in the SRBA is to review claims and make recommendations regarding those claims to the SRBA Court. Recommendations are presented to the court in a Director's Report. Potentially affected parties may object to recommendations in a Director's Report. This process introduces uncertainty regarding water rights until the objection period is over.

IDWR's limited staff resources must be used to complete the remaining Director's Reports during the coming months. Additionally, experience indicates that processing an application for transfer in an area where a Director's Report is being prepared can result in confusion and complications by mixing judicial (SRBA) and administrative (transfer) actions.

The SRBA objection period for the area in question is expected to conclude sometime during the latter half of this year if not earlier. Based on that schedule and the above reasoning, the transfer application cannot be processed at this time. The application for permit cannot be processed for obvious reasons. IDWR will hold both applications and will notify you at the appropriate time when they can be processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor



RECEIVED

February 6, 2006

FEB 07 2006

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Attention: Steve Lester

*Subject: Heron River Development LLC Application for Permit and Pioneer Ditch
Company's corresponding Transfer Application*

Dear Mr. Lester,

Enclosed on behalf of our client, Heron River Development LLC, is an application for water right permit associated with proposed ponds in their subdivision near Star in Ada County. The proposed usage includes aesthetic and irrigation storage, and aesthetic and irrigation from storage in 11 excavated ponds at the former Dudley River Ranch. The ponds will have a total surface area of 35 acres, and storage capacity of 637 acre-feet. Irrigation uses include 100 acres of supplemental irrigation within the subdivision with Pioneer Ditch Company providing the primary irrigation supply as evidenced by the enclosed share certificate. The proposed water bearing zone is 0 to 35 feet (maximum pond depth). The permit application is signed by R. Craig Groves, authorized agent for Heron River Development, LLC.

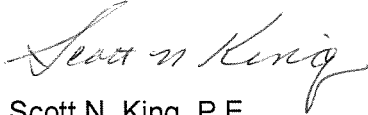
Mitigation for the consumptive use resulting from 35 acres of pond surface area and 100 acres of supplemental irrigation is provided by the enclosed corresponding transfer application. Pioneer Ditch Company LTD proposes changing the nature of use of 1.1 cfs / 55 acres from irrigation to ground water recharge, with 35 acres for ponds (1:1 pond to irrigated area mitigation ratio) and 20 acres for supplemental irrigation (1:5 primary:supplemental mitigation ratio). The proposed pond areas were previously irrigated with Pioneer Ditch Company water and included in the 290 shares appurtenant to this property. Proposed road areas alone total approximately 40 acres of previously irrigated land, easily supporting the 20 acres required for mitigating the supplemental irrigation. The 1.1 cfs of Pioneer Ditch Company water will be diverted into storage at six of the 11 proposed unlined ponds. Diverted flow that does not return to ground water via pond seepage will flow out of the lower pond and return to

February 5, 2006

the Boise River in Lot 3 of Section 17, T4N, R1W. The transfer application is signed by Quentin Nesbitt, President of Pioneer Ditch Company.

A check for \$780 is enclosed to the cover filing fees for these applications (\$490 for the permit and \$290 for the transfer). If you have any questions or requests for additional information, please let me know.

Sincerely,



Scott N. King, P.E.
Senior Project Engineer

cc: Kathy Stroschein, Engineering Solutions
Quentin Nesbitt, Pioneer Ditch Company

File: 451.0050