

RECEIVED  
JUL 08 2010  
WATER RESOURCES  
WESTERN REGION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AMENDED

Fee \$50

Receipt W038546

Received by DB

Date 7-8-2010

APPLICATION FOR AMENDMENT OF A PERMIT

# 76677

Name of Applicant Terrace Lakes Water Co. Phone 208-375-4087

Mailing address c/o Ilene Johnson, 950 N. Cole Rd., Boise, ID 83704

I am the owner and the holder of Permit to appropriate the Public Waters of the State of Idaho No. 65-23085  
and request that the permit and permit map be amended and/or changed as follows:

**Purpose of Amendment:**  
☐ Change nature of use  
☐ Change point of diversion  
☐ Change period of use  
☒ Add point of diversion  
☒ Change place of use  
☐ Other

1. Point of diversion:  $\frac{1}{4}$   $\frac{1}{4}$   $\frac{1}{4}$ , Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, B.M.,  
County of \_\_\_\_\_. Other points of diversion (see attached)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year) (water use) (Begin Month) (End Month)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year) (water use) (Begin Month) (End Month)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year) (water use) (Begin Month) (End Month)

3. Place of use or land to be irrigated:

| Twp | Rge | Sec | NE $\frac{1}{4}$ |           |    |           | NW $\frac{1}{4}$ |           |      |    | SW $\frac{1}{4}$ |    |    |    | SE $\frac{1}{4}$ |    |      |           | Total |
|-----|-----|-----|------------------|-----------|----|-----------|------------------|-----------|------|----|------------------|----|----|----|------------------|----|------|-----------|-------|
|     |     |     | NE               | NW        | SW | SE        | NE               | NW        | SW   | SE | NE               | NW | SW | SE | NE               | NW | SW   | SE        |       |
| 9N  | 4E  | 3   |                  |           |    |           |                  | Lt 4<br>X | X    |    |                  |    |    |    |                  |    |      |           |       |
|     |     |     |                  |           |    |           |                  | 2         | 0.5  |    |                  |    |    |    |                  |    |      |           | 2.5   |
|     |     | 4   | Lt 1<br>X        | Lt 2<br>X | X  | Lt 5<br>X | Lt 3<br>X        | Lt 4<br>X |      |    |                  |    |    |    |                  |    |      |           |       |
|     |     |     | 22               | 10        | 1  | 4         | 14               | 1         |      |    |                  |    |    |    |                  |    |      |           | 64 52 |
| 10N | 4E  | 28  |                  |           |    |           |                  |           |      |    |                  |    |    |    |                  |    | X    | Lt 4<br>X |       |
|     |     |     |                  |           |    |           |                  |           |      |    |                  |    |    |    |                  |    | 8    | 46.5      | 54.5  |
|     |     | 33  | Lt 1<br>X        | X         | X  | Lt 2<br>X |                  |           |      |    | X                |    |    | X  | Lt 3<br>X        | X  | X    | x         |       |
|     |     |     | 40               | 28        | 19 | 35        |                  |           |      |    | 1                |    |    | 1  | 2                | 13 | 33.5 | 44.5      | 217   |
|     |     | 34  |                  |           |    |           | X                | X         | X    |    |                  | X  |    |    |                  |    |      |           |       |
|     |     |     |                  |           |    |           | .5               | 29        | 20.5 |    |                  | 7  |    |    |                  |    |      |           | 57    |

Total number of acres to be irrigated 40 acres w/i 382-acre pp

4. a. Who owns the property at the point of diversion? Terrace Lakes Recreation Ranch Inc. 383  
 b. Who owns the land to be irrigated or place of use? Subdivision lot owners  
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant is a PWS serving the homeowners

SEE ATTACHMENT A

Signed this 14th day of June, 2010. Steve Johnson  
Permit Holder Signature (and title, if for a company or organization)

**SIGNATURE**

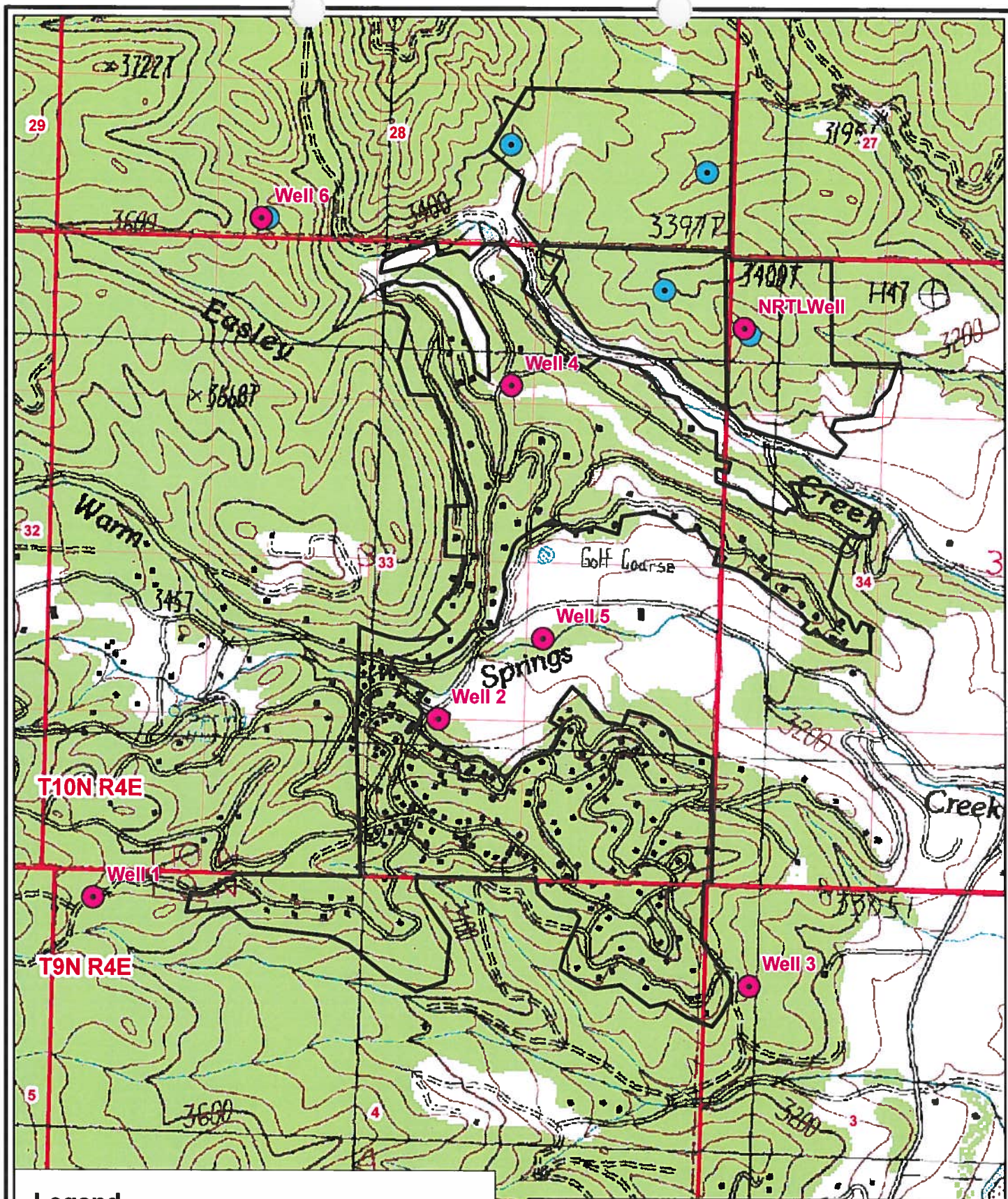
publ. info  
not  
required  
here  
-82

**Amended**

1. Points of Diversion:

| New? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Source       | Local name or tag # |
|------|-----|---|----|----|-----|-----|-----|--------|--------------|---------------------|
| No   | 4   |   | NW | NW | 3   | 9N  | 4E  | Boise  | Ground Water | Well 3              |
| No   | 4   |   | NW | NW | 4   | 9N  | 4E  | Boise  | Ground Water | Well 1              |
| No   |     |   | SE | SW | 28  | 10N | 4E  | Boise  | Ground Water | Well 6              |
| Yes  |     |   | SE | SW | 28  | 10N | 4E  | Boise  | Ground Water |                     |
| Yes  |     |   | SW | SE | 28  | 10N | 4E  | Boise  | Ground Water |                     |
| Yes  | 4   |   | SE | SE | 28  | 10N | 4E  | Boise  | Ground Water |                     |
| No   |     |   | NW | NE | 33  | 10N | 4E  | Boise  | Ground Water | Well 4              |
| No   | 3   |   | NE | SE | 33  | 10N | 4E  | Boise  | Ground Water | Well 5              |
| No   |     |   | NW | SE | 33  | 10N | 4E  | Boise  | Ground Water | Well 2              |
| Yes  | 1   |   | NE | NE | 33  | 10N | 4E  | Boise  | Ground Water |                     |
| No   |     |   | NW | NW | 34  | 10N | 4E  | Boise  | Ground Water | NRTL Well 2         |
| Yes  |     |   | NW | NW | 34  | 10N | 4E  | Boise  | Ground Water |                     |

AMENDED



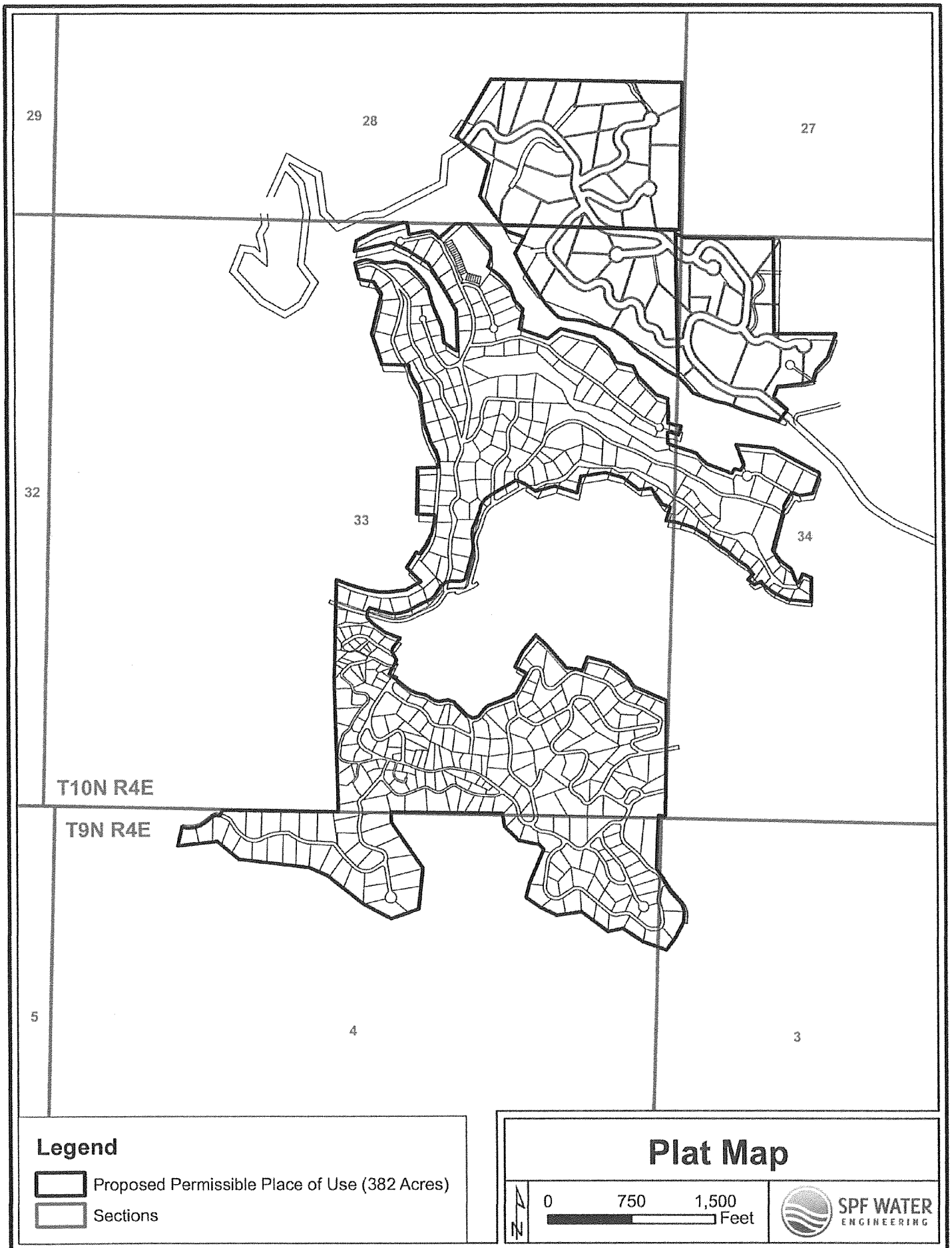
**Legend**

-  Proposed Wells (Existing)
-  Proposed Wells (New)
-  Proposed Permissible Place of Use (383 Acres)

**Amendment Map  
Permit 65-23085**



AMENDED



Close

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Permit Report

7/29/2009

WATER RIGHT NO 65-23085

| Owner Type     | Name and Address                                                                                                   |
|----------------|--------------------------------------------------------------------------------------------------------------------|
| Current Owner  | XROADS DEVELOPMENT INC<br>123 E 45TH ST<br>BOISE, ID 83714<br>(208)377-9301                                        |
| Representative | SPF WATER ENGINEERING LLC<br>C/O KRISTIN BRASTRUP<br>300 E MALLARD DR, STE 350<br>BOISE, ID 83706<br>(208)383-4140 |

Priority Date 07/18/2006  
Status Active

| Source       | Tributary |
|--------------|-----------|
| GROUND WATER |           |

| Beneficial Use  | From  | To    | Diversion Rate | Volume |
|-----------------|-------|-------|----------------|--------|
| IRRIGATION      | 03/15 | 10/31 | 0.4 CFS        |        |
| DOMESTIC        | 01/01 | 12/31 | 0.4 CFS        |        |
| FIRE PROTECTION | 01/01 | 12/31 | 0.8 CFS        |        |
| Total Diversion |       |       | 0.8 CFS        |        |

## Location of Point(s) of Diversion

|              |           |         |              |           |              |
|--------------|-----------|---------|--------------|-----------|--------------|
| GROUND WATER | SESW      | Sec. 28 | Township 10N | Range 04E | BOISE County |
| GROUND WATER | SESW      | Sec. 28 | Township 10N | Range 04E | BOISE County |
| GROUND WATER | NENE L1 3 | Sec. 28 | Township 10N | Range 04E | BOISE County |
| GROUND WATER | SWSE      | Sec. 28 | Township 10N | Range 04E | BOISE County |
| GROUND WATER | SESE L1 4 | Sec. 28 | Township 10N | Range 04E | BOISE County |
| GROUND WATER | NENE L1 1 | Sec. 33 | Township 10N | Range 04E | BOISE County |
| GROUND WATER | NWNW      | Sec. 34 | Township 10N | Range 04E | BOISE County |
| GROUND WATER | NWNW      | Sec. 34 | Township 10N | Range 04E | BOISE County |

## DOMESTIC Use

Number of homes 83

Number of other uses waste water treatment plant

## Place(s) of use

Place of Use Legal Description: IRRIGATION BOISE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 10N      | 04E   | 28      |     | SWSE  | 1.5   | 4   | SESE  | 18    |     |       |       |     |       |       |
|          |       | 33      | 1   | NENE  | 10    |     |       |       |     |       |       |     |       |       |
|          |       | 34      |     | NENW  | 0.2   |     | NWNW  | 9     |     | SWNW  | 1.5   |     |       |       |

Place of Use Legal Description: DOMESTIC BOISE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 10N      | 04E   | 28      |     | SWSE  |       | 4   | SESE  |       |     |       |       |     |       |       |
|          |       | 33      | 1   | NENE  |       |     |       |       |     |       |       |     |       |       |
|          |       | 34      |     | NENW  |       |     | NWNW  |       |     | SWNW  |       |     |       |       |

Place of Use Legal Description: FIRE PROTECTION BOISE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 10N      | 04E   | 28      |     | SWSE  |       | 4   | SESE  |       |     |       |       |     |       |       |
|          |       | 33      | 1   | NENE  |       |     |       |       |     |       |       |     |       |       |
|          |       | 34      |     | NENW  |       |     | NWNW  |       |     | SWNW  |       |     |       |       |

Total Acres: 40.2

## Conditions of Approval

1.26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control

- 2.046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department
- 3.01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- 4.077 Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire
- 5.0V3 Domestic use is for 83 homes and a wastewater treatment plant and does not include lawn, garden, landscape, or other types of irrigation
- 6.121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit
- 7.063 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above

## Dates:

Proof Due Date: 04/01/2012  
Proof Made Date:  
Approved Date: 04/26/2007  
Monetarium Expiration Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Application Received Date: 02/27/2006  
Protest Deadline Date: 01/22/2007  
Number of Protests: 0  
Field Exam Date:  
Date Sent to State Off:  
Date Received at State Off:

## Other Information

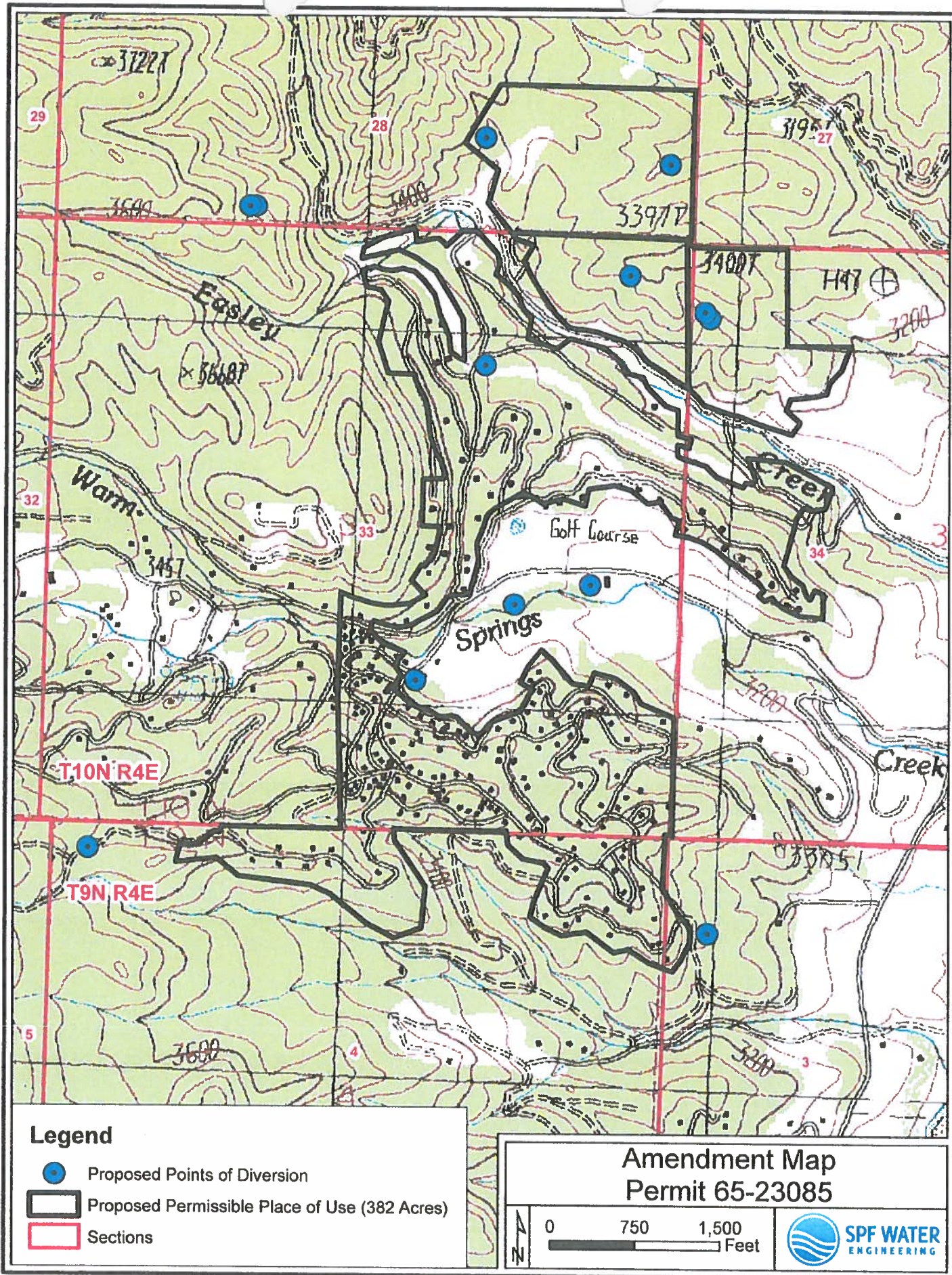
State or Federal:  
Owner Name Connector:  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False  
Class:

|                                                                                                                                                               |                  |                                                                                                                                              |               |                                                    |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------|----------------------------|
| <b>No. C 166675</b>                                                                                                                                           |                  | <b>Due no later than May 31, 2009</b>                                                                                                        |               | <b>2. Registered Agent and Address (NO PO BOX)</b> |                            |
| <b>Return to:</b><br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-6080<br><br><b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b> |                  | <b>1. Mailing Address: Correct in this box if needed.</b><br>TERRACE LAKES WATER COMPANY<br>ILENE JOHNSON<br>959 N COLE RD<br>BOISE ID 83704 |               | ILENE JOHNSON<br>959 N COLE RD<br>BOISE ID 83704   |                            |
|                                                                                                                                                               |                  |                                                                                                                                              |               | <b>3. Registered Agent Signature: *</b>            |                            |
| <b>4. Corporations: Enter Names and Business Addresses of President, Secretary, Directors and (optional) Treasurer.</b>                                       |                  |                                                                                                                                              |               |                                                    |                            |
| <b>Office Held</b>                                                                                                                                            | <b>Name</b>      | <b>Street or PO Address</b>                                                                                                                  | <b>City</b>   | <b>State</b>                                       | <b>Country Postal Code</b> |
| DIRECTOR                                                                                                                                                      | ILENE JOHNSON    | 959 N COLE RD.                                                                                                                               | BOISE         | ID                                                 | USA 83704                  |
| DIRECTOR                                                                                                                                                      | VAL VARDIE       | 8 HAPPY HOLLOW                                                                                                                               | GARDEN VALLEY | ID                                                 | USA 83622                  |
| DIRECTOR                                                                                                                                                      | LONNIE E. BRADON | 8 RAINBOW RIDGE                                                                                                                              | GARDEN VALLEY | ID                                                 | USA 83622                  |
| <b>5. Organized Under the Laws of:</b><br><b>ID</b><br><b>C 166675</b>                                                                                        |                  | <b>6. Annual Report must be signed. *</b><br>Signature: Ilene<br>Name (type or print): Ilene<br>Date: 06/05/2009<br>Title: Johnson           |               |                                                    |                            |
| Processed 06/05/2009                                                                                                                                          |                  | * Electronically provided signatures are accepted as original signatures.                                                                    |               |                                                    |                            |

1. Points of Diversion:

| New? | Lot | ¼ | ¼   | ¼  | Sec | Twp | Rge | County | Source       | Local name or tag # |
|------|-----|---|-----|----|-----|-----|-----|--------|--------------|---------------------|
| No   | 4   |   | ✓NW | NW | 3   | 9N  | 4E  | Boise  | Ground Water | Well 3              |
| No   | 4   |   | ✓NW | NW | 4   | 9N  | 4E  | Boise  | Ground Water | Well 1              |
| No   |     |   | ✓SE | SW | 28  | 10N | 4E  | Boise  | Ground Water | Well 6              |
| Yes  |     |   | ✓SE | SW | 28  | 10N | 4E  | Boise  | Ground Water |                     |
| Yes  | 3   |   | ✓NE | SE | 28  | 10N | 4E  | Boise  | Ground Water |                     |
| Yes  |     |   | ✓SW | SE | 28  | 10N | 4E  | Boise  | Ground Water |                     |
| Yes  | 4   |   | ✓SE | SE | 28  | 10N | 4E  | Boise  | Ground Water |                     |
| No   |     |   | ✓NW | NE | 33  | 10N | 4E  | Boise  | Ground Water | Well 4              |
| No   | 3   |   | ✓NE | SE | 33  | 10N | 4E  | Boise  | Ground Water | Well 5              |
| Yes  | 3   |   | ✓NE | SE | 33  | 10N | 4E  | Boise  | Ground Water |                     |
| No   |     |   | ✓NW | SE | 33  | 10N | 4E  | Boise  | Ground Water | Well 2              |
| Yes  | 1   |   | ✓NE | NE | 33  | 10N | 4E  | Boise  | Ground Water |                     |
| No   |     |   | ✓NW | NW | 34  | 10N | 4E  | Boise  | Ground Water | NRTL Well 2         |
| Yes  |     |   | ✓NW | NW | 34  | 10N | 4E  | Boise  | Ground Water |                     |

SUPERSEDED BY AMENDED TABLE RECEIVED 8/11/2011



SUPERSEDED BY AMENDED MAP SUBMITTED 8/11/2011

## Lester, Steve

---

**From:** Lester, Steve  
**Sent:** Thursday, September 15, 2011 9:48 AM  
**To:** 'Monty Marchus (monty.marchus@deq.idaho.gov)'  
**Subject:** Terrace Lakes Water Company water rights  
**Attachments:** Terrace Lakes transfer.pdf; TerraceLakes amendment 1.pdf; Terrace Lakes amendment 2.pdf; Boise County combined ads.docx; IDEQ comment letter form.docx

**Contacts:** Monty Marchus

Monty:

Denise Buffington normally sends comment letters/emails for water right legal notices. However, she just transferred to our Twin Falls office and I'm picking up the slack for the time being.

Angie Grimm confirmed we should seek your comments for three water right filings being processed. Please see the attached application copies:

1. Transfer application 76676
2. Amendment application 76677 ✓
3. Amendment application 76678.

I have also included:

- copy of legal notice to be published soon, note protest deadline/procedure
- comment form for your convenience, or please use whatever format you choose for comments.

Any comments other than a protest should be received by October 15, 2011. Please let me know if you have any questions or need more information.

-- Steve

State of Idaho  
Department of Water Resources  
Applications for Transfer of Water Rights & Amendments of Permits  
**RECOMMENDATION FORM**

**Application Nos.:** Transfer #76676, Amendment #76677, Amendment #76678

**Applicant's Name:** Terrace Lakes Water Company

Recommendation:

- a) \_\_\_\_\_ I do not oppose approval of this application.
- b) \_\_\_\_\_ I do not oppose approval of this application if it is conditioned as follows:
- 
- 
- c) \_\_\_\_\_ I oppose approval of this application for the following reasons:
- 
- 
- d) \_\_\_\_\_ Additional comments:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

**Idaho Dept of Environmental Quality**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

## Lester, Steve

---

**From:** Lester, Steve  
**Sent:** Thursday, September 15, 2011 8:21 AM  
**To:** 'editor@idahoworld.com'  
**Subject:** LEGAL ADS  
**Attachments:** Boise County cover letter.docx; Boise County combined ads.docx

Hi Deanna:

Denise Buffington transferred to the IDWR Twin Falls regional office and I am picking up the legal notice slack for a while. I did this for a few months several years ago and hope I remember all the details.

Attached is a cover letter and legal notice. Please confirm this is acceptable to publish as shown. Thank you for your help and patience as I try my hand at this again.

Steve Lester  
Water Rights Supervisor  
IDWR Western Region  
208-334-2190

Legal Notice

Transfer 76676

Amendments 76677 ✓

76678

-SL

## PROPOSED CHANGE OF WATER RIGHTS AND AMENDMENT OF WATER PERMITS

**Terrace Lakes Water Co.** C/O Ilene Johnson of 950 N. Cole Rd, Boise ID 83704 filed 3 applications as follows.

**Application No. 76676** to transfer two water rights with 1989 and 1993 priority dates from ground water totaling 0.27 cfs. The purpose of the transfer is to change one point of diversion, add six points of diversion for a total of 12 points of diversion, and include land proposed for development in the place of use of the public drinking water system for Terrace Lakes Subdivision.

**Application No. 76677** (amend permit #65-23085) & **Application No. 76678** (amend permit no. 65-23086). The permits have 2006 priority dates from ground water totaling 1.51 cfs for irrigation, domestic, and fire protection uses associated with Terrace Lakes Subdivision. The applicant proposes to amend the permits to describe the same 12 points of diversion and entire public drinking water service area as the place of use.

Water will be used at the current place of use about 0.5 miles west of South Middle Fork Rd, generally between McBride Creek Rd and Easley Creek Rd, about 2.5 miles northwest of Crouch.

Permits will be subject to all prior water rights. For additional information concerning the property location, please contact Western Region office at 208-334-2190 or see [www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp) for a full description of the rights, permits, proposed transfer, and amendments. Transfer protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Amendment protests may be submitted based on the criteria of Sec 42-211, Idaho Code. Any protest against the proposed changes must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before October 11, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director  
Published on 9/21/2011 & 9/28/2011

September 14, 2011

**LEGAL NOTICE DEPARTMENT**

IDAHO WORLD  
PO BOX 99  
GARDEN VALLEY, ID 83622

RE: Transfer No. 76676 for Water Right Nos. 65-12985, 65-13457  
Amendment No. 76677 for Permit No. 65-23085  
Amendment No. 76678 for Permit No. 65-23086

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 10/11/2011. Your cooperation is appreciated.

Sincerely,

Steve Lester  
Water Rights Supervisor

## MEMORANDUM

TO: Transfer No. 76676 & Permit 65-23085 & 65-23086 Amendments

FROM: Angie Grimm

DATE: September 13, 2011

RE: Evaluation of Applications No. 76676, 76677, and 77678

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Transfer No. 76676 proposes to modify rights 65-12985 and 65-13457 to add all well sites (existing and proposed) as P/Ds and create a PPU for the entire Terrace Lakes Subdivision service area and combined ground water distribution system. The permit amendment applications no. 76677 and 76678 propose to amend permits 65-23085 and 65-23086 to describe the same P/Ds and PPU as Transfer No. 76676 proposes.

The site is approximately 0.5 miles west of South Middle Fork Rd generally between McBride Creek Rd and Easley Creek Rd approximately 2.5 miles northwest of Crouch.

Contact person for the applicant is Lori Graves at SPF Water Engineering LLC.

### Summary of Information Submitted

**Authority to File:** The applicant is the current owner of record for permits 65-23085 and 65-23086. The applicant proposes to change ownership of rights 65-12985 and 65-13457 via the transfer application. The applicant submitted a recorded Special Warranty Deed for Water Rights conveying ownership of rights 65-12985 and 65-13457 from the current owner of record to the transfer applicant. The applicant has authority to change the rights. The applicant is a registered company in good standing with the ID Sec of State (Organizational ID/ Filing No. C166675).

**Water Right Validity:** Rights 65-12985 and 65-13457 presumed to be valid. Both rights were licensed 3/28/2006. SRBA is not applicable to these rights developed after 1987. Recent beneficial use confirmed via 2009 aerial photography. Amendment of permits 65-23085 and 65-23086 does not require review of validity.

**Injury to Other Water Rights:** Injury should not occur under the proposal provided use of the wells proposed as PDs does not interfere with nearby existing wells. It is not likely any type of well construction activities would interfere with nearby wells considering there are not very many wells in this area and the water producing zones are composed of granite and decomposed granite units. The water bearing zones in these types of geologic units are generally not well connected and or laterally extensive. There are no known ground water quantity or quality concerns in the area. As ground water rights, use of the proposed P/Ds is subject to reasonable pumping level provisions of I. C. § 42-226. The proposed wells are within 0.5 miles of the current wells/PDs for the rights proposed for transfer. Considering the applicant is not proposing to increase diversion beyond authorized limits, it is unlikely the proposed PD additions will significantly impact the ground water supply in this area.

**Enlargement of Use:** The diversion rate, annual diversion volume, and number of acres irrigated will not increase as a result of the transfer or amendments of permit. Irrigation under right 65-12985 will be limited to 25.8 acres within the PPU. Domestic use under rights 65-12985 and 65-13457 will be limited to 450 homes when combined. Domestic use under permits 65-23085 and 65-23086 will be limited to 83 and 350 homes respectively.

**Local Public Interest:** Authorizing the proposed PDs within the entire subdivision service area provides for more versatility in design and use of this public water supply system. It is in the public interest to provide for a more stable delivery system.

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

**The transfer application is consistent with criteria of I. C. § 42-222 and should be processed.**

### Discussion

Data entry of the transfer application will affect the water right records of rights 65-12985 and 65-13457. These are rights developed and licensed after 1987, thus there are no SRBA records to migrate.

Rights 65-12985 and 65-13457 (Transfer No 76676) and permits 65-23085 (Amendment No. 76677) and 65-23086 (Amendment No. 76678) are the only rights associated with the PDs described as proposed and existing PDs in the applications. Rights 65-7118, 65-7140, 65-10780, and 65-10782 are all surface water rights of Terrace Lakes Recreational Ranch Inc within the proposed PPU/service area. Diversion and use of these rights is not directly connected with the ground water diversion system (Rights 65-12985 & 65-13457 and Permits 65-23085 & 65-23086) due to water quality restrictions per information on file for adjudication review of right 65-13457 and the review memo of a previous transfer (Transfer No 73896). Rights 65-12289, 65-12290, 65-12292, 65-12301, 65-13562, and 65-13737 are individual property owner's surface water rights used for external and back-up internal uses associated with a few homes within the existing PPU (service area). These properties use the applicant's ground water system as the primary source for internal domestic use. These surface water rights are also not connected to the applicant's ground water system. There are no other overlapping rights.

### Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the transfer application can be approved as reflected by the draft approval. Condition 046 is applicable since new wells are proposed.



August 11, 2011

RECEIVED

AUG 11 2011

WATER RESOURCES  
WESTERN REGION

Angela Grimm  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

**Subject: *Transfer No. 76676 and Permit Amendments 65-12985 and 65-13457  
Terrace Lakes Water Company***

Dear Angie,

In response to your information request letter dated March 18, 2011, attached are the following:

1. Amended pages 2 and 3 of the transfer application indicating 1) 52 acres in Section 4 rather than 51 resulting in a ~~382~~ 383-acre permissible place of use (ppu) instead of ~~382~~ acres and 2) clarification of the existing and proposed wells, including removal of the well proposed in Lot 3, NESE, Section 33.
2. Amended transfer maps (Attachments 7a and 7b) to reflect the point of diversion clarifications described above.
3. Copy of a recorded special warranty deed to allow ownership changed for the water rights proposed for transfer.
4. Amended point of diversion attachments and corresponding maps for the permit amendment applications, including removal of the well proposed in Lot 3, NESE, Section 33.

Since the permit amendment applications do not include inserts for the proposed ppu, I plan to change the acreage listed in Section 4 from 51 acres to 52 acres and increase the ppu from ~~382~~ acres to ~~382~~ 383 acres on the original applications at the time this letter and attachments are hand delivered to you.

August 11, 2011

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Thank you for your attention to these matters. Please let me know if there are any further questions.

Sincerely,



Lori Graves  
Water Rights Specialist

Cc: Ilene Johnson

Enclosure

SPF file number: 418.0040

## Grimm, Angie

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**From:** Lori Graves [LGraves@spfwater.com]  
**Sent:** Tuesday, August 02, 2011 10:51 AM  
**To:** Grimm, Angie  
**Cc:** ilenej@mindspring.com  
**Subject:** Terrace Lakes

Angie,

Thanks for the wiggle room on Terrace Lakes. As we discussed on the phone, Terrace Lakes just received their USDA approval. Ilene sent the special warranty deed to Boise County 7/28/2011 to be recorded. We should have it back any day. The special warranty deed will allow water rights 65-12985 and 65-13457 proposed for transfer to be changed into the name of the transfer applicant. This was one of the issues addressed in your information request letter dated March 8, 2011. Once received, we will submit a response package to your letter. Thanks Angie.

**Lori Graves**

**Water Rights Specialist**

300 E. Mallard, Ste 350

Boise, ID 83706

208.383.4140 x219

fax 208.383.4156

e-mail [lgraves@spfwater.com](mailto:lgraves@spfwater.com)

[www.spfwater.com](http://www.spfwater.com)

## Grimm, Angie

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**From:** Grimm, Angie  
**Sent:** Wednesday, June 29, 2011 10:34 AM  
**To:** 'Lori Graves'  
**Subject:** RE: Terrace Lakes Applications

Lori,

Thanks for the update. I'll move the deadline out to August 1, 2011 per your request. Have a good one!

Angie

Angela M. Grimm, P.G.  
Water Resource Agent, Sr.  
IDWR - Western Region  
2735 Airport Way  
Boise, ID 83705-5082  
(208)334-2190 phone  
(208)334-2348 fax

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**From:** Lori Graves [<mailto:LGraves@spfwater.com>]  
**Sent:** Wednesday, June 29, 2011 10:07 AM  
**To:** Grimm, Angie  
**Cc:** [ilenej@mindspring.com](mailto:ilenej@mindspring.com); Terry Scanlan  
**Subject:** Terrace Lakes Applications

Angie,

Can we get another 30 days? The loan, which will pay for the system upgrade costs, closed with the bank in May. Now the applicants are just waiting for USDA guarantee, which should be any day now. Terrace Lakes Recreation Ranch, Inc. does not want to deed over any water rights to the water company until the USDA guarantee is received. Nothing like hurry up and wait. Thanks Angie. Please let me know if you need further information.

**Lori Graves**  
**Water Rights Specialist**  
300 E. Mallard, Ste 350  
Boise, ID 83706  
208.383.4140 x219  
fax 208.383.4156  
e-mail [lgraves@spfwater.com](mailto:lgraves@spfwater.com)  
[www.spfwater.com](http://www.spfwater.com)

## Grimm, Angie

---

**From:** Grimm, Angie  
**Sent:** Friday, May 20, 2011 7:32 AM  
**To:** 'Lori Graves'  
**Subject:** RE: Terrace Lakes Applications

Lori,

Per your request, the deadline to submit information requested via my letter of March 18, 2011, regarding Terrace Lakes Transfer 76676 and Permit Amendments 76677 and 76678, is extended to July 1, 2011. Please let me know if you have any questions or need additional time.

Thanks,  
Angie

Angela M. Grimm, P.G.  
Water Resource Agent, Sr.  
IDWR - Western Region  
2735 Airport Way  
Boise, ID 83705-5082  
(208)334-2190 phone  
(208)334-2348 fax

---

**From:** Lori Graves [<mailto:LGraves@spfwater.com>]  
**Sent:** Thursday, May 19, 2011 2:02 PM  
**To:** Grimm, Angie  
**Cc:** [ilenej@mindspring.com](mailto:ilenej@mindspring.com); Terry Scanlan  
**Subject:** Terrace Lakes Applications

Angie,

Our response due date is today for the information requested in your letter dated March 18, 2011 regarding Transfer 76676 and Permit Amendments 76677 and 76678. Before officially granting the water rights proposed for transfer to the applicants as requested, there were some financial loops that needed to be secured. Fortunately, those open loops should be complete within the next two weeks, which will allow us to confidently proceed. To be on the safe side, can we please have an additional 30 days to submit the information you requested?

Thanks for your attention to this matter Angie.

**Lori Graves**  
**Water Rights Specialist**  
300 E. Mallard, Ste 350  
Boise, ID 83706  
208.383.4140 x219  
fax 208.383.4156  
e-mail [lgraves@spfwater.com](mailto:lgraves@spfwater.com)  
[www.spfwater.com](http://www.spfwater.com)



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1445 North Orchard • Boise, Idaho 83706 • (208) 373-0550

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

RECEIVED

April 21, 2011

APR 25 2011

WATER RESOURCES  
WESTERN REGION

Ilene Johnson  
Terrace Lakes Water Company  
101 Holiday Dr.  
Garden Valley, ID 83622

PWS#: 40800047

RE: Terrace Lakes Water Company  
Transfer Public Water System Ownership  
Terrace Lakes Recreation Ranch, Inc. to Terrace Lakes Water Company

Dear Ms. Johnson:

This letter acknowledges receipt on April 6, 2011 of the attached documents related to the proposed transfer.

Transfers of public water system ownership must conform to the requirements of IDAPA 58.01.08.011 (Idaho Rules for Public Drinking Water Systems). Section 011 is copied below for your convenience.

**011. CONTINUITY OF SERVICE.**

**01. Transfer of Ownership.** No owner shall transfer system ownership without providing written notice to the Department and all customers. Notification shall include a schedule for transferring responsibilities and identification of the new owner. (5-3-03)

**02. Maintenance of Standards.** The system transferring ownership shall ensure that all health related standards are met during transfer and shall ensure that water rights, operation and maintenance manuals, and all other pertinent documentation is transferred to the new owner. (5-3-03)

We have the following comments regarding this transfer. It appears that both Terrace Lakes Recreation Ranch, Inc. and Terrace Lakes Water Company are in Good Standing with the Secretary of State, Corporate Division. It isn't completely clear that all drinking water facilities and documents related to the water system are consistently covered in both of the transfer documents. Please provide documentation to confirm. It is our understanding that change in Water Right Ownership is proceeding according to Idaho Department of Water Resources policies and procedures. It is your responsibility to ensure that the Water Rights are transferred to the new company in conformance to all IDWR requirements. Provide DEQ with the appropriate documentation from Idaho Department of Water Resources when that Change in Water Right Ownership is complete.

No later than May 1, 2011 provide documentation to both DEQ and system customers regarding the schedule for transferring responsibilities and identification of the new owner, including the above referenced documentation from IDWR.

It is your responsibility to ensure that all health related standards are met during transfer and that water rights, operation and maintenance manuals, and all other pertinent documentation is transferred to the new owner.

This transfer does not release either Terrace Lakes Recreation Ranch, Inc. or Terrace Lakes Water Company from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances. DEQ recommends that you maintain a copy of this letter for your records.

If you have any questions, please contact Monty Marchus, DEQ Technical Engineer, at 373-0560 or [monty.marchus@deq.idaho.gov](mailto:monty.marchus@deq.idaho.gov) or me at 373-0568 or [brandon.lowder@deq.idaho.gov](mailto:brandon.lowder@deq.idaho.gov).

Sincerely,



Brandon Lowder  
Drinking Water Analyst

Attachments

- Terrace Lakes Recreational Ranch Inc. Resolution dated June 11, 2010
- Terrace Lakes Water Company Water Facilities Easement agreement dated March 9, 2010

C: Steve Lester, Idaho Department of Water Resources

PDF:

TRIM  
Lori Graves, SPF Water Engineering, LLC

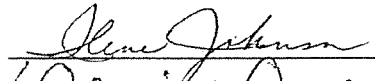
## **Terrace Lakes Recreation Ranch, Inc.**

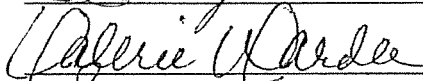
**June 11, 2010**

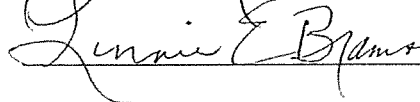
A resolution was made this 11<sup>th</sup> day of June, 2010 to authorize the Secretary/Treasurer of Terrace Lakes Recreation Ranch, Inc to transfer and assign the wells and the water rights for all the wells on the property owned by the above Corporation to the Terrace Lakes Water Company in order to comply with IDEQ requirements to supply water to the Property Owners at Terrace Lakes Resort and the future North Ridge at Terrace Lakes Subdivision.

Signed this 11<sup>th</sup> day of June, 2010

Board of Directors

 President

 Vice-President

 Secretary/Treasurer

Instrument # 227655  
IDAHO CITY, BOISE COUNTY, IDAHO  
05-11-2010 15:48:48 No. of Pages: 16  
Recorded for: TITLEONE BOISE  
CONSTANCE SWEARINGEN  
Ex-Officio Recorder Deputy sgeorge  
Index To: AGREEMENT  
Electronically Recorded by Simplifile

Fee:48.00

16

**Terrace Lakes Water Company**  
**WATER FACILITIES - EASEMENT AGREEMENT**

THIS INDENTURE made this 7th day of March, 2010 with Terrace Lakes Recreation Ranch, Inc., hereinafter designated as the "Grantor," and Terrace Lakes Water Company, a nonprofit corporation registered in the State of Idaho, located in Boise County, Idaho, mailing address at 950 North Cole Road, Boise, Idaho hereinafter collectively designated as the "Grantee,"

**WITNESSETH THAT:**

The Grantor, in consideration of the sum of \$1.00 (One Dollar) and other valuable considerations, lawful money of the United States of America, to it in hand paid by the Grantee, hereby grants, bargains, sells and conveys, unto the said Grantee and to its successors and assigns forever, the right to lay, construct, maintain, use, inspect, repair, relocate, replace and operate a certain water main or mains, water pumping facilities and appurtenances thereto in, upon, across and under the property of the Grantor situated in the County of Boise, State of Idaho and more particularly described as follows:

227655

*See Attached:*

**LEASE PARCELS and WATER LINE EASEMENTS – Exhibits A-L**

|           |                                                       |
|-----------|-------------------------------------------------------|
| Exhibit A | North Reservoir Legal Description                     |
| Exhibit B | North Reservoir Lease Parcel and Easement             |
| Exhibit C | Well No. 4 Legal Description                          |
| Exhibit D | Well No. 4 Lease Parcel and Easement                  |
| Exhibit E | Well No. 5 Legal Description                          |
| Exhibit F | Well No. 5 Lease Parcel and Easement                  |
| Exhibit G | Well No. 2 Legal Description                          |
| Exhibit H | Well No. 2 Lease Parcel and Easement                  |
| Exhibit I | South Reservoir, Well No.1 Legal Description          |
| Exhibit J | South Reservoir, Well No. 1 Lease Parcel and Easement |
| Exhibit K | Well No. 3 Legal Description                          |
| Exhibit L | Well No. 3 Lease Parcel and Easement                  |

The above described easements, right of ways and legal descriptions are shown on the Exhibits which are annexed hereto, as Exhibit A-L, and made a part hereof.

The Grantor may construct an access road or roads on the easement area where necessary for the purposes of egress and ingress on Grantor's property. Grantor will cooperate with Grantee with regard to the placement of said road or roads and will exercise all reasonable efforts to avoid constructing said road or roads above Grantee's main and/or appurtenant underground facilities whenever reasonably possible. Any such access road or roads shall be installed and maintained by the Grantor at its sole cost and expense except as otherwise set forth herein. Grantee in turn will notify Grantor when construction and/or repairs will be made on Grantors roads.

The Grantee shall have the right and privilege at any and all times to enter in and upon the property or any part thereof for the purpose of laying, constructing, maintaining, using, repairing, relocating, replacing and operating said main or mains and appurtenances when necessary, upon the condition that it will repair any damage caused by it to a like condition existing prior to any construction.

The Grantor, for itself, its successors and assigns, does covenant with the Grantee, its successors and assigns, that at the execution and delivery hereof, it is the true and lawful owner

in fee simple of the above described premises and that the same are free and clear of all charges, liens and encumbrances whatsoever, and that it will warrant and forever defend the easement and right of way herein granted against all persons lawfully claiming or to claim the same.

TO HAVE AND TO HOLD, the said easement and right of way unto the said Grantee, its successors and assigns, in perpetuity.

**GRANTOR**

TERRACE LAKES RECREATION RANCH, INC.,  
an Idaho Corporation

By: Lonnie E. Bramon  
Lonnie E. Bramon, President

Date: 3/9/10

**GRANTEE**

TERRACE LAKES WATER COMPANY,  
an Idaho Nonprofit Corporation

By: Ilene Johnson  
Ilene Johnson, President

Date: 3/9/10

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 9 day of March, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Lonnie Bramon, known or identified to me to be the President of Terrace Lakes Recreation Ranch, Inc., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

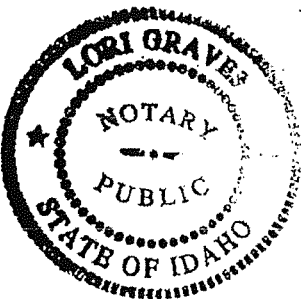


Lori Graves  
Notary Public for Idaho  
Residing at Boise  
My commission expires: 5/6/2015

STATE OF IDAHO )  
 ) ss.  
County of Ada )

On this 9 day of March, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Ilene Johnson, known or identified to me to be the President of Terrace Lakes Water Company., the nonprofit corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Lori Graves  
Notary Public for Idaho  
Residing at Boise  
My commission expires: 5/6/2015



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

March 18, 2011

Terrace Lakes Water Co.  
c/o SPF Water Engineering, LLC  
Attn: Lori Graves  
300 E Mallard Dr. Ste 350  
Boise, ID 83706

**Re: Application for Transfer No. 76676, Application for Amendment of Permit No. 76677,  
and Application for Amendment of Permit No. 76678**

Dear Lori:

This office received your client's application for transfer to change a water right and applications for amendment to change two water right permits referenced above. Upon review of the applications, there are areas that require clarification and/or completion. Please submit amended applications and additional information to allow for further processing.

Please submit amended applications to address the following:

- The point of diversion (POD) table. The table indicates Well 6 is located in SE SW Section 28 T10N R4E, however previous information on file for the rights involved indicates Well 6 is located in Lot 3(N E SE) Section 33 T10N R4E. The POD table also describes the well in Lot 3(N E SE) Section 33 T10N R04E as a new well, but the map shows the well site in the location as a current POD. The POD table proposes a new POD in Lot 3(N E SE) Section 28 T10N R04E, but the map does not show the proposed well site. Please amend the POD table(s) and map(s) to clarify the current and proposed PODs for all three applications referenced above.
- The place of use (POU) table. The total acres listed in the table for Section 4 T09N R4E add up to 52 acres, not 51 acres as the table indicates. Please amend the table on each application along with the total acres within the proposed place of use accordingly.

Please submit additional information to address the following:

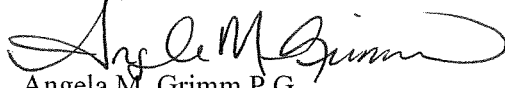
- Water right ownership for rights proposed for transfer. Does the applicant desire to record a change in ownership of rights 65-12985 and 65-13457 with the transfer filing? If so, please submit proper ownership documentation such as a warranty deed or grant deed to accomplish the change. Otherwise, the water rights will remain in the currently recorded owner name (Terrace Lakes Recreational Ranch Inc.).

Terrace Lakes Water Co.  
March 18, 2011  
Page 2 of 2

Please submit amended applications along with the additional information requested to allow for further processing of the applications. Your response, or a request for more time to make your response, must be received within sixty (60) days from the date of this mailing. The applications will be rejected and/or voided without a timely written reply.

IDWR forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela M. Grimm". The signature is fluid and cursive, with a large, sweeping "G" at the end.

Angela M. Grimm P.G.  
Water Resource Agent, Sr.

Cc. Terrace Lakes Water Co. c/o Ilene Johnson



**SPF WATER**  
ENGINEERING

RECEIVED

July 7, 2010

JUL 08 2010

WATER RESOURCES  
WESTERN REGION

Steve Lester  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

***Subject: Application for Transfer  
Assignments of Permits (2)  
Applications for Amendment of Permits (2)***

Dear Steve,

Enclosed on behalf of Terrace Lakes Water Company are the following:

1. Application for Transfer of water rights 65-12985 and 65-13457.
2. Assignments of Permits 65-23085 and 65-23086.
3. Applications for Amendment of Permits 65-23085 and 65-23086.

Check No. 1813 is enclosed for the total filing fees; \$250 for the transfer application, \$25 for each permit assignment and \$50 for each permit amendment.

Please let me know if there are any questions. Thanks Steve.

Sincerely,

Lori Graves  
Water Rights Specialist

Cc: Ilene Johnson

Enclosures