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FORM 202
12/99

JAN 12 2001

Ident. No.

63-31135

RECEIVED

WATER RESOURCES
WESTERN REGION

MAR 20 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Larry R. Shideler Phone (208) 377-9555
Mailing address 4810 Lakeshore Plaza, Boise, ID 83703
2. Source of water supply Groundwater which is a tributary of N/A
3. Location of point of diversion is Township 4N Range 1W Sec. 17 in the SE $\frac{1}{4}$,
SE $\frac{1}{4}$, Govt. Lot 8, B.M., Ada County;
additional points of diversion if any: NE 1/4, NE 1/4, Section 20
4. Water will be used for the following purposes:
Amount 54 for Aesthetic storage purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) _____ and/or (b) 54
cubic feet per second acre feet per annum
6. Proposed diverting works: (See Narrative)
 - a. Describe type and size of devices used to divert water from the source _____
(See Attached Narrative)
 - b. Height of storage dam At Grade feet; active reservoir capacity 54 acre-feet; total
reservoir capacity 54 acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? N/A; Drilling firm N/A;
Well was drilled for (well owner) N/A; Drilling Permit No. N/A
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Pond System B (See Attached Narrative)

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	17																	
4N	1W	20	J															J	
																		1.8	

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Remarks: See Attachments. (USGS quad map, irrigation company certificates, proposed pond layout, color aerial photo and narrative.) Applicant intends to develop property through real estate development entity yet to be created, and will assign water right permit to such entity at that time, and will provide the department with appropriate documentation of entity organization then.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.



Signature of Applicant (and title, if applicable)

Received by LM Date 1-12-01 Time 4:55pm Preliminary check by JL
 Fee \$ 250 Received by LM # 62027224 Date 1-12-01
 Publication prepared by LM Date 2-1-01 Published in THE IDAHO STATESMAN
 Publication approved LM Date 2-26-01

→ JL for KJ: 62027212 12/15/00 per with damun unprocessed appl.
 \$40 balance of this receipt applied to separate Application by same Applicant.

State of Idaho
Department of Water Resources
Application for Permit
Narrative

This Narrative has been prepared to support three separate, and concurrently filed, Applications for permits and licenses for non-consumptive, aesthetic, storage water rights. Authorization is requested for the appropriation of a total of 80 acre-feet of shallow alluvial ground water that will be exposed by the excavation of three separate pond systems on property owned by the Applicant, located approximately one half mile north of Chinden Boulevard and approximately $\frac{3}{4}$ mile east of Star Road on Joplin Road in Ada County (the "Property"). The Property, known as the Stonebriar Subdivision, is being developed as a residential subdivision of lots 10 acres and larger (the "Project"). The ponds will be incident to excavation on the Property to provide necessary fill material for site grading. The ponds will serve as stormwater detention structures for managing stormwater generated on the property and will be integrated into the distribution system for irrigation water currently delivered to the Property by the Eureka Water Company. The ponds will be constructed, landscaped and maintained to maximize aesthetic benefits to the Project.

Pond System A will consist of three ponds (Ponds #1, #2, & #3 on attached plan) constructed south of the Phyllis Slough to a depth of approximately 18 feet. The ponds will be interconnected by grassy swales or culverts and will ultimately discharge to the Phyllis Slough. The Applicant seeks the right to store up to 14 acre-feet of ground water that will fill the ponds.

Pond System B will consist of six ponds (Ponds #4 through #9 on attached plan) constructed north of the Phyllis Slough and south of the side channel of the Boise River to a depth of approximately 20 feet. The ponds will be interconnected by grassy swales or culverts and will ultimately discharge to the side channel of the Boise River. The Applicant seeks the right to store up to 52 acre-feet of groundwater that will fill the ponds. *

Pond System C will consist of one pond (Pond #10 on attached plan) constructed north of the side channel and south of the Boise River. This is the only pond proposed in a location that is not currently irrigated with water supplied by the Eureka Water Company. Any discharges from this system will be to the side channel of the Boise River. The Applicant seeks the right to store up to 12 acre-feet of groundwater that will fill the pond.

The proposed pond depths will aid in maintaining low water temperatures and minimizing algae growth during the warmer months. The ponds will be excavated below grade and therefore not require berms to retain the water. The pond side slopes will be cut at a 3:1 side slope below the mean high water line. The upper edges of the pond may be more gradual sloping, for safety reasons, and will be landscaped with a variety of native and formal lawn materials.

* 54 A.F. per Application -ok

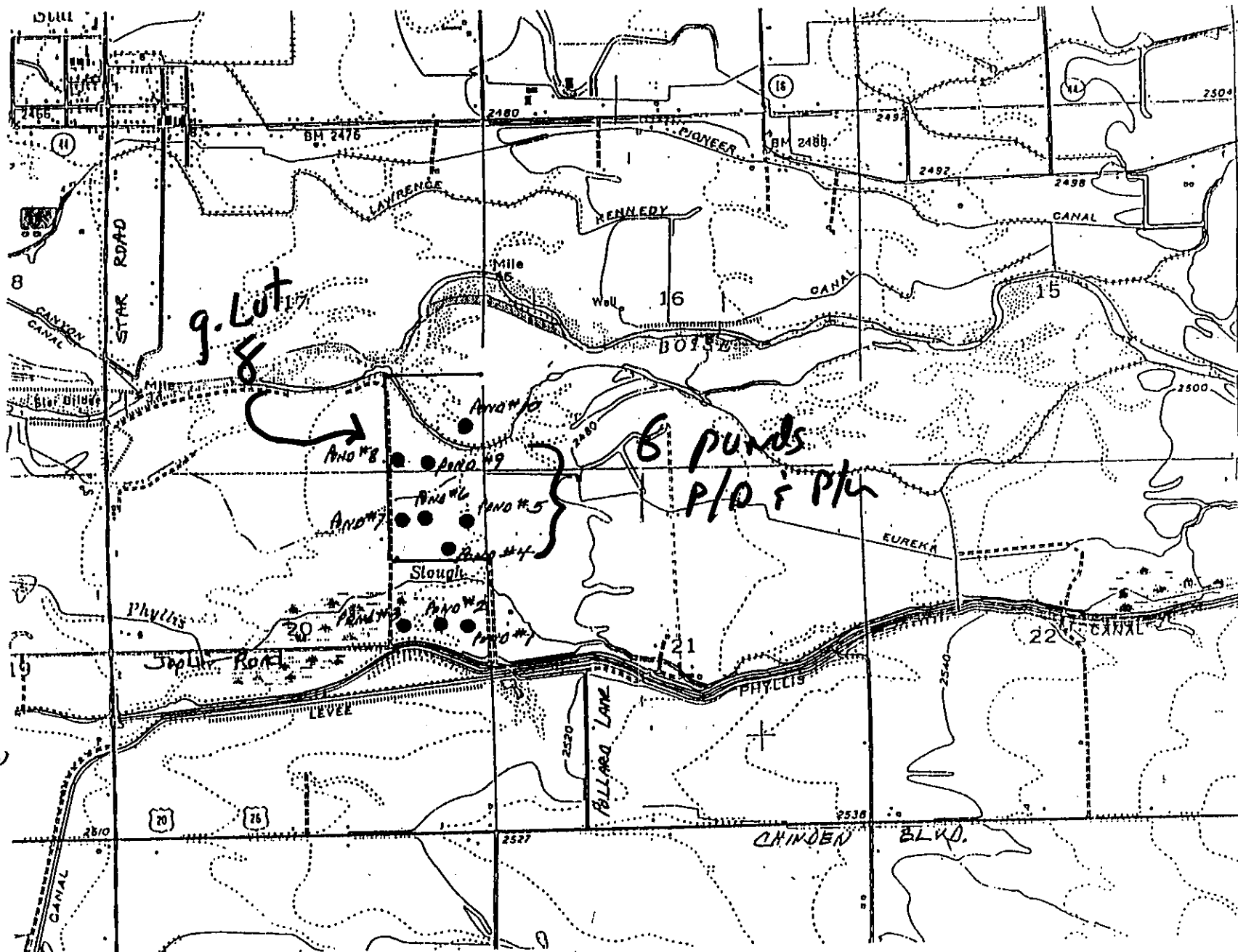
63.31135

No diversion of the water sought to be appropriated by this Application is proposed. However, the excavation of the ponds will eliminate 7.1 acres of historically irrigated agricultural land and expose approximately 8.1 surface acres of groundwater that enters the ponds to evaporative losses. Approximately 3.4 additional acres of historically irrigated agricultural land will be eliminated through the development of the proposed road system and the improvements to the individual lots. At the generally accepted evaporation rate of 3.5 feet/acre/year ("AFA"), the evaporation of ground water will result in a loss from the ten ponds totaling 28.4 AFA. This evaporative loss is mitigated by the elimination of the consumptive use (36.8 AFA) associated with historical agricultural irrigation of approximately 10.5 acres. Agricultural irrigation in the Boise Valley also has a generally accepted consumptive use of 3.5 AFA per irrigated acre, which equals the estimated evaporation rate from the exposed ground water. The applicant will take the required steps to insure the continued "dry up" of 10.5 acres within the place of use of the Applicant's water right, and that the water rights associated with the 10.5 acres can be passed through to the Boise River.

Surface water currently delivered to the Property for irrigation by the Eureka Water Company (see copy of water company shares* representing the right to 90 inches of irrigation water) will be directed to a pond, within Pond System B, where a single pump station will pressurize and distribute it to the Project. Irrigation water will not be diverted at a greater rate or volume than delivered into the pond (less any amounts allocated to mitigation of evaporation), which will ensure that the only losses from the ground water source will be the mitigated evaporative losses. The Applicant proposes to install sufficient measuring devices to allow ongoing monitoring of amounts diverted from the pond and into the pressurized irrigation system.

* The Applicant currently holds these shares. A request for a name change has been submitted to the Eureka Water Company.

63.31135



Scale: 1" = 2000'

No govt lots
20 NE 1/4
- 82 1/22/00

ATTACHMENT TO APPLICATION FOR PERMIT
STONEBRIAR SUBDIVISION
PORTIONS OF SECTIONS 17 & 20, T.4N., R.1W., B.M., ADA COUNTY, IDAHO
DECEMBER, 2000
(Copied from STAR 7.5 minute quadrangle, Revised 1971)

63-31135

N.0°08'E.

40.00

1991 Survey
(No govt lots NE 1/4 S. 20)

Latitude 43°41'05.60"N.
Longitude 116°29'32.39"W.
NAD 1927
N.89°49'W.

CS
Sec. 17

N.0°01'E.

38.45

W 1/4

39.94

40.08

22.11

4

3

1867

1867

20.035

2

80.15

14.055

5.98

TRAVERSE RIVER

TRAVERSE

8.77

W.C.

40.85
M.C.

N.0°13'E.

4.94

12.48

M.C.

12.05

ADJUSTED

PRESENT

INFORMATIVE

INFORMATIVE

CHANNEL

TRAVERSE

1991 MEANDER LINE
W.C., S.M.C. S.0°10'W., 3.69

9

13.54

N.89°42'W.

W.C., S.M.C. S.0°05'W., 0.77

40.12

20.06

20.06

M.C.

N.0°10'E.

19.75

28.06

20.085

N.0°05'E.

19.79

20.085

SESE
8

N.0°01'E.

19.825

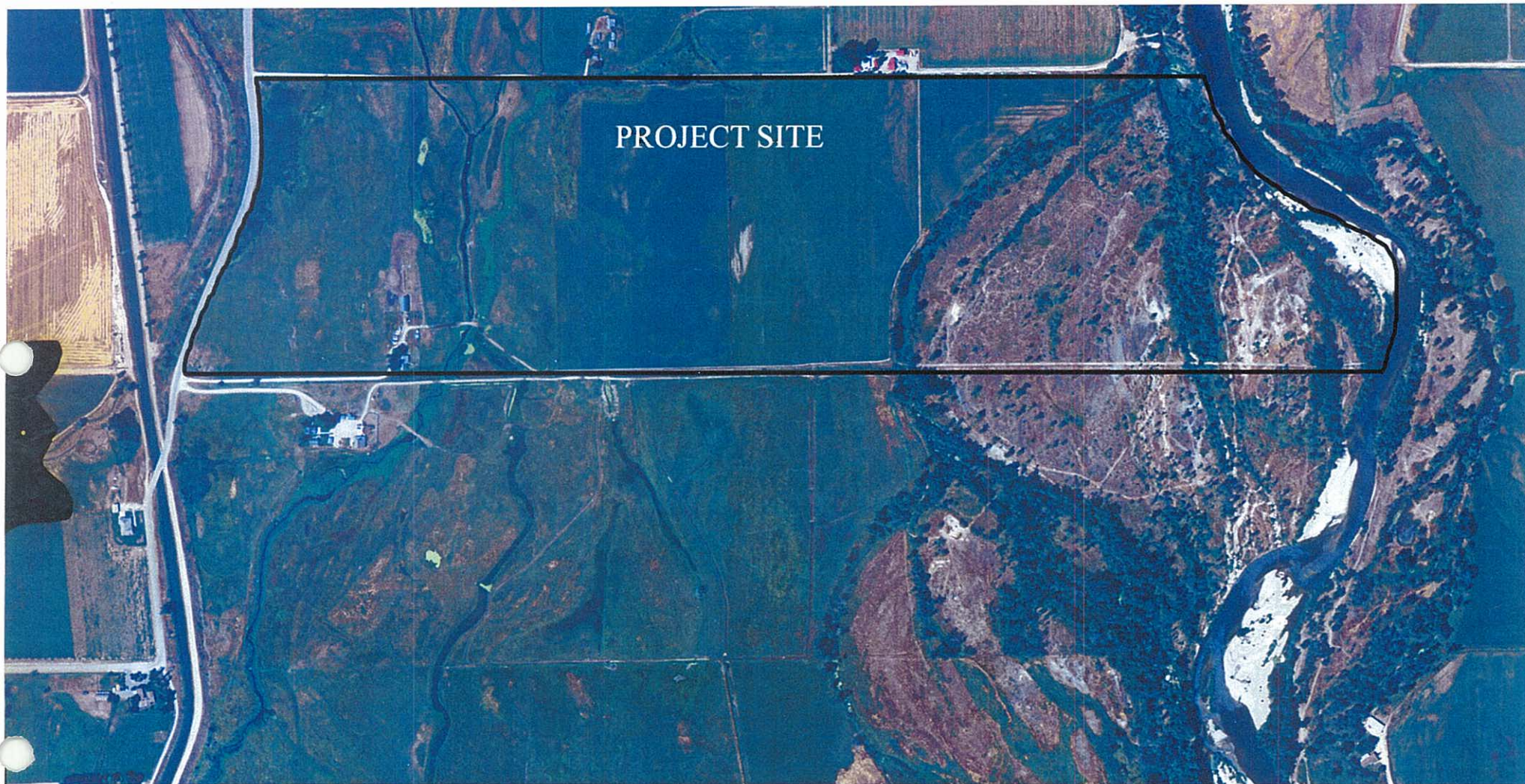
S.89°34'W.

40.11

S 1/4

N.89°35'W. 63.31135 40.17
63.21126

Lat:
Long:
NAD:



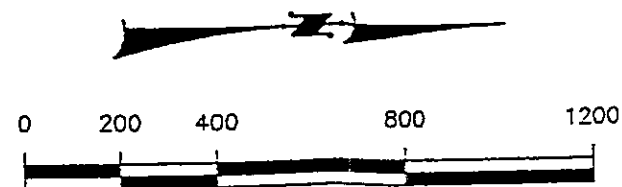
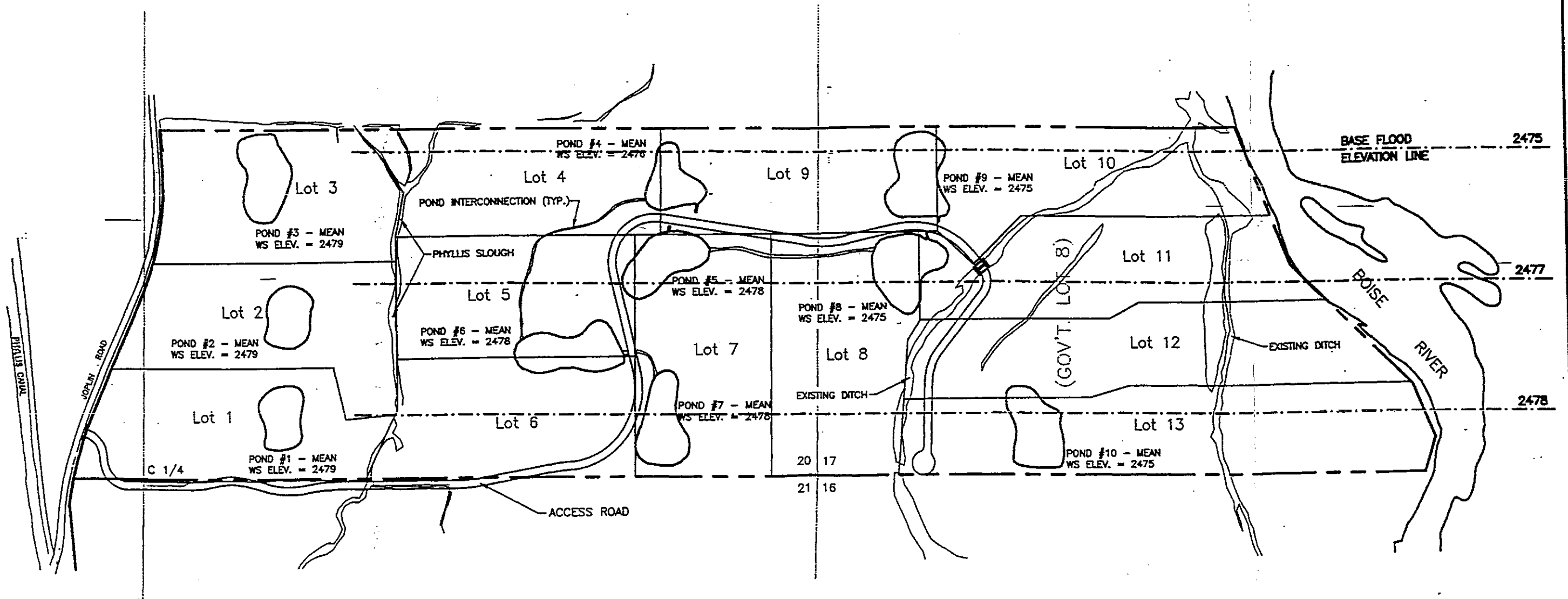
ATTACHMENT TO APPLICATION FOR PERMIT
STONEBRIAR SUBDIVISION
PORTIONS OF SECTIONS 17 & 20, T.4N., R1W., B.M, ADA COUNTY, IDAHO
DECEMBER, 2000
(1999 aerial photo)



63-31135

STONEBRIAR SUBDIVISION PROPOSED POND LAYOUT

PORTIONS OF SECTIONS 17 AND 20, T.4N., R1W., B.M., ADA COUNTY, IDAHO
DECEMBER 11, 2000



63.31135

TOOTHMAN-ORTON ENGINEERING CO.
ENGINEERS • SURVEYORS • PLANNERS
9777 CHINDEN BOULEVARD • BOISE, IDAHO 83714-2008
PHONE: 208-323-2288 • FAX: 208-323-2399
E-FILE: H:\98073\ME-PONDS.DWG DATE: 12/11/00 JOB: 98073-20-400

Incorporated Under the Laws of Idaho

NUMBER

95

SHARES

90

Eureka Water Company

Capital Stock \$10,000.00

This Certifies that L J K Properties is the owner of
ninety (90) Shares of the Capital Stock of
Eureka Water Company

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

In Witness Whereof, the said Corporation has caused this Certificate to be signed
by its duly authorized officers and its Corporate Seal to be hereunto affixed
this 6 day of April A.D. 1992

Fred J. Kurppawit
Secretary

Stanley J. Reson
President



**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 1, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

STONEBRIAR HOMEOWNER'S ASSOCIATION INC
6223 N DISCOVERY WAY STE 120
BOISE ID 83713

RE: Transfer Application 71069, Eureka Water Co., Permit Applications Nos. 63-31134, 63-31135, 63-31136

Dear Sir or Madame,

As you may be aware, Michael C. Creamer through a May 18, 2009 letter forwarded you the Department's May 6, 2009 letter in regards to the above mentioned applications. The Department's letter explained that further information is needed regarding the mitigation plan for the ponds within the Stonebriar Subdivision. I have enclosed a copy of both letters for your convenience.

The Department will hold further processing of the transfer and permit applications for thirty (30) days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the applications. If you have any questions please don't hesitate to contact me at (208) 287-4949.

Sincerely,

Nicholas Van Dyke
Resource Agent
Water Allocation Bureau

Enclosures

cc: Ringer Clark Chartered - Daniel V. Steenson

GIVENS PURSLEY LLP

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

MICHAEL C. CREAMER
DIRECT DIAL: 208 388-1247
EMAIL: MCC@givenspursley.com

Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Elizabeth M. Donick
Kristin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Justin C. Fredin
Martin C. Hendrickson

Steven J. Hippler
Debra K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
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Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery

Deborah E. Nelson
Kelsey J. Nunez
W. Hugh O'Riordan, LL.M.
Angela M. Reed
Justin A. Steiner
Scott A. Tschirgl, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

RETIRED
Kenneth L. Pursley
James A. McClure
Raymond D. Givens (1917-2008)

May 18, 2009

Stonebriar Homeowner's Association, Inc.
6223 N. Discovery Way, Ste. 120
Boise, ID 83713

Re: *Transfer Application 71069, Eureka Water Co., Permit Nos. 63-31134,
63-31135 & 63-31136*

Dear Sir or Madame:

I am transmitting correspondence that I recently received from the Idaho Department of Water Resources concerning water rights used within the Stonebriar subdivision for irrigation, aesthetic and other uses.

This firm previously represented Stonebriar Development, Inc., in connection with its seeking approval from the Department of certain water right appropriations and the change in nature of use of water rights delivered to the Stonebriar subdivision by the Eureka Water Company. It appears that the processing of these applications now is proceeding. In the interim, however, Stonebriar Development, Inc., has dissolved and no longer is our client. We have not represented, and do not currently represent, Stonebriar Homeowner's Association, Inc. We are forwarding the enclosed correspondence to the Association as the likely successor-in-interest to Stonebriar Development, Inc., with respect to these applications.

Please be aware that the enclosed correspondence may be time sensitive and may require a response to avoid the cancellation of applications or possible imposition of undesirable conditions by the Department.

If the Association would like to retain our firm to assist it with respect to this matter, please feel free to contact me.

Sincerely,



Michael C. Creamer

Enclosure
MCC:ch
5528-7/568759_1.DOC



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 6, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

GIVENS PURSLEY LLP
MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701

**RE: Transfer Application 71069, Eureka Water Co., Permit Nos. 63-31134,
63-31135, 63-31136**

Dear Mr. Creamer,

I have been asked to continue processing the above mentioned transfer and permit applications for possible approval. Review is essentially complete and I have begun to prepare approvals for the applications. I have one question however pertaining to the mitigation plan.

The narrative in the application for permit(s) indicates that mitigation water will be directed to a pond within Pond System B. It appears Pond System B consists of seven ponds constructed north of the Phyllis Slough and south of the side channel of the Boise River. Exactly which of the seven ponds will or does receive the mitigation water? I have enclosed a map for your convenience. Please denote on the map which pond receives the water.

I realize that these applications have been around for quite some time. If you need additional information on these applications or you are not the correct person to contact regarding these applications please let me know.

Respectfully,

Nicholas Van Dyke
Resource Agent
Water Allocation Bureau

Enclosure

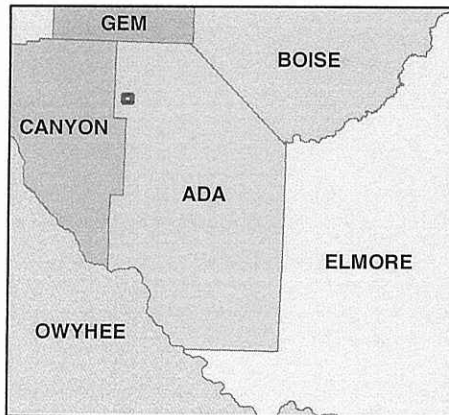
cc: Ringer Clark Chartered - Daniel V. Steenson



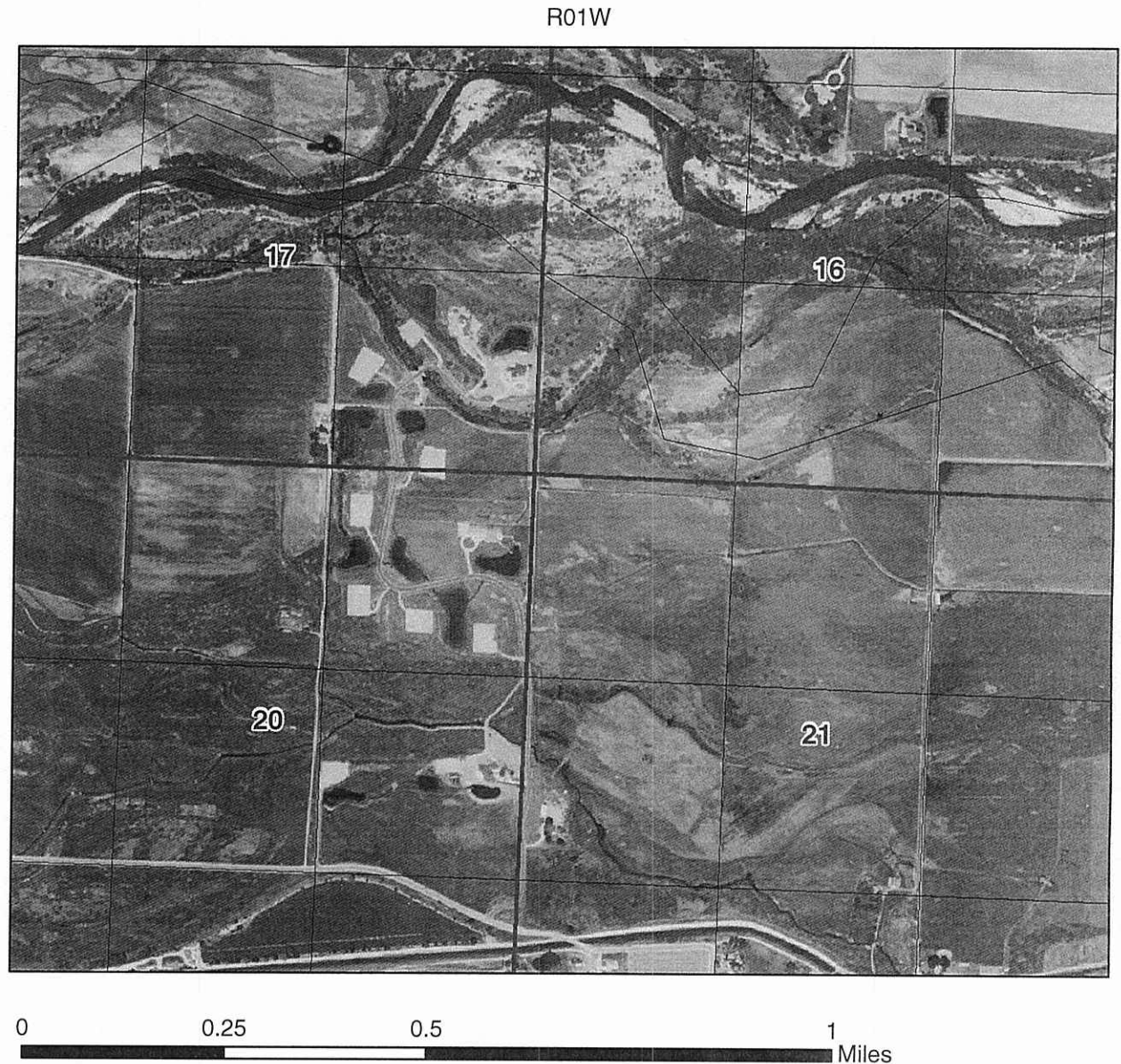
Eureka Water Company

Legend

-  Pond System B
-  PLS Sections
-  Quarter Quarters



T04N



Prepared by Nick Van Dyke
On May 06, 2009
2004 Aerial Photography

MEMORANDUM

To: Files 63-145, 63-31134, 63-31135, 63-31136

From: Cynthia Bridge Clark

Date: January 6, 2004

Re: Revised Quantification of Recharge or Mitigation Requirements Due to Creation of Ponds.

Direction from Director Karl Dreyer was offered with regard to quantification of evaporative losses due to the creation of ponds on lands that have been irrigated historically. The Eureka Water Company Transfer application on water right 63-145 was discussed as an example of a canal company changing a portion of their water right to a use other than irrigation (amended application for transfer was received by the Department on December 30, 2003). The transfer proposes changing water previously used for irrigation to groundwater recharge to compensate for evaporative losses incurred through the creation of several ponds.

Calculations of the anticipated loss were compiled in evaluating the initial transfer application based on historic crop mix data, the historic irrigation requirement, and the annual free water surface (evaporation). Results indicated that 10.4 acres would be required to mitigate for the evaporative losses. Since that time, procedures for determining loss requirements have been clarified by Karl Dreyer:

1. In general, one acre of historically irrigated land will mitigate for one acre of land converted to ponds (1 to 1 swap) as long as the previously irrigated land was reasonably productive cropland. If there are indications that land was marginal pasture, the one to one swap would not be appropriate and the applicant would be required to provide data to support the consumptive use (CU) for the cropland in comparison to the CU for the pond.
2. If calculations are submitted instead of using a one to one swap, calculations for CU of irrigated cropland should be based on the evapotranspiration minus effective precipitation. Consumptive use for the ponds should be calculated on a monthly basis for the entire year, and monthly precipitation can only be subtracted to the extent of the evaporation of the corresponding month. If precipitation exceeds evaporation, there will be zero loss rather than a negative loss.

Crop mix data provided for this transfer indicates this was productive cropland. The Eureka Water Company may want to change their transfer application in accordance with the above described criteria.

SCANNED

JAN 08 2004

MEMORANDUM

To: Files 63-145, 63-31134, 63-31135, 63-31136

From: Cynthia Bridge Clark

Date: December 30, 2003

Re: Determination of Recharge or Mitigation Requirements Due to Creation of Ponds

On March 20, 2001, the department received three applications for permit, numbers 63-31134, 63-31135, and 63-31136, filed for use of water for aesthetic storage in a series of ponds fed by groundwater. The applicant, Larry R. Shideler, proposes to mitigate evaporative losses from the ponds by drying up 10.5 acres of historically irrigated land and supplementing it with surface water delivered to the property by the Eureka Water Company. The total surface area of the proposed ponds is 8.1 acres.

Mr. Shideler was notified in a letter, dated April 17, 2001, that the permits could not be approved unless he retained ownership of the canal company shares. Additionally, he would be not be able to use the portion distributed through the pond system for irrigation, and in order to prevent forfeiture of the canal company's water right, the nature of use of the right would need to be changed through a transfer from irrigation the new use.

The Eureka Canal Company, through negotiations with the applicant's attorney, Mike Creamer, filed an application for transfer of a portion of water right number 63-145. The original transfer application, received by the department on August 29, 2002, proposed changing 0.15 cfs and 7.5 acres from irrigation use to groundwater recharge (the application specifies that 7.5 canal company shares are equivalent to 7.5 irrigated acres.) To verify the amount of water required for mitigation of the three permit applications, documentation of historical use was requested and provided by Mike Creamer.

Calculations of the anticipated loss due to evapotranspiration, determination of the historical beneficial use on the land, and the number of historically irrigated acres required to be retired for mitigation are shown on the attached spreadsheet (Eureka Canal Company Transfer Application Review). These calculations were reviewed by Mr. Creamer, who indicated that an amended transfer application would be filed in accordance with these findings. He also noted that additional acres would be dried up due to conversion to roads and building pads, however, the applicant would prefer to only offer the required number of acres as mitigation for the evaporative losses from the ponds.

SCANNED

JAN 08 2004

The results of the calculations and mitigation requirements are summarized below:

Total surface area of the proposed ponds	= 8.1 acres
Estimated evaporative losses from ponds	= 29.7 acre-feet per year per acre (afy/ac)
Historical IR	= 2.85 acre-feet (af)
Dried up acres for required for mitigation	= $29.7 \text{ afy} / 2.85 \text{ afy/ac} = 10.4 \text{ ac}$
Acres historically irrigated designated by applicant to be retired	= 10.5 ac

An amended transfer application was received by the department on December 30, 2003. The new application proposes to change 0.21 cfs and 10.5 acres from irrigation use to groundwater recharge. The Eureka Canal Company claimed 33.32 cfs and 1826 acres under right 63-145 in the SRBA. In accordance with the claim, transfer of a rate of 0.19 cfs is required to account for a change of use of 10.5 acres.

Other issues related to this transfer application have not been reviewed by the department.

SCANNED

JAN 08 2004

**EUREKA CANAL COMPANY TRANSFER APPLICATION (WATER RIGHT 63-145) &
LARRY R. SHIDELER APPLICATIONS FOR PERMIT (63-31134, 63-31135, 63-31136)**

March-03

Applications for permit for aesthetic storage in proposed ponds. Mitigation for evaporative losses required. Transfer proposes to change the nature of use of Eureka Canal Company shares from Irrigation to Ground Water Recharge (transferred water will mitigate losses due to evapotranspiration from newly constructed ponds).

ESTIMATED EVAPORATIVE LOSSES: (as a result of proposed ponds)

Monthly Shallow Pond Evapotranspiration ¹				
Annual Free Water Surface Evap. (in/yr)	Evap. (afy)	Total Pond Surface Area (ac)	Evap. (ac-in/yr)	Evap. (afy)
44	3.67	8.1	356.4	29.7
Required Mitigation:			356.4	29.7

DETERMINATION OF HISTORICAL BENEFICIAL USE (prior to construction of ponds):

Crop History: FSA Reports ²				Allen & Brockway Data ³					
Year	FSA Field	FSA Crop	Acres per Crop	Crop	Mean IR (mm/yr)	Mean IR (in/yr)	Mean IR (ft/yr)	Historical IR (ac-in/yr)	Historical IR (afy)
1982	A	Alfalfa Seed	A + B1 = 17.7	Alfalfa Seed					
	B1	Alfalfa Seed	17.7	Alfalfa Seed	712	28.03	2.34	496.16	41.42
	B2	Alfalfa Hay	9.3	Alfalfa Hay	946	37.24	3.10	346.37	28.83
	C	Corn/Ensilage	9.4	Silage Corn	690	27.17	2.26	255.35	21.24
	D	Corn/Ensilage	2.5	Silage Corn	690	27.17	2.26	67.91	5.65
	E	Corn/Ensilage	4.9	Silage Corn	690	27.17	2.26	133.11	11.07
	F	Pasture	54.0	Pasture	942	37.09	3.09	2002.68	166.86
Total Acres:					Total IR:			3301.6	275.1
1983	A	Corn/Ensilage	6.7	Silage Corn	690	27.17	2.26	182.01	15.14
	B1	Alfalfa Seed	10.0	Alfalfa Seed	712	28.03	2.34	280.31	23.40
	B2	Alfalfa Hay	10.3	Alfalfa Hay	946	37.24	3.10	383.61	31.93
	C	Corn/Ensilage	9.4	Silage Corn	690	27.17	2.26	255.35	21.24
	D	Alfalfa Hay	2.5	Alfalfa Hay	946	37.24	3.10	93.11	7.75
	E	Corn/Ensilage	4.9	Silage Corn	690	27.17	2.26	133.11	11.07
	F	Pasture	54.0	Pasture	942	37.09	3.09	2002.68	166.86
Total Acres:					Total IR:			3330.2	277.4
1984	A	Corn/Ensilage	6.7	Silage Corn	690	27.17	2.26	182.01	15.14
	B1	Alfalfa Seed	11.0	Alfalfa Seed	712	28.03	2.34	308.35	25.74
	B2	Corn/Ensilage	9.3	Silage Corn	690	27.17	2.26	252.64	21.02
	C	Spring Barley/Grain	15.0	Spring Grain	644	25.35	2.11	380.31	31.65
	D	Grass	1.8	Alfalfa Hay	946	37.24	3.10	67.04	5.58
	E	Pasture	54.0	Pasture	942	37.09	3.09	2002.68	166.86
Total Acres:					Total IR:			3193.0	266.0
1985	1	Spring Barley/Grain	6.7	Spring Barley/Grain	644	25.35	2.11	169.87	14.14
	2	Corn/Ensilage	20.3	Silage Corn	690	27.17	2.26	551.46	45.88
	3	Grass/Hay	2.5	Alfalfa Hay	946	37.24	3.10	93.11	7.75
	4	Alfalfa Hay	9.4	Alfalfa Hay	946	37.24	3.10	350.09	29.14
	5	Alfalfa Hay	4.9	Alfalfa Hay	946	37.24	3.10	182.50	15.19
	6	Pasture	54.0	Pasture	942	37.09	3.09	2002.68	166.86
Total Acres:					Total IR:			3349.71	279.0
								34.25 ac-in/yr/ac	2.85 afy/ac

NOTE: The FSA Crop Reports submitted by the Applicant demonstrate that the highest historical use for the years represented was in 1985.

CALCULATION OF ACRES REQUIRED FOR MITIGATION:
(per discussions with M. Creamer, 3/1/03)

Required Mitigation: 44 in x 8.1 ac = 356.4 in-ac/yr
Total Historical Use: 3349.71 ac-in/yr / 97.8 ac = 34.25 in/yr
Acres for Mitigation: 356.4 ac-in/yr / 34.25 in/yr = 10.4 ac required
OR
Required Mitigation: 44 in x 8.1 ac / 12 in/ft = 29.70 afy
Total Historical Use: 279 afy / 97.8 ac = 2.85 afy/ac
Acres for Mitigation: 29.7 afy / 2.85 afy/ac = 10.4 ac required

HISTORICALLY IRRIGATED ACRES REQUIRED FOR MITIGATION:

Land to be Excavated	Surface Area (ac) ⁵	Historical Crop
Pond 1	0.40	Pasture
Pond 2	0.33	Pasture
Pond 3	0.65	Pasture
Pond 4	0.73	Alfalfa Hay
Pond 5	0.68	Alfalfa Hay
Partial Pond 6	0.47	Pasture
Partial Pond 6	0.48	Alfalfa Hay
Pond 7	1.00	Alfalfa Hay
Pond 8	0.59	Silage Corn
Pond 9	1.51	Silage Corn
Pond 10	0.42	Silage Corn
Pond 11	0.86	Pasture
Road/Bldg Pad ⁶	2.38	Alfalfa Hay
Total Acres Offered:		10.50
Historical IR (afy/yr) = 2.85 afy/ac x 10.5 ac =		29.95
Required Mitigation (afy) =		29.70

(Offered amount greater than
amount required for mitigation)

¹ Molau, Myron, Kpordze, Kojo C.S., and Craine, Katherine, L. Monthly Shallow Pond Evaporation in Idaho, ASAE paper PNW 92-111 (1992).

² FSA Crop reports from 1982 through 1985 submitted by the applicant.

³ R.G. Allen and C.E. Brockway, Estimating Consumptive Irrigation Requirements for Crops in Idaho, University of Idaho (August 1983), Appendix E - Mean IR for Deer Flat Dam site.

⁴ The Average IR determined to have been applied in 1985 was based on FSA crop reports and Allen & Brockway Average IR data for the Deer Flat Dam site. The FSA Crop Reports submitted by the Applicant demonstrate that the highest historical use for the years represented was in 1985.

⁵ Proposed surface area of ponds and acres converted to roads and building pads as provided by Mike Creamer and design consultant, Toothman-Orton Engineering Co.

⁶ A total of 10.4 historically irrigated acres are required to be retired for mitigation of the proposed ponds. As per conversations with M. Creamer, 3/1/2003, a transfer will be filed to convert 10.5 acres of land previously irrigated with Eureka Canal Company water to Ground Water Recharge. Excavation of the ponds will retire approximately 7.26 of historically irrigated acres (pond 11 was not previously irrigated), and 3.24 additional acres to be converted to roads and building pads will be included to meet the offered 10.5 acres.

Project Stonehouse

Toothman-Orton Engineering Co.

Page _____ of _____

Date 3/12/03

Prepared by _____

ALFALFA

GRASS

Road — 2.42 AC

Road — 0.68 AC

PONDS:

PONDS:

4 — 0.73 AC
5 — 0.68 AC
(PARTIAL) 6 — 0.48 AC } 5.41 AC
7 — 1.00 AC
8 — 0.59 AC
9 — 1.51 AC
10 — 0.42 AC

1 — 0.40 AC
2 — 0.33 AC
3 — 0.65 AC } 1.81 AC
(PARTIAL) 6 — 0.47 AC
11 — 0.86 AC (NORTH OF Slough)

Building PADS:

BUILDING PADS

4 — 0.69 AC
5
6
7 } 4.83 AC
8
9
10 — 0.69 AC

1 — 0.52
2 — 0.47 } 1.64 AC
3 — 0.65

NORTH OF Slough

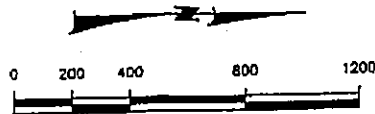
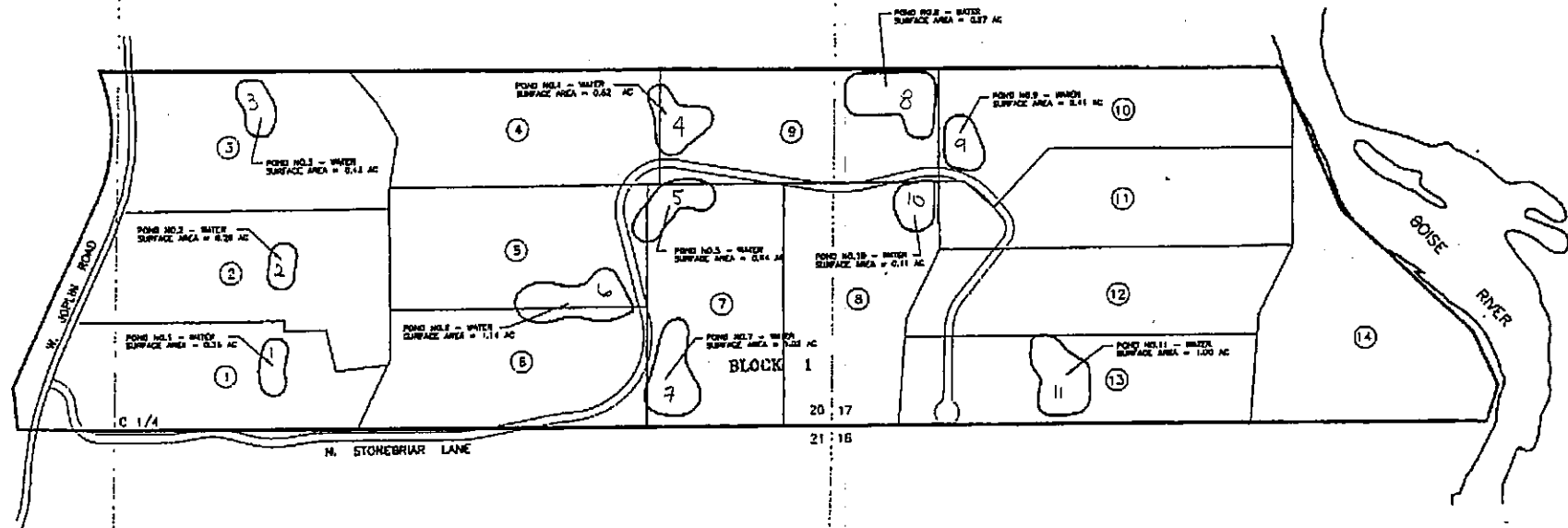
11 — 0.39 AC
12 — 0.47 AC } 1.47 AC
13 — 0.61 AC

12.66 ACRES

4.96 acres

STONEBRIAR SUBDIVISION

PORTIONS OF SECTIONS 17 AND 20, T.4N., R1W., B.M., ADA COUNTY, IDAHO



Attachment E

TOOTHMAN-ORTON ENGINEERING CO.
 ENGINEERS • SURVEYORS • PLANNERS
 5777 CHANDEN BOULEVARD • BOISE, IDAHO 83714-2008
 PHONE: 208-323-2288 • FAX: 208-323-2399
 E-FILE: H:\BRIAR\STONE-PONDING.DWG DATE: 1/15/02 JOB: 98073-70-400

1985

SRING BARLEY
GRAIN (6.7AC)

ENSILAGE CORN
(20.3)

ALFALFA & GRASS
HAY
(16.8 AC)

PASTURE
(54 AC)

18 17
19 20

C14
151 T593

C19
190 T594

C20
200 T595

C15
150 T596

C16
151 T597

C23
230 T597

C15
180 T513

C24
202 T598

C26
200 T599

19 20
20 21

A-9

20 21
21 22

1985

C19 T594
(190)

C20 T595
(200)

19 17
19 20

ALGIA

43.9

17
20

C15 T590
(150)

Pastore
54.0

54.0

C16 T591
(160)

C22 T592
(220)

C23 T597
(230)

C26 T594
(260)

19 20
30 29

A-9

NOT TO SCALE

20 21
29 28

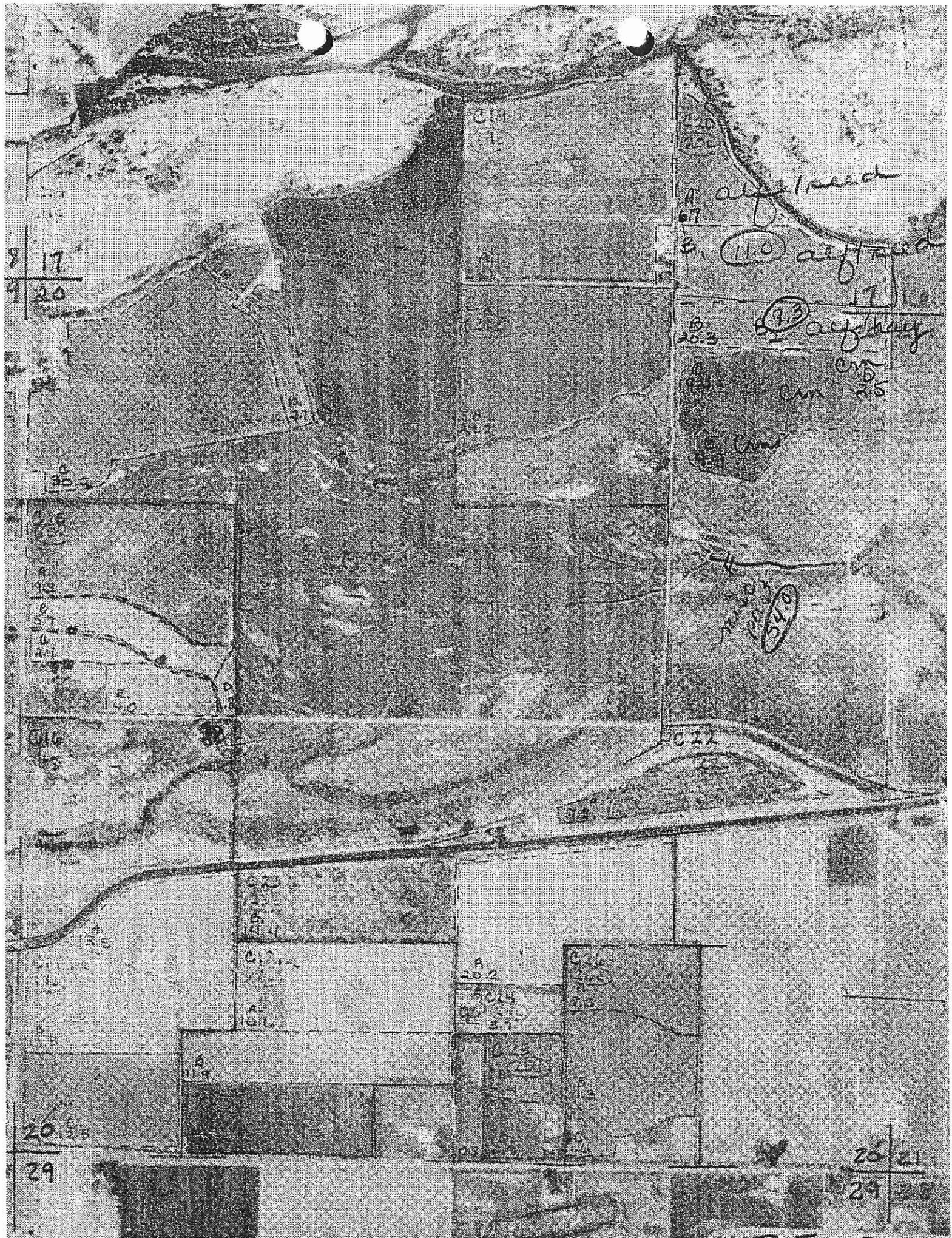
USDY-VQSN

NOTE: Sect. 1374, T.U.S.C. authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

OPERATOR	OWNER	PROGRAM YEAR	OTHER
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

[illegible]



FARM NO.	NAME & ADDRESS	PROGRAM YEAR	SERIAL NO.	P H O T O N O S.	U.S. DEPARTMENT OF AGRICULTURE Agricultural Stabilization and Conservation Service MEASUREMENT SERVICE RECORD
20	104470 J CARTER	1972			
0	6417 S JEFFERSON RD	1-9			
00	MEMPHIS, TN 38112				
NAME AND ADDRESS OF PERSON TO CONTACT			TELEPHONE NO.	FARM LOCATION	
549 36 340 7					

SECTION I - SERVICE REQUEST AND COST						
1. KIND OF SERVICE REQUEST	2. PROGRAM CROP OR LAND USE	3. NO. ACRES	4. NO. PLOTS	5. COST	6. BASIC FARM RATE	
☐ Stake and Reference ☐ Measurement after Planting ☐ Remeasurement OTHER (Specify)					\$	
					7. TOTAL COST OF SERVICE REQUESTED	\$
8. PERSON MAKING REQUEST: I hereby agree to pay the cost of the service as requested.		SIGNATURE OF PERSON MAKING REQUEST			DATE	
9. CASH RECEIPT		10. DEDUCTION FROM PROGRAM PAYMENT (MS Only)				
PAYMENT RECEIVED FOR SERVICES REQUESTED \$ ☐ CHECK OR MO ☐ CASH SIGNATURE OF COUNTY OFFICE EMPLOYEE _____ DATE _____		I request that full payment in the amount indicated be deducted from the first wheat, feed grain or cotton payment due me. MEASUREMENT SERVICE CHARGE SIGNATURE OF PERSON MAKING REQUEST _____ DATE _____				
11. FOR REMEASUREMENT ONLY		12. SPECIAL INSTRUCTIONS TO REPORTER				
REFUND FOR (Crop or service) No Refund ☐ AMOUNT _____ CHECK NO. _____ DATE _____ APPROVAL _____		REPORTER NAME _____ DATE ISSUED _____ DATE RETURNED _____				

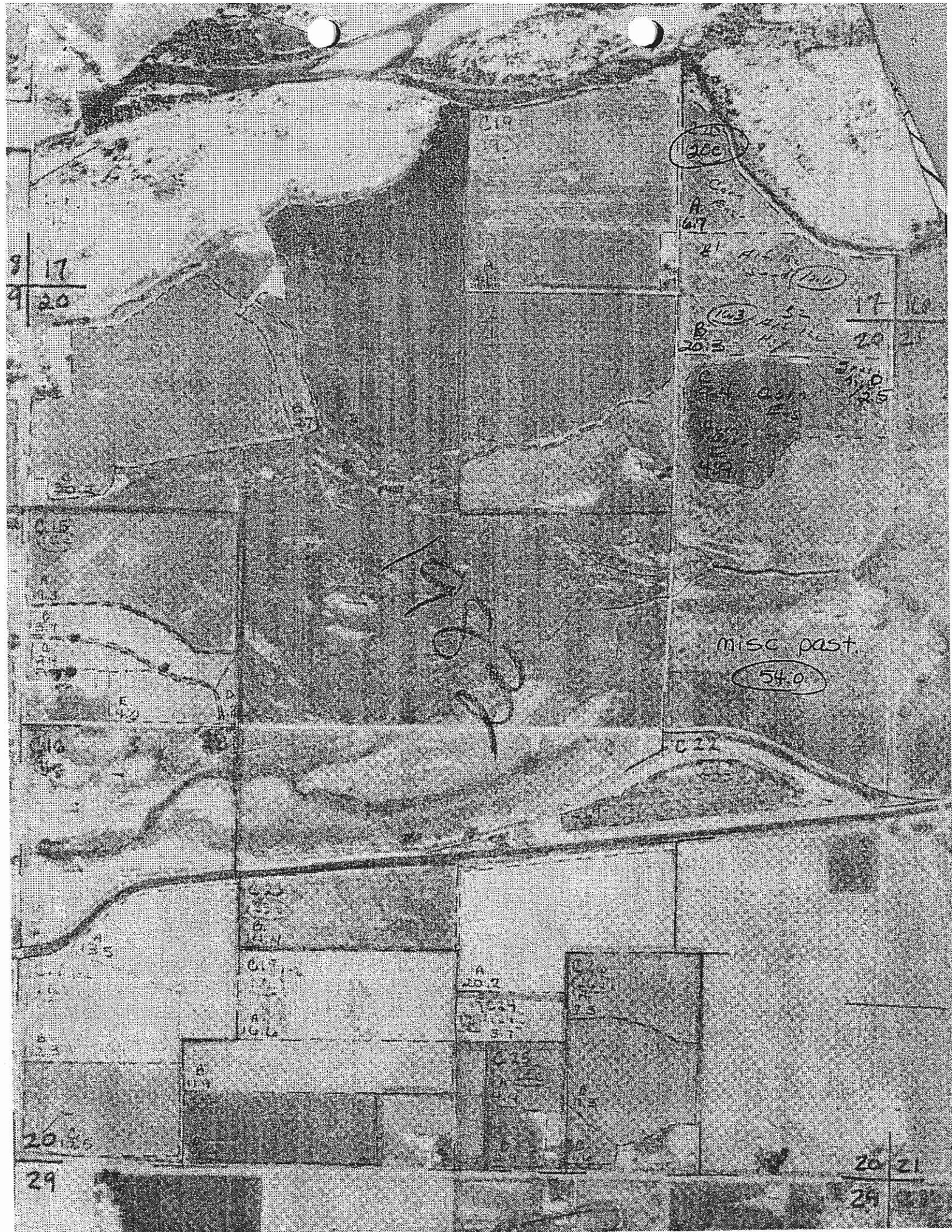
SECTION II - RECORD OF MEASUREMENT SERVICE PERFORMED											
TRACT NO.	FIELD NO.	CROP OR LAND USE	ACRES DETERMINED			Brly	Corn	Alf.	22	23	24
			GROSS	DEDUCTIONS	NET						
13	14	15	16	17	18	19	20	21			
T595	1	Barley	6.7		6.7	6.7					
	2	Corn	20.3		20.3		20.3				
	3-5	Alf.	16.8		16.8			16.8			
		All official acreages									
							</				

REPORTER: All required determinations for this farm visit have been made in accordance with applicable procedures.

REPORTER Tony Hendrix DATE 3-19-82

GF

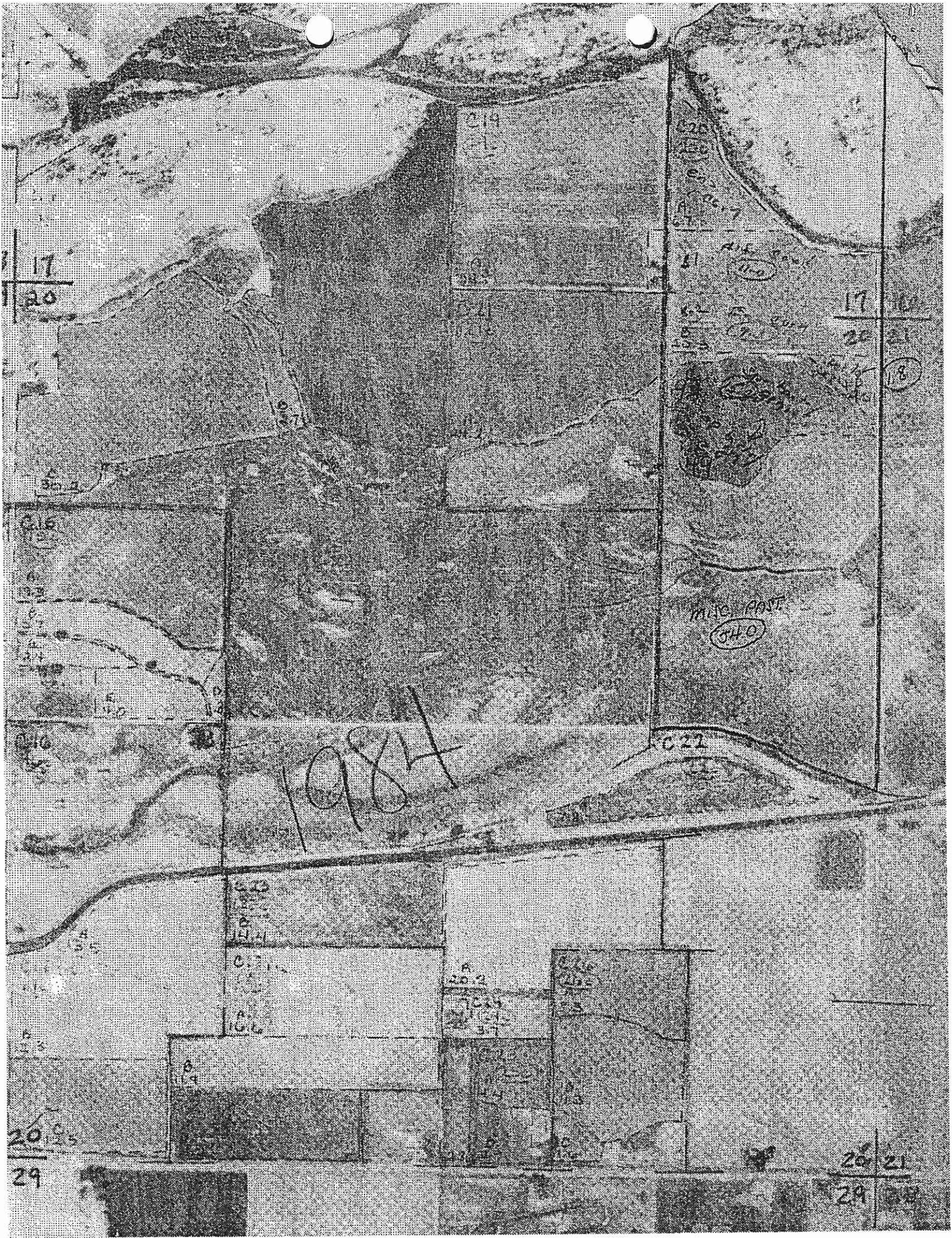
DATE _____



SECTION I - FARM FIELD REPORT (NOTE: Gray Shaded Area to be Filled in by Reporter ONLY.)

SECTION II - OPERATOR'S CERTIFICATION

DATE _____



1984

MICROFAST
(340)

ASCS-578
(6-7-78)

REPORT OF ACREAGE

USDA-ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE
1 OF

KEY	FARM NO.	NAME AND ADDRESS	FARM- LAND	CROP- LAND	OPERATOR	KEY	OTHER INTERESTED PRODUCERS		ASSIGNMENT	
							NAME AND ADDRESS	OTHER FARMS	CROP	JOB
KEY 1 OPERATOR	20	LEVARD J MADSEN	147	98	none	3				
	C	6410 W JOPLIN RD	A-9		OWNER	4				
	00	MERIDIAN ID 83642			none	5				
KEY 2 OWNER					PROGRAM YEAR	6				
					OTHER	7				

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled In by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE	CROP OR LAND USE SUMMARY				KEY	SHARE	DISPOSITION	METHOD	GROSS ACRES	DEDUCTIONS		NET ACRES
			I	B	C	Alf.						IDENT./MEAS.	ACRES	
1	2	3	4	5	6	7	8	9	10	11	12			
TS95	1	Soybeans	6.7				1	1.0000						
	2	Com/ero	20.3											
	3	grass/hay			2.5									
	4	alf/hay			9.4									
	5	alf/hay			4.9									
	6	past 54.0												
225														
TOTAL OPERATOR REPORT			6.7	20.3	16.8									
TOTAL REPORTER'S REPORT			6.7	20.3	16.8									

SECTION II - OPERATOR'S CERTIFICATION

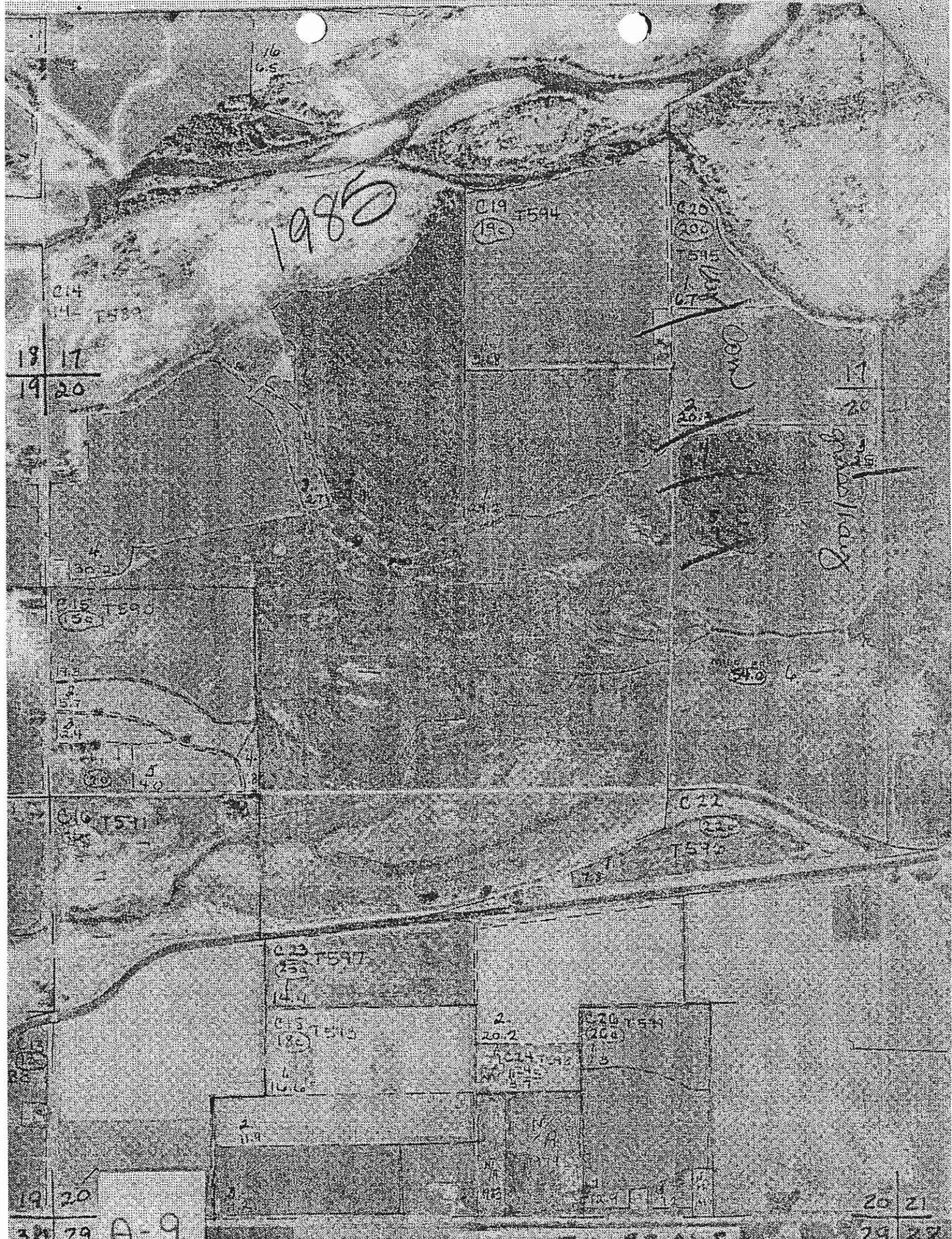
I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS.

OPERATOR'S SIGNATURE

DATE

OPERATOR'S SIGNATURE

DATE



1985

19 17
19 20

C14
T593

C19
T594
19c

C20
T595
20c

C15
T596
15c

17.5
2.7
2.4

C16
T597
16c

C22
T598
22c

C23
T599
23c

C24
T600
24c

11.6

2
20.2

C25
T601
25c

C24
T598
24c

19 20

34 79

A 9

20 21

79 28

MEMORANDUM

To: Files 63-145, 63-31134, 63-31135, 63-31136

From: Cynthia Bridge Clark

Date: December 30, 2003

Re: Determination of Recharge or Mitigation Requirements Due to Creation of Ponds

On March 20, 2001, the department received three applications for permit, numbers 63-31134, 63-31135, and 63-31136, filed for use of water for aesthetic storage in a series of ponds fed by groundwater. The applicant, Larry R. Shideler, proposes to mitigate evaporative losses from the ponds by drying up 10.5 acres of historically irrigated land and supplementing it with surface water delivered to the property by the Eureka Water Company. The total surface area of the proposed ponds is 8.1 acres.

Mr. Shideler was notified in a letter, dated April 17, 2001, that the permits could not be approved unless he retained ownership of the canal company shares. Additionally, he would be not be able to use the portion distributed through the pond system for irrigation, and in order to prevent forfeiture of the canal company's water right, the nature of use of the right would need to be changed through a transfer from irrigation the new use.

The Eureka Canal Company, through negotiations with the applicant's attorney, Mike Creamer, filed an application for transfer of a portion of water right number 63-145. The original transfer application, received by the department on August 29, 2002, proposed changing 0.15 cfs and 7.5 acres from irrigation use to groundwater recharge (the application specifies that 7.5 canal company shares are equivalent to 7.5 irrigated acres.) To verify the amount of water required for mitigation of the three permit applications, documentation of historical use was requested and provided by Mike Creamer.

Calculations of the anticipated loss due to evapotranspiration, determination of the historical beneficial use on the land, and the number of historically irrigated acres required to be retired for mitigation are shown on the attached spreadsheet (Eureka Canal Company Transfer Application Review). These calculations were reviewed by Mr. Creamer, who indicated that an amended transfer application would be filed in accordance with these findings. He also noted that additional acres would be dried up due to conversion to roads and building pads, however, the applicant would prefer to only offer the required number of acres as mitigation for the evaporative losses from the ponds.

The results of the calculations and mitigation requirements are summarized below:

Total surface area of the proposed ponds	= 8.1 acres
Estimated evaporative losses from ponds	= 29.7 acre-feet per year per acre (afy/ac)
Historical IR	= 2.85 acre-feet (af)
Dried up acres for required for mitigation	= $29.7 \text{ afy} / 2.85 \text{ afy/ac} = 10.4 \text{ ac}$
Acres historically irrigated designated by applicant to be retired	= 10.5 ac

An amended transfer application was received by the department on December 30, 2003. The new application proposes to change 0.21 cfs and 10.5 acres from irrigation use to groundwater recharge. The Eureka Canal Company claimed 33.32 cfs and 1826 acres under right 63-145 in the SRBA. In accordance with the claim, transfer of a rate of 0.19 cfs is required to account for a change of use of 10.5 acres.

Other issues related to this transfer application have not been reviewed by the department.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

April 17, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

GIVENS PURSLEY LLP
MICHAEL C CREAMER
PO BOX 2720
BOISE ID 83701

RE: Water Right Permit Nos. 63-31134, 63-31135, 63-31136

Dear Mr. Creamer:

As you know, the department is in the process of reviewing the applications for the above referenced permits. The applications submitted include a mitigation plan in response to the processing hold on non-consumptive water uses in the Treasure Valley. We have reviewed the applicant's request to mitigate evaporative losses from the proposed groundwater fed ponds by drying up 10.5 acres of historically irrigated land and supplementing it with surface water delivered to the property by the Eureka Water Company.

As we discussed during our telephone conversation, two issues need to be addressed in the permitting process. First, since the applicant specifies that the canal company water constitutes part of the mitigation plan, the right holder will need to retain ownership of the Eureka Water Company shares and shall not use the portion distributed through the pond system for irrigation. This condition is intended to ensure that the mitigation plan remains feasible and active by restricting the future sale of canal company shares. It will appear on the permits as a condition of approval.

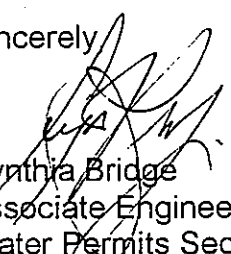
Second, according to Water Appropriation Rules 45.01.a. and 45.01.e. (IDAPA 37.03.08.45.01a. & e.) a proposed use should not conflict with local public interests or injure another water right. Part of the mitigation plan is contingent on the use of shares from the Eureka Water Company irrigation water right. By allocating a portion of these shares to a use other than irrigation, this water will not be applied to the beneficial use for which it was appropriated. It is therefore possible that this portion of the Eureka Water Company's water right could be lost through nonuse or forfeiture as defined by Idaho Code 42-222.

You mentioned that the applicant has communicated the details of the project to the Eureka Water Company. In order to process the applications for permit, information should be submitted documenting that the Eureka Water Company has been informed and approves of the changes of water use proposed in the application. You also voiced concern that receiving

documentation from the canal company could take some time. However to confirm that the proposed permits do not conflict with local public interest we are required to hold any action on the application pending receipt of the necessary information.

Please feel free to contact this office if you have any questions.

Sincerely,



Cynthia Bridge
Associate Engineer
Water Permits Section

RECEIVED
FEB 09 2001
WATER RESOURCES
WESTERN REGION

**LEGAL NOTICE
NOTICE OF APPLICATION**

The following application(s) have been filed to appropriate the public waters of the State of Idaho: 63-31134

**LARRY R SHIDELER
4810 LAKESHORE PLAZA
BOISE ID 83703**

Point(s) of Diversion SENE S20 T04N R01 W ADA County Source GROUNDWATER
Use: AESTHETIC STORAGE 01/01 To 12/31 14 AFA
Total Diversion: 14 AFA
Date Filed: 01/12/2001
Place Of Use: AESTHETIC STORAGE
T04N R01W S20 SENE

Remark: Mitigation is proposed for consumptive use of shallow ground water to be stored in three connected ponds for Stonebriar Subdivision.

63-31135

**LARRY R SHIDELER
4810 LAKESHORE PLAZA
BOISE ID 83703**

Point(s) of Diversion L8 SESE S17 T04N R01W ADA County Source GROUNDWATER
Point(s) of Diversion NENE S20 T04N R01W ADA County Source GROUNDWATER
Use: AESTHETIC STORAGE 01/01 To 12/31 54 AFA
Total Diversion: 54 AFA
Date Filed: 01/12/2001
Place Of Use: AESTHETIC STORAGE
T04N R01W S17 SESE
T04N R01W S20 NENE

Remark: Mitigation is proposed for consumptive use of shallow ground water to be stored in 6 connected ponds for Stonebriar Subdivision.

63-31136

**LARRY R SHIDELER
4810 LAKESHORE PLAZA
BOISE ID 83703**

Point(s) of Diversion L8 SESE S17 T04N R01W ADA County Source GROUNDWATER
Use: AESTHETIC STORAGE 01/01 To 12/31 12 AFA
Total Diversion: 12 AFA
Date Filed: 01/12/2001
Place Of Use: AESTHETIC STORAGE
T04N R01W S17 SESE

Remark: Mitigation is proposed for consumptive use of shallow ground water for a pond in Stonebriar Subdivision.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/20/2001. The protestant must also send a copy of the protest to the applicant.
KARL J DREHER, Director

Pub. Feb. 1,8, 2001

01/25/2001

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-31135

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 02/20/2001. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-31135

LARRY R SHIDELER
4810 LAKESHORE PLAZA
BOISE ID 83703

Point(s) of Diversion	L8 SESE	S17 T04N R01W ADA County	Source	GROUNDWATER
Point(s) of Diversion	NENE	S20 T04N R01W ADA County	Source	GROUNDWATER
Use:	AESTHETIC STORAGE	01/01 To 12/31	54 AFA	
	Total Diversion:		54 AFA	

Date Filed: 01/12/2001

Place Of Use: AESTHETIC STORAGE

T04N R01W S17 SESE

T04N R01W S20 NENE

Remark: Mitigation is proposed for consumptive use of shallow ground water to be stored in 6 connected ponds for Stonebriar Subdivision.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/20/2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on February 1 and 8, 2001

Lester, Steve

From: Lester, Steve
Sent: Tuesday, January 23, 2001 7:41 AM
To: Gibson, Gene; Westra, John
Subject: Applications for Permit

Three related applications for permit will cover 10 shallow ground water ponds on Joplin Road near Chinden Blvd. & Star Road. The ponds are an amenity for Stonebriar Subdivision. About 80 af of storage will be developed. Discharge from ponds can go to the Phyllis Canal or a nearby side channel of the Boise River.

The applications will be advertised on February 1 and 8 with a protest deadline of February 20. The files will be available at Sue's desk tomorrow if you want to look at these. The files are 63-31134 through 63-31136 in the name of Larry Shideler.

Thanks.

Steve