

Transfer No. 73787

RECEIVED

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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Eagle Springs Ranch, LLC & Barnes Ventures, Inc. (joint applicants)

Post Office address 82 E State St, Suite C, Eagle, ID 83616 (208) 602-4995 (Eagle Springs Ranch, LLC)
5983 W State St, Suite D, Boise, ID 83703 (208) 424-2022 (Barnes Ventures, Inc)

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicants propose diverting rights through a series of ponds, then rediverting from ponds for irrigation within a modified place of use. Pond storage is also associated with a permit application for aesthetic, recreation, and irrigation uses.

ORIGINAL

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>65-5633</u>	<u>Apr 1, 1900</u>	<u>5.27 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>65-5696</u>	<u>Apr 1, 1966</u>	<u>0.04 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>TBD</u> Portion of 65-8850	<u>Apr 1, 1900</u>	<u>1.95 cfs*</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>TBD</u> Portion of 65-11324	<u>Sept 3, 1966</u>	<u>1.60 cfs*</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>

*Combined use limits apply

2. Total amount of water being transferred 7.26 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Alder Creek (65-5633, 65-5696, 65-8850), Charters Creek (65-5633), Coski Creek (65-5633, 65-5696) tributary to South Fork Payette River; and South Fork Payette River (65-11324) tributary to Payette River.
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	2	8N	4E	BOISE	ALDER CREEK
		NE	SE	34	9N	4E	BOISE	COSKI CREEK
		SE	NW	34	9N	4E	BOISE	CHARTERS CREEK
5		SW	NW	35	9N	4E	BOISE	SOUTH FORK PAYETTE RIVER
6		NE	SW	35	9N	4E	BOISE	SOUTH FORK PAYETTE RIVER
7		NW	SE	35	9N	4E	BOISE	SOUTH FORK PAYETTE RIVER

5. Lands irrigated or place of use: 65-5633 & 65-5696

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	4E	27							24		1	13	28	21			1		88
		28			1	27									10				38
		34	13	24	32	27	32	10		10					20	5			173

Total Acres 219 acres within 299-acre PPU

Superseded

5. Lands irrigated or place of use: **transferred portions of 65-8850 & 65-11324**

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	4E	35							10	1	18	30	8	14		3	3		87

Total Acres 80 acres within 87-acre PPU

PART 1

6. General Information:

- Description of diversion system Diversions into to a series of ponds with subsequent rediversion from ponds into a pressurized irrigation system for irrigation of residential lots and open common areas.
- Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Eagle Springs Ranch = Yes; Barnes Ventures = No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. (Letter from BAR-K Mortgage Bankers enclosed.)
- Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Due to residential development some land will become impervious and no longer irrigable. Ponds will also be constructed on currently irrigated land. This application proposes to change the place of use to shift irrigation from non-irrigated areas to residential lot and common area landscaping.
- Remarks:
This application proposes to modify the irrigated place of use to accommodate irrigation of residential lots and common areas. Flows will be diverted into ponds, then rediverted from ponds into a pressurized irrigation system for irrigation use. Barnes Ventures, Inc. is retaining ownership of the following: 0.56 cfs for irrigation of 23 acres and the stockwater portion of 65-8850; 0.6 cfs for irrigation of 30 acres and the stockwater portion of 65-11324. The applicants propose dedicating the remainder of rights 65-8850 and 65-11324 to uses in Section 35. Likewise, rights 65-5633 and 65-5696 are proposed to be dedicated for use in sections 27, 28, and 34. Permits 65-13559 and 65-13399 together authorized development of up to 3.2 cfs for irrigation of up to 210 acres describing land that overlaps a portion of the rights identified in this application; future transfer applications modifying these rights following licensing are anticipated. See corresponding permit application seeking aesthetic and recreation use for constructed ponds and water features.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED SEE ATTACHED PARTIAL DECREE: 65-5633

1. Right as evidenced by:

- a. Decree No. _____ Deeded to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☒ Warranty Deed

☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Permits 65-13559 and 65-13399 authorized development of irrigation which may partially overlap the place of use identified by this right. Proof of beneficial use has been submitted; licenses are pending.

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED SEE ATTACHED PARTIAL DECREE: 65-5696

1. Right as evidenced by:

- e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. _____ issued by the Idaho Department of Water Resources.
- g. Claim No. _____ on file with the Idaho Department of Water Resources.
- h. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above Permit 65-13399 authorized development of irrigation which may partially overlap the place of use identified for this right. Proof of beneficial use has been submitted; license is pending.

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED SEE ATTACHED PARTIAL DECREE: 65-8850

1. Right as evidenced by:

- i. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- j. License No. _____ issued by the Idaho Department of Water Resources.
- k. Claim No. _____ on file with the Idaho Department of Water Resources.
- l. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above 65-11324

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 1.95 cfs for irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	2	8N	4E	Boise	Alder Creek

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	4E	35									19 (LT 6)	40 (LT 5)	8	14			6 (LT 7)		87

Total Acres 80 acres within 87-acre PPU

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

1. amount 0.56 for irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount 0.06 for stockwater purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	2	8N	4E	Boise	Alder Creek

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	4E	35									4 (LT 6)	13 (LT 5)	3				1 (LT 7)		23

Total Acres 23

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED SEE ATTACHED PARTIAL DECREE: 65-11324

1. Right as evidenced by:

- m. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- n. License No. _____ issued by the Idaho Department of Water Resources.
- o. Claim No. _____ on file with the Idaho Department of Water Resources.
- p. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above 65-8850

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 1.60 cfs for irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
5		SW	NW	35	9N	4E	Boise	
6		NE	SW	35	9N	4E	Boise	
7		NW	SE	35	9N	4E	Boise	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	4E	35									19 (LT 8)	40 (LT 5)	8	14			6 (LT 7)		87

Total Acres 80 acres within 87-acre PPU

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

1. amount 0.6 for irrigation purposes from 4/1 to 11/1
 (cfs/ac-ft)
 amount 0.05 for stockwater purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
5		SW	NW	35	9N	4E	Boise	
6		NE	SW	35	9N	4E	Boise	
7		NW	SE	35	9N	4E	Boise	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	4E	35									16 (LT 8)	10 (LT 5)	3				1 (LT 7)		30

Total Acres 30

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

The grid is a 12x12 square grid. The central 4x4 area (rows 4-7, columns 4-7) is shaded gray and contains the text "SEE ATTACHED" in the center. The grid is used for drawing a map or attaching a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. The grid is used to clearly depict the land by section, township and range number.

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

Quantity and quality of return flows and location of discharge: _____

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

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

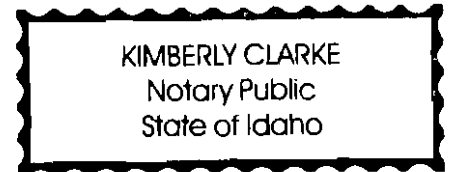
I understand that any willful misrepresentations made in this application may result in voiding its approval.

By: Southfork Landing, Inc., Manager
President
 (Signature of Applicant – Eagle Springs Ranch, LLC)

Subscribed and sworn to before me this 11th day of November, 20 06

(Notary Public)

My commission expires 4-13-11



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

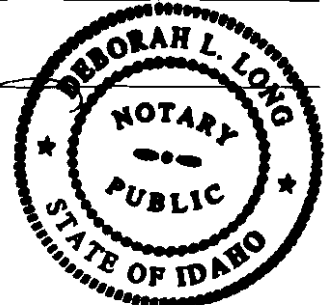
I understand that any willful misrepresentations made in this application may result in voiding its approval.

By: Barnes Ventures, Inc.
President
 (Signature of Applicant – Barnes Ventures, Inc.)

Subscribed and sworn to before me this 16th day of October, 20 06

(Notary Public)

My commission expires 10/10/07



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 11-15-06 Protest filed by _____Prelim. Check by _____ Fee \$570- _____Receipted by DB W034879 Date 11-15-06 _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____