

APR 07 2005

Transfer No. 73632

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1****AMENDED**

Name of applicant New Union Ditch Company, Limited Phone 208-939-2808
 Post Office address c/o George Transtrum, Pres. P.O. Box 31, Eagle, ID 83616 with copies to:
Michael C. Creamer, Givens Pursley, LLP, P.O. Box 2720, Boise, ID 83701
Christian R. Petrich, SPF Water Engineering, LLC, 600 East River Park Lane, Ste. 105, Boise, ID 83712

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 (1) Portion of water right associated with 18.1 shares of New Union stock held by Lakeland Village LCC to be used to offset evaporation from excavated ponds intercepting shallow groundwater and (2) 4.7 shares of New Union stock held by Roth Construction Inc. to mitigate for evaporation from an excavated pond intercepting shallow groundwater and for groundwater withdrawals. The combined transfer affects only 0.45 cfs of water right 63-146.

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

1.	Right Number	Priority	Amount(cfs / ac-ft)	Nature of Use	Period of Use		
	63-146	06/01/1865	13.28	Irrigation	3-15	to	11-15
			0.48	Groundwater Recharge	3-15	to	11-15
						to	

2. Total amount of water being transferred 13.76 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
1		NE	SE	23	4N	1E	Ada	New Union Ditch - Boise River Diversion

5. Lands irrigated or place of use: New Union Ditch Co boundaries

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	14											E						
		15																E	
		23					E	E		E									
		16					E												

E = Groundwater Recharge/Mitigation

Total acres 673.13 acres

PART 1

6. General Information:

a. Description of diversion system Water for Lakeland Village, Lakeland Estates, and Ulmer Lane properties is delivered through New Union Canal. No change proposed in point of diversion or means of delivery to place of use.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See Remarks.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

Appurtenant water rights will not be transferred from the New Union Canal Company lands by this transfer. Purpose of transfer is to continue beneficial use of rights on same acres. See Exhibit A (narrative).

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this day of _____, 20_____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

Right evidenced by:

- a. Decree No. 63-146 Decreed to New Union Ditch Company, Limited
in case of Farmers Coop. Ditch Company vs. Riverside Irrigation District
dated 1/18/06 in Boise, ID county of Ada
- 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 a 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 (Exhibit) ☒ Other Copies of New Union Shares (Exhibits D & E)

3. Source of water Boise River tributary to Snake River

4. Date or priority 6-1-1865

5. Water is used for the following purpose:

amount 13.73 cfs for Irrigation purposes from 3-15 to 11-15
(cfs/ac-ft)

amount .03/4.6 for groundwater recharge purposes from 3-15 to 11-15
(cfs/ac-ft)

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

6. Total amount of water under right 13.76 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
1		NE	SE	23	4N	1E	Ada	New Union Ditch - Boise River Diversion

8. Lands irrigated or place of use: New Union Ditch Co boundaries

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	16					E												

E = Groundwater recharge

Total acres 673.3

9. Describe any other water rights used for the same purpose as described above 63-18785

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 This does not involve split of right.
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.45 cfs for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: No Change

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
1		NE	SE	23	4N	1E	Ada	New Union Ditch - Boise River Diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	14											1.9						1.9
		15																5.2	5.2
		23					2.4	8.6											11.0
		23				4.6													4.6

Total acres 22.7

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

1. amount _____ for Balance of Water Right 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

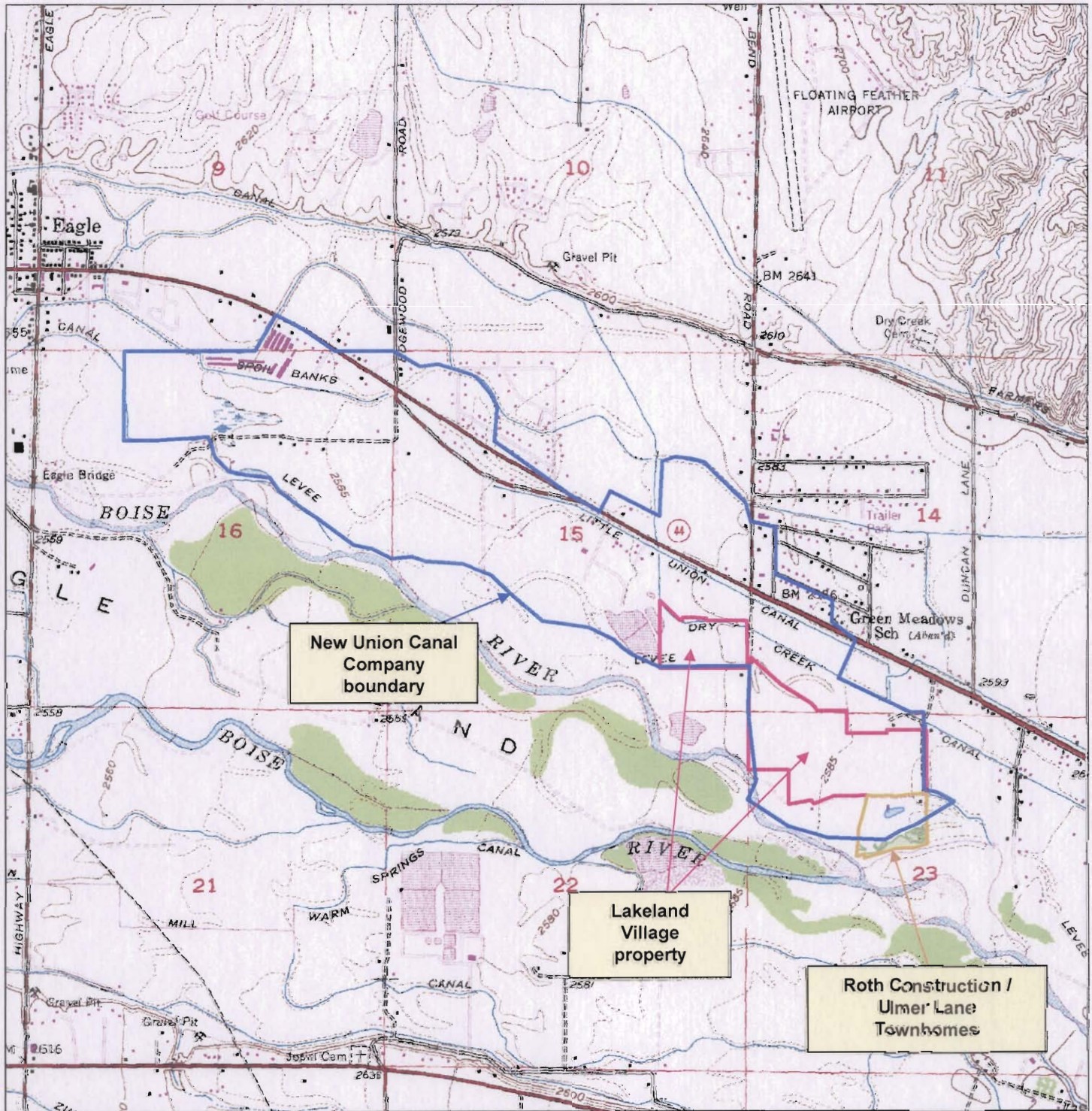
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

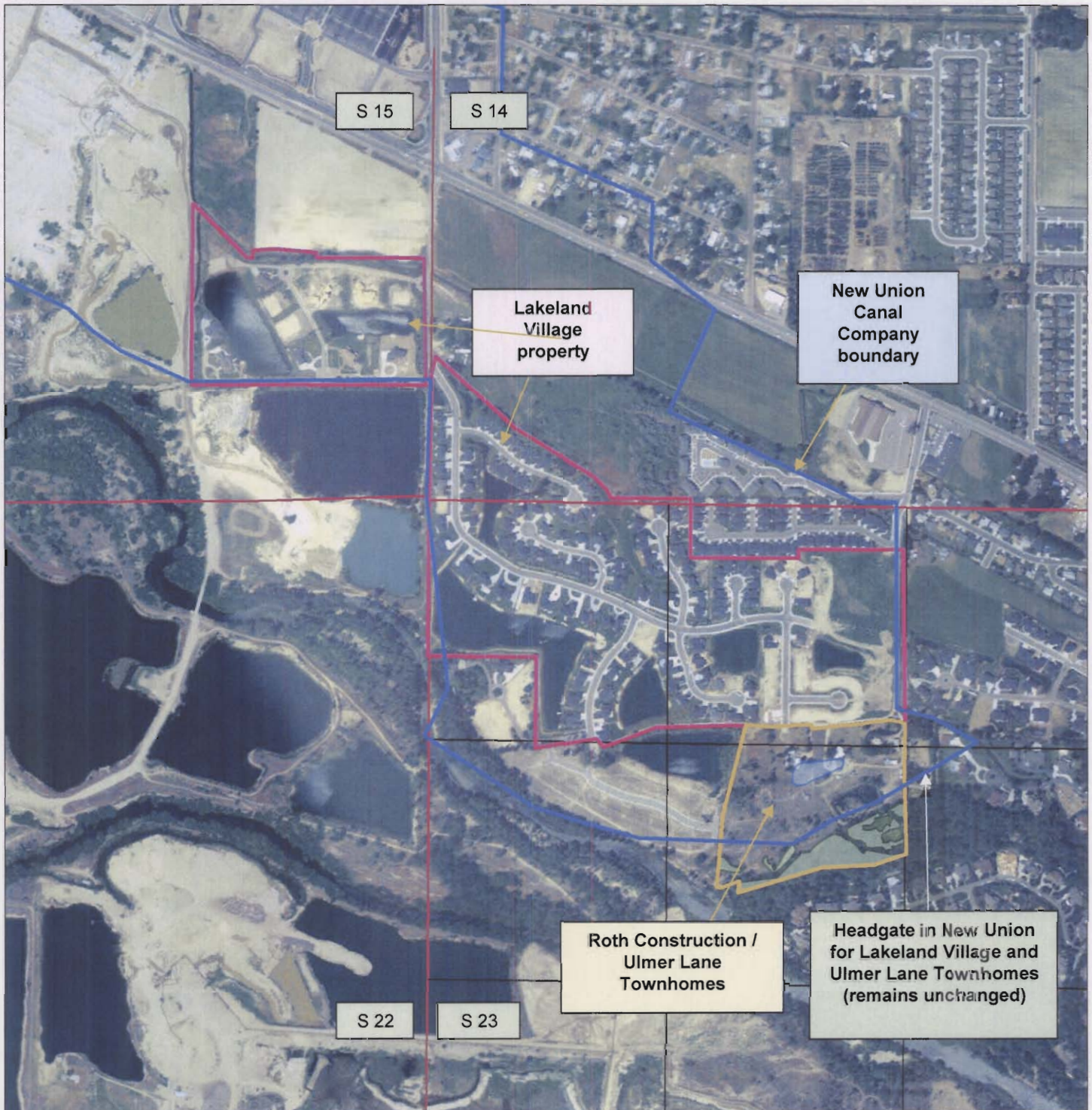
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range numbers.



Scale: 1 inch equals 2000 feet

APPLICATION FOR TRANSFER OF WATER RIGHT

MAP 2 (See also Exhibit C)



Scale: 1 inch equals 750 feet

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

1.	New Nature of Use	Amount(cfs / ac-ft)	Hours/days/year	Period of Use		
	Ground Water Recharge	0.45 cfs		3-15	to	11-15
					to	

2. Quantity and quality of return flows and location of discharge:

See narrative description attached.

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

See narrative description attached.

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

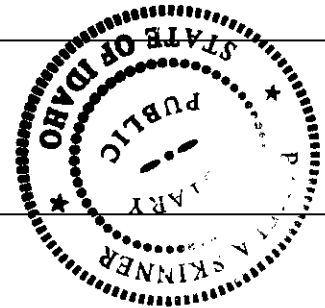
I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature] / PRESIDENT
(Signature of Applicant)

Subscribed and sworn to before me this 4th day of April, 2005

[Signature]
(Notary Public)

My commission expires 7.29.08

**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by JR Date 4/7/05 Protest filed by _____

Prelim. check by _____ Fee \$250

* Received by JR for KG Date 5/16/03 W030475

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

rec'd. _____ by _____

Copy of transfer sent to lien holder _____

* Original 5/16/03
Amended 4/7/05 but still within same fee category, additional payment N/A.

Lakeland Village Transfer Application – List of Exhibits

Exhibit A: Narrative

Exhibit B: Adjudication Photo, Ulmer Lane Assessments

Exhibit C: Lakeland Village Ponds

Exhibit D: Copies of Lakeland Village Share Certificates

Exhibit E: Copies of Roth Construction, Inc. Share Certificates

Exhibit F: Authorization to File Transfer (Ron Bath)

Exhibit G: Authorization to File Transfer (Steve Roth)

Exhibit A

Narrative Description Application for Transfer In the Name of New Union Ditch Company, Limited (Lakeland Village and Roth Construction, Inc.)

This Transfer Application proposes to change the nature of use of a 0.45 cfs portion of water right 63-146 from irrigation to ground water recharge. First, the proposed transfer will facilitate the construction of ten aesthetic ponds with a total surface area of 18.1 acres within Sections 14, 15 and 23, T4N, R1E, B.M. (the "Lakeland Village Property"). The portion of the water right proposed for transfer is represented by 18.1 shares of New Union Ditch Company, Limited ("New Union") stock owned by Lakeland Village, LLC (shareholders of the Applicant). Copies of these shares are attached as Exhibit D. Lakeland Village, LLC has authorized New Union to file this transfer. (See Exhibit F). Second, the proposed transfer will mitigate for (a) evaporative losses from a 0.6-acre excavated pond intersecting shallow groundwater within Section 23, T4N, R1E (the "Ulmer Lane" property) and for (b) ground water withdrawals from this 0.6-acre pond to irrigate 4 acres adjacent to the pond. Roth Construction, Inc., has authorized New Union to file this transfer (Exhibit G).

Exhibit B to the Application, which is a 1987 aerial photograph of the Lakeland Village Property, demonstrates the beneficial use of the water on the Lakeland Village and Ulmer Lane Properties for irrigation. In addition, verification of paid assessments for the Ulmer Lane property is attached to Exhibit B. No precise crop rotation information is available for these lands. They historically have been irrigated for pasture grass. Mitigation for evaporative losses will therefore be accomplished by retiring formerly irrigated acres on a 1:1 basis.

After the Transfer, the affected portion of the water rights will continue to be delivered to the Lakeland Village Property via New Union's existing delivery system where the shareholders will distribute the water into the Lakeland Village ponds to recharge ground water as described in two associated permit applications. First, Lakeland Village, LLC has submitted an application for permit with respect to the Lakeland Village ponds (the "Proposed Permit"). This permit application proposes using water delivered pursuant to 18.1 New Union shares owned by the applicants to offset the evaporative losses from the ponds and thereby mitigate potential impacts of ponds on the ground water source and the Boise River. Second, an Application for Permit is being submitted under separate cover by Roth Construction, Inc. to draw groundwater from the 0.6 acre pond for evaporative pond losses and irrigation of 4 acres adjacent to the pond. This Transfer is intended to facilitate processing and approval of both of these permits.

Exhibit A

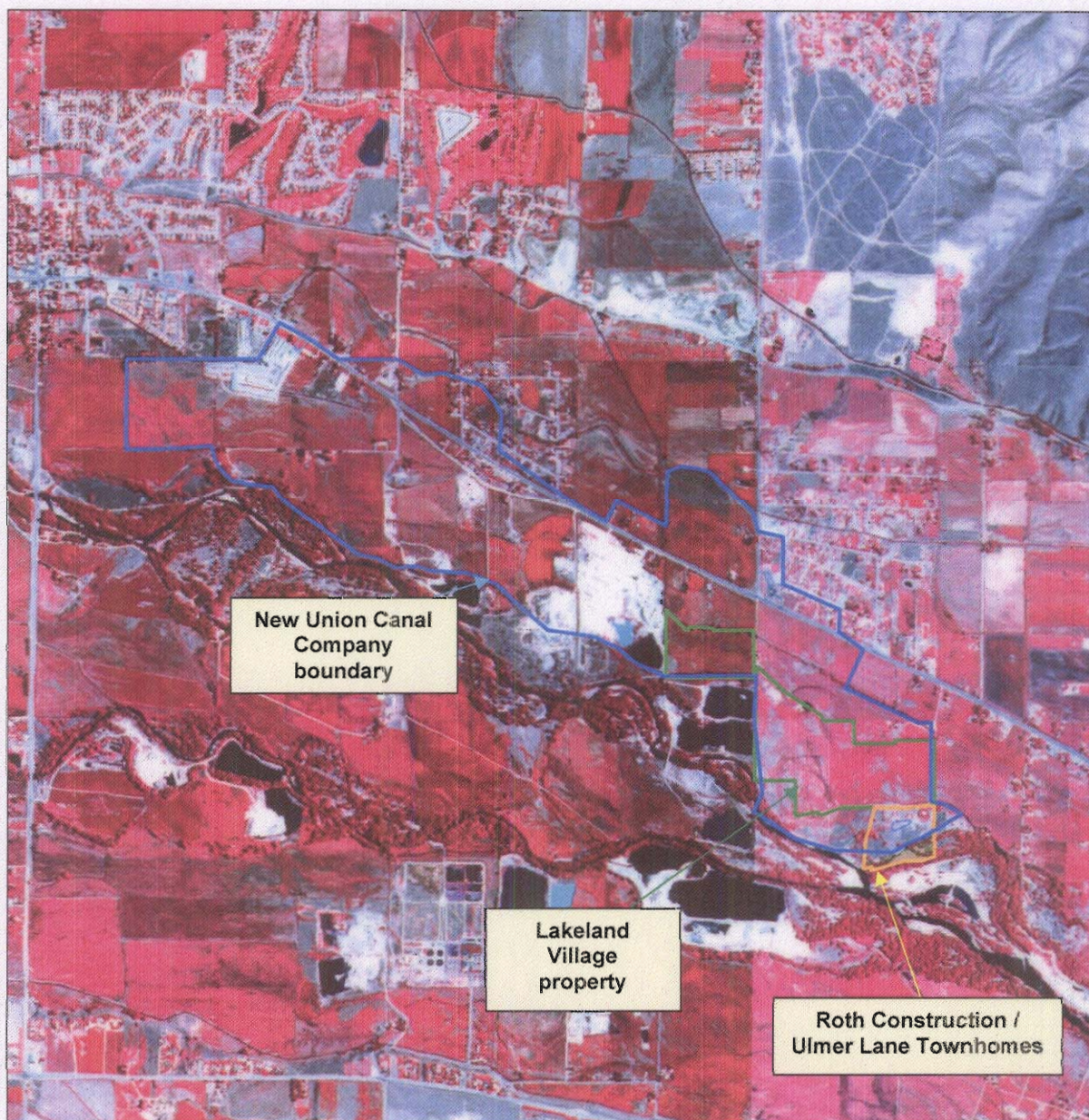
Because the Lakeland Village and Ulmer Lane ponds will be excavated (some already have been constructed) on lands formerly irrigated with water delivered pursuant to water right 63-146, no change in the place of use is sought.

Maintaining the historical diversion of the water under Water Right 63-146 into the New Union system, and delivery to the existing appurtenant acres, ensures that there will be no potential for enlargement of the transferred portion of the Water Right due to delivery to different lands, and maintains the timing and location of historical return flows from the canal and the shareholder's property. Because there will be no net effect on the shallow ground water source, there also will be no net appreciable effect on the timing, extent, location or quality of historical return flows or discharges of shallow ground water to the Boise River associated with the historical use of Water Right 63-146. The transfer will allow Lakeland Village, the Ulmer Lane Townhomes, and New Union to continue the beneficial use of the Water Right on appurtenant lands within New Union's service area.

Based on the above discussion and assumptions, this transfer will not result in an enlargement of the water right or cause injury to other water rights because the number of acres to which the water right will be applied, and the consumptive use of water, will not increase.

The transfer proposes to apply water under Water Right 63-146 to recognized beneficial uses within the New Union's service area for its shareholders. The transfer also will facilitate the use of ground water without depleting the resource or reducing the amount of water available to fill other water rights. For these reasons, the transfer is in the public interest.

Exhibit B: 1987 SRBA Infrared Photo



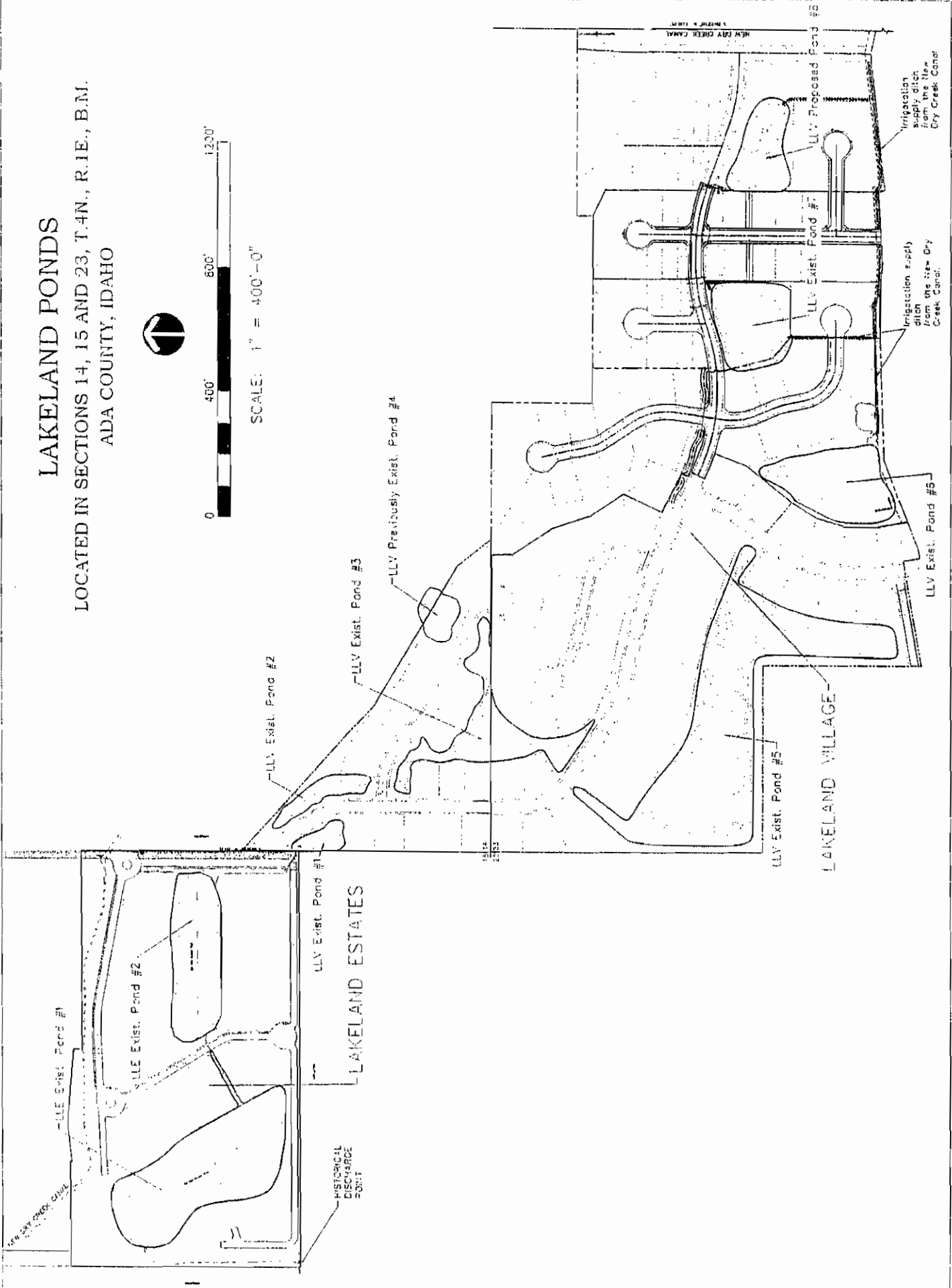
Scale: 1 inch equals 2000 feet

LAKELAND PONDS

LOCATED IN SECTIONS 14, 15 AND 23, T.4N., R.1E., B.M.
ADA COUNTY, IDAHO



SCALE: 1" = 400'-0"



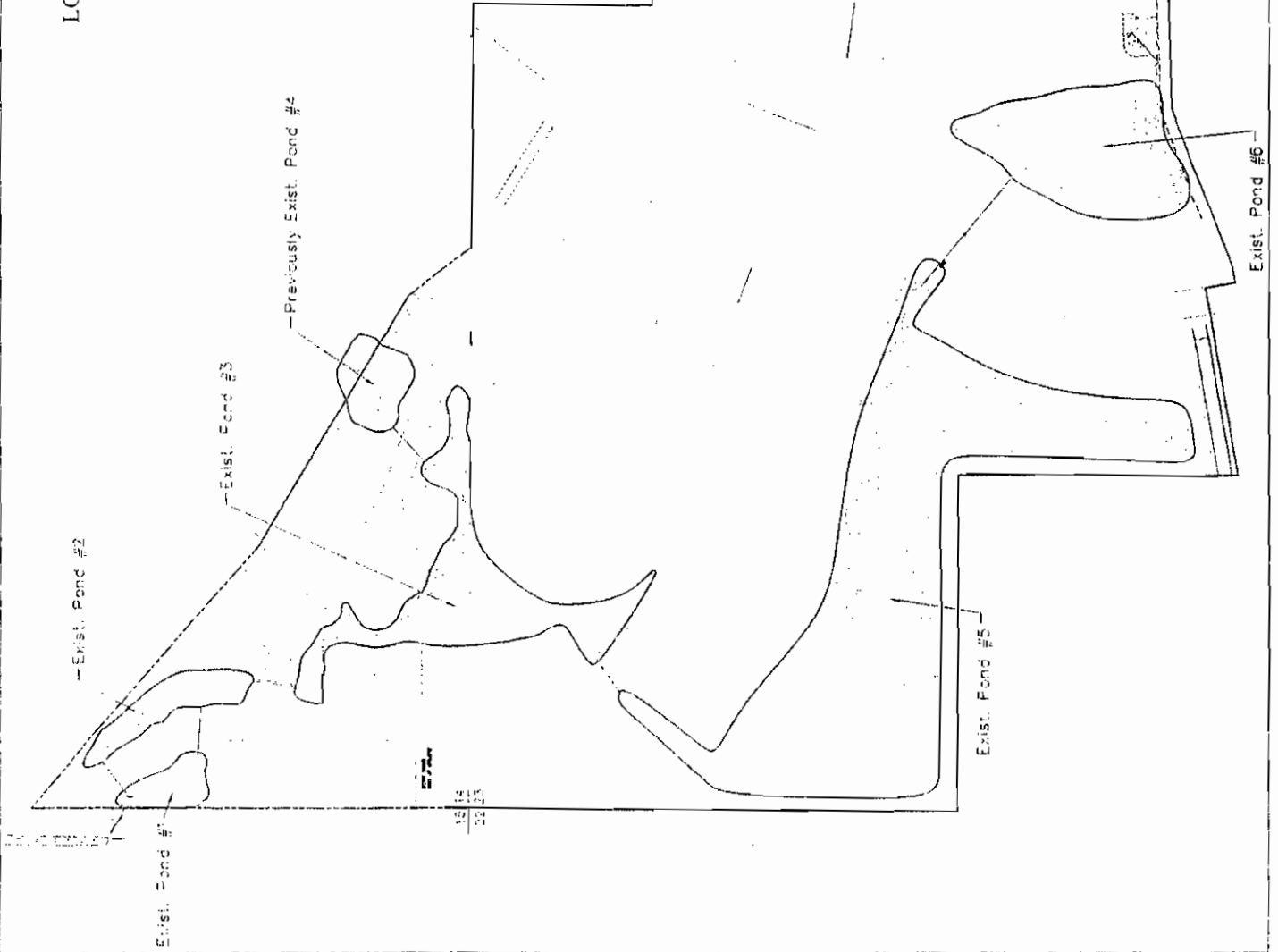
LAKELAND VILLAGE PONDS

LOCATED IN SECTIONS 14 AND 23, T.4N., R.1E., B.M.
ADA COUNTY, IDAHO



SCALE: 1" = 300' - 0"

Pond #	Approx. Min. Groundwater Surface Area	Approx. Max. Groundwater Surface Area	Estimated Max. Groundwater Volume
1	0.16 Acres	0.25 Acres	0.7 Acre-Ft
2	0.26 Acres	0.42 Acres	1.9 Acre-Ft
3	1.08 Acres	1.58 Acres	11.3 Acre-Ft
4	0.21 Acres	0.39 Acres	1.2 Acre-Ft
5	5.50 Acres	6.12 Acres	115.0 Acre-Ft
6	1.45 Acres	1.67 Acres	25.5 Acre-Ft
7	1.24 Acres	1.45 Acres	23.9 Acre-Ft

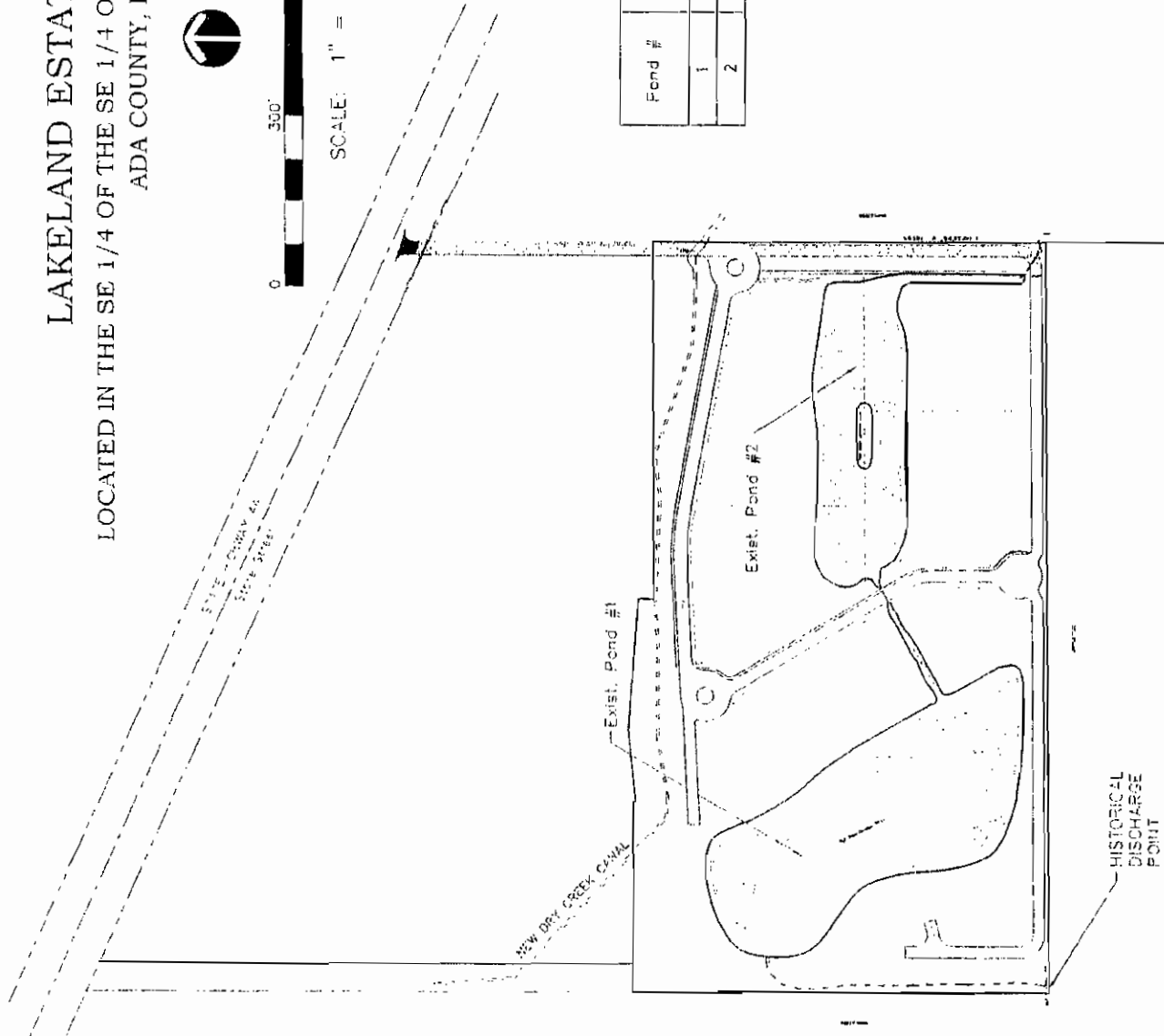


LAKELAND ESTATES PONDS

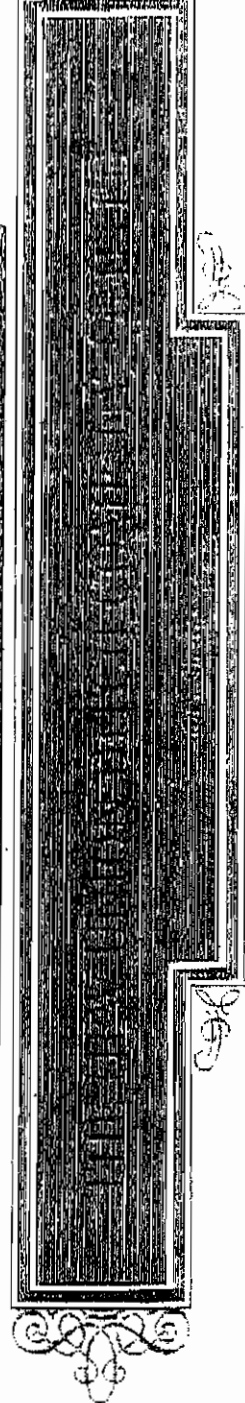
LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTIONS 15, T.4N., R.1E., B.M.
ADA COUNTY, IDAHO



SCALE: 1" = 300'-0"



Pond #	Approx. Min. Groundwater Surface Area	Approx. Max. Groundwater Surface Area	Estimated. Max Groundwater Volume
1	3.06 Acres	3.41 Acres	69.6 Acre/Ft
2	1.46 Acres	1.78 Acres	11.9 Acre/Ft

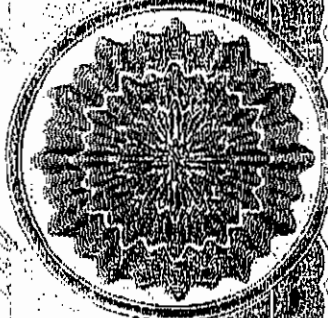


THE NEW UNION DUTCH COMPANY, LIMITED
registered in Holland *23.90*
Amsterdam

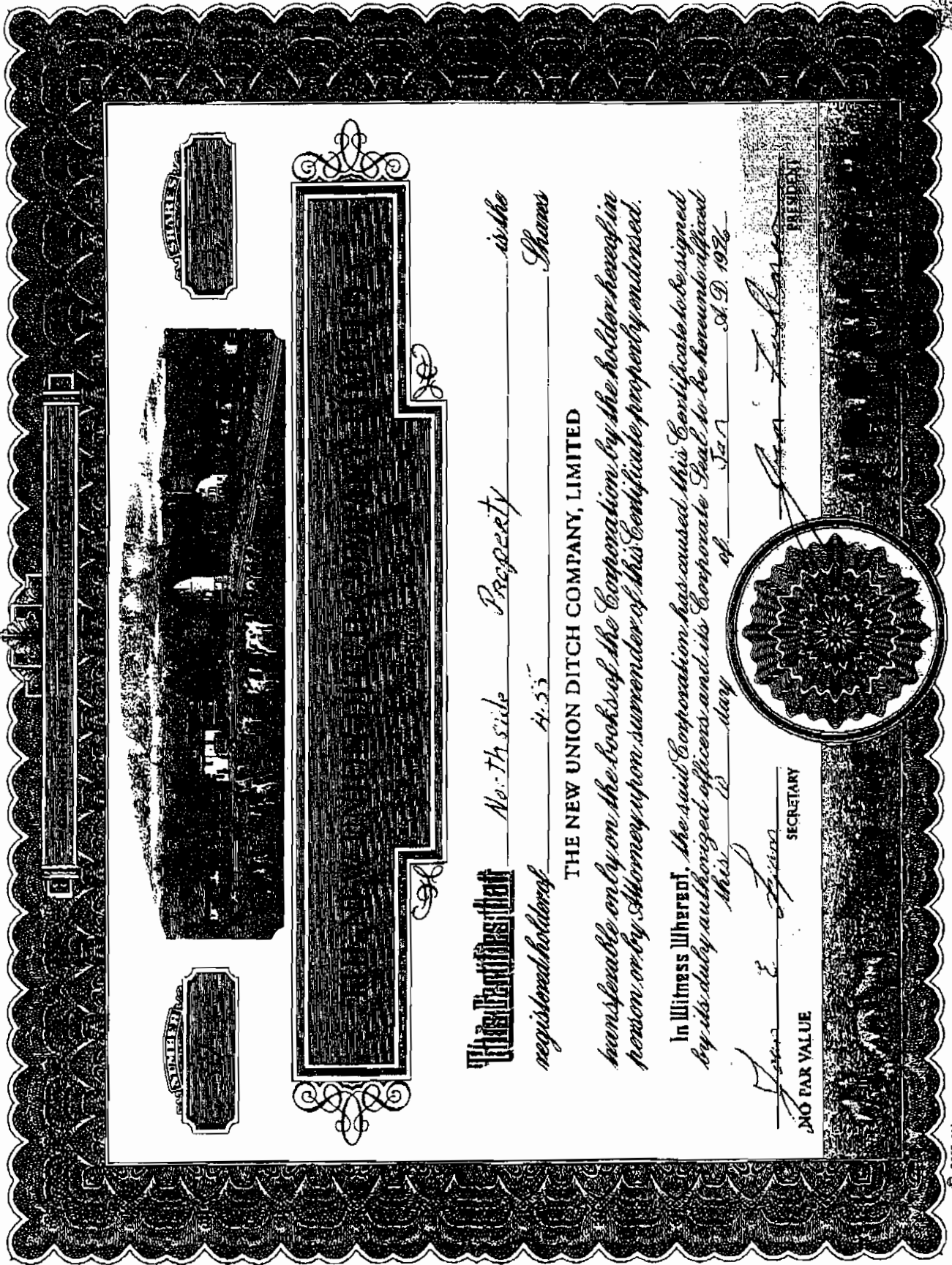
THE NEW UNION DUTCH COMPANY, LIMITED

incorporated in the Netherlands
by the Royal Decree of the 10th March 1890
and by the Royal Decree of the 10th March 1890

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
at Amsterdam, the 10th day of March 1890



Van E. J. van
 SECRETARY
 NO PAR VALUE
 PRESIDENT



THE NEW UNION DITCH COMPANY, LIMITED

The Parties that North side Property **is the** Thoms

registered holder of 4.55

transferrable on ly 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 12 day of Jan A.D. 1926*

James E. Thoms

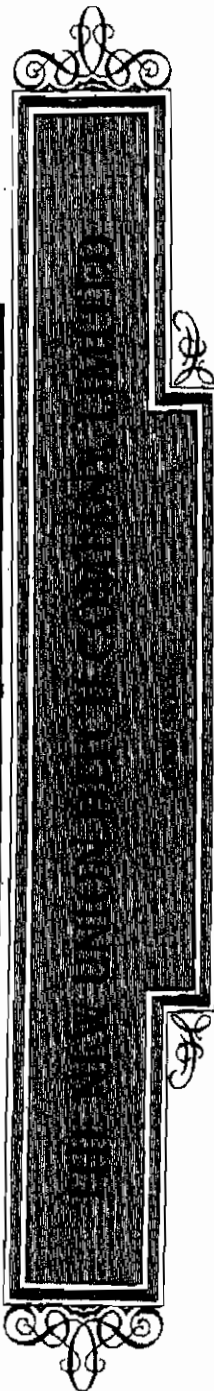
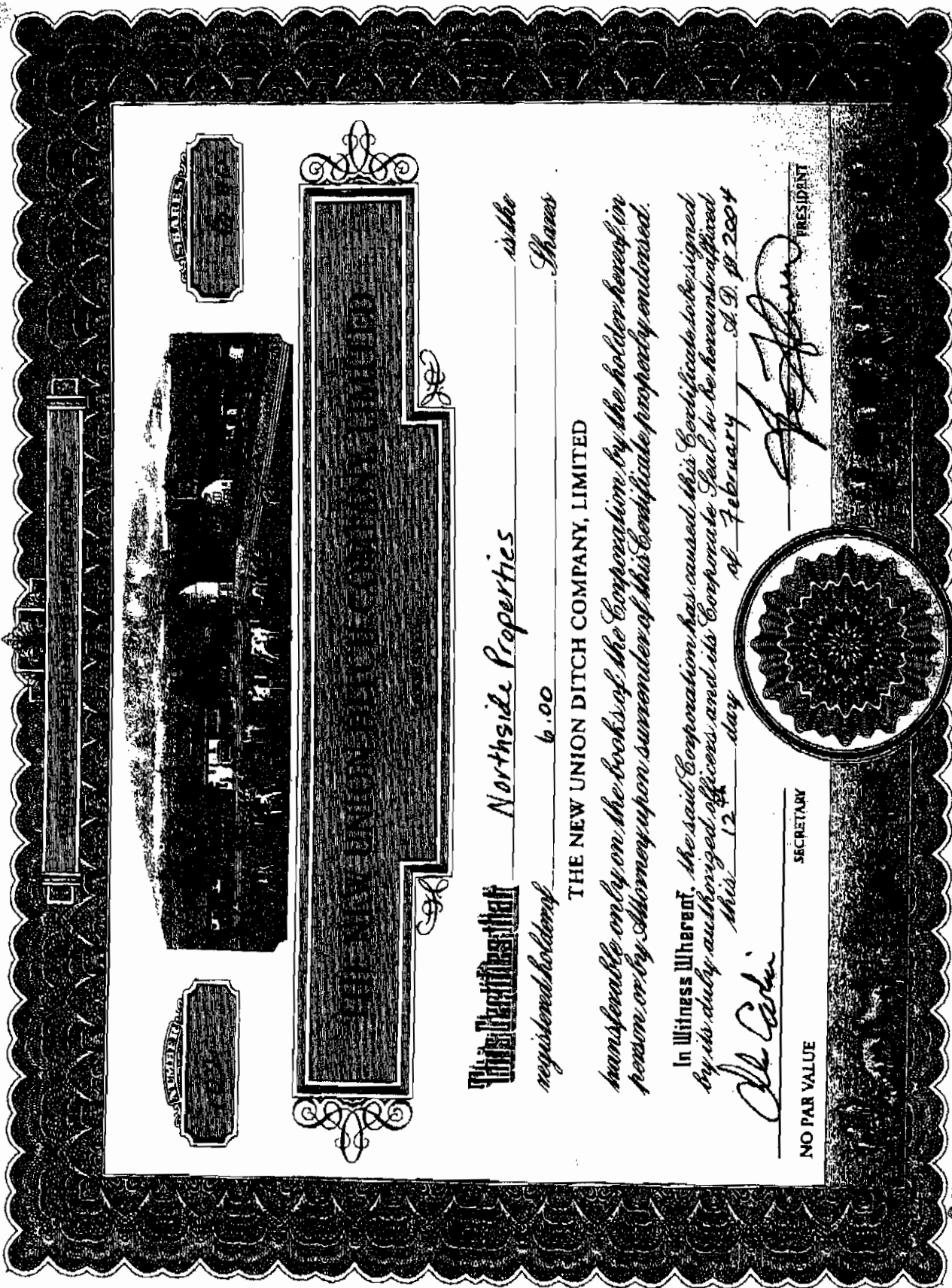
NO PAR VALUE

James E. Thoms

SECRETARY

James E. Thoms

PRESIDENT



This Certificate Northside Properties is the
 registered holder of 6.00 Shares

THE NEW UNION DITCH COMPANY, LIMITED

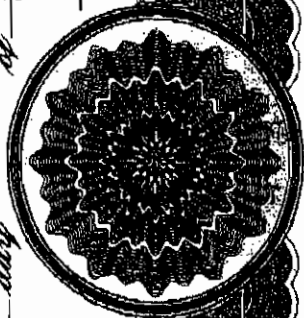
transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

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 12th day of February A.D. 192004

W. Carter

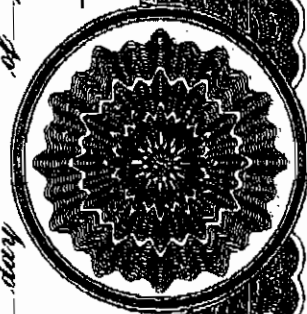
NO PAR VALUE

SECRETARY



J. H. [Signature]

PRESIDENT



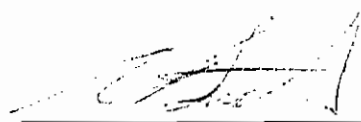
NO PAR VALUE

EXHIBIT F

AUTHORIZATION TO FILE TRANSFER

1. Lakeland has filed an application for permit to authorize diversion of ground water into several aesthetic ponds on property Lakeland owns. To mitigate for evaporative loss associated with the permit, Lakeland is proposing to convert irrigation rights on its property to ground water recharge. These irrigation rights are represented by shares held in the New Union Ditch Company.

2. Based on all of the above, Lakeland hereby authorizes New Union Ditch Company, Limited to file an Application for Transfer with the Idaho Department of Water Resources affecting lands owned by Lakeland that will convert a portion of New Union's water right, represented by shares owned by Lakeland, from irrigation to groundwater recharge.



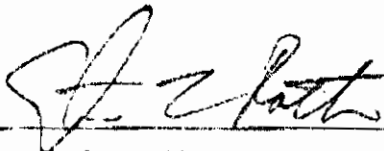
Ron Bath
President, Lakeland Village, LLC

EXHIBIT G

AUTHORIZATION TO FILE WATER APPLICATION

Roth Construction, Inc., was created on April 22nd, 1999, as evidenced by a copy of the Secretary of State filing attached hereto.

Roth Construction, Inc., is developing a new subdivision ("Ulmer Lane Townhomes") within the boundaries of the New Union Ditch Company, Limited. Roth Construction, Inc., hereby authorizes the New Union Ditch Company, Limited to file a transfer affecting lands in the Ulmer Lane Townhomes subdivision that will convert a portion of New Union's water right, represented by shares owned by Roth Construction, LLC, from irrigation to groundwater recharge/mitigation.



Steve Roth, President
Roth Construction, Inc.

2-28-2005

Date