



SPF Water Engineering, LLC
water resource consultants

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DEPARTMENT OF
WATER RESOURCES

February 21, 2007

New York Irrigation District
6616 Overland Rd.
Boise, ID 83709

Subject: Request to Exclude Irrigated Acres (Water Right No. 63-32233)

To Whom It May Concern:

We are submitting the enclosed petition on behalf of our clients, West Park Co. and Parkland Development LLC (Parkland). We also enclose a map for your reference.

Parkland purchased four acres of a groundwater irrigation right from Darwin McKay and applied to the Idaho Dept. of Water Resources for a transfer to move that four acre right onto the common areas of Vantage Point subdivision. The transfer was approved in August 2006, with the condition that groundwater not be used under the right without proof the land had been excluded from New York Irrigation District (NYID).

We believe the only land previously served by NYID is the 1 acre strip along Vantage Pointe Ln. (as shown on the map). This land is within the NWSW, S04, T02N, R01E.

Please confirm in writing 1) the 1 acre which is the subject of the petition has been excluded from NYID, if possible, and 2) Vantage Pointe subdivision sitting east of the Farr lateral does not receive water from NYID.

Thank you for your help. Please call if I can be of help in any way.

Sincerely,

Roxanne Brown
Water Rights Specialist

Cc: Parkland Development, LLC (Greg Johnson)
IDWR, State Office

Enclosures:

Petition to Exclude
Aerial photo
Check for \$55.00

SPF Job No. 329.0040

2696

SPF WATER ENGINEERING, LLC
 208-383-4140
 600 E. RIVER PARK LANE, STE. 105
 BOISE, ID 83706

Wells Fargo Bank Northwest, N.A.
 119 N. 9th St.
 Boise, ID 83702
 92-379/1241

2/22/2007

PAY TO THE ORDER OF New York Irrigation District
 Fifty-Five and 00/100

\$ **55.00

DOLLARS

MEMO Petition to Exclude - 63-32233 (329.0040_

Terry M. Scanlon
 AUTHORIZED SIGNATURE

⑈002696⑈ ⑆124103799⑆3848283242⑈

SPF WATER ENGINEERING, LLC
 New York Irrigation District

2/22/2007

2696

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/22/2007	Bill		55.00	55.00		55.00
				Check Amount		55.00

Wells Fargo Checking Petition to Exclude - 63-32233 (329.0040_

55.00

SPF WATER ENGINEERING, LLC
 New York Irrigation District

2/22/2007

2696

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/22/2007	Bill		55.00	55.00		55.00
				Check Amount		55.00

Wells Fargo Checking Petition to Exclude - 63-32233 (329.0040_

55.00

PETITION FOR EXCLUSION OF LAND
FROM NEW YORK IRRIGATION DISTRICT
IDAHO CODE - TITLE 43, CHAPTER 11

Petitioner(s) and Mailing Address:

Parkland Development LLC
P.O. Box 344
Meridian, ID 83680

Additional Information for Petitioners
(Please read before filling out petition)

1. A filing fee in the amount of five dollars (\$5.00) per each lot or parcel of land described in the petition shall accompany the filing of each petition, plus an exclusion fee in the amount of twenty-five dollars (\$25.00) for each lot or parcel containing less than one (1) acre which is in a subdivision as defined in Section 50-1301, Idaho Code, or an exclusion fee of fifty dollars (\$50.00) for each acre or portion thereof in all other parcels of property, for which New York Irrigation District ("NYID") shall provide a suitable receipt evidencing payment. Petitions shall be summarily rejected if not accompanied by the required filing fee, exclusion fee, and any indebtedness owing to NYID.

2. If the lands are benefited by drainage facilities of NYID pursuant to Sections 43-305 through 43-312, Idaho Code assessments for drainage benefits may be collected by NYID or by the County Tax Collector in the event the lands are excluded from NYID for irrigation purposes, but retained for drainage purposes.

3. Exclusions are reviewed by the Board of Directors at the regular Board meeting each month. Any petition received within seven (7) days of a regular meeting may be held until the next board meeting and can be subject to additional costs where applicable.

Total amount due by _____ \$ 0.00
Paid in full November, 2006

TO THE BOARD OF DIRECTORS OF NEW YORK IRRIGATION DISTRICT:

The undersigned hereby petition the Board for an order that the land hereinafter described be excluded from NYID:

The land owned by the Petitioner(s) is situated in Ada County and is described as follows:

NYID Assessment #: 156-001-00

The County Assessor's Parcel #: R8970710025

Property Address: entry to Vantage Pointe Subdivision

Legal Description: Lot 2, Block 1, Vantage Point Subdivision

The land to be excluded is a 1.0 acre portion of the above-noted parcel. This land is currently irrigated from groundwater under water right 63-32233 and is the landscaped entry to Vantage Pointe Subdivision. The Idaho Dept. of Water Resources requires the land owner to legally remove NYID water from this land as a condition of transfer #72571 (copy attached).

The reasons for exclusion of the land from NYID are: [circle the letters(s) which pertain(s) in your case]

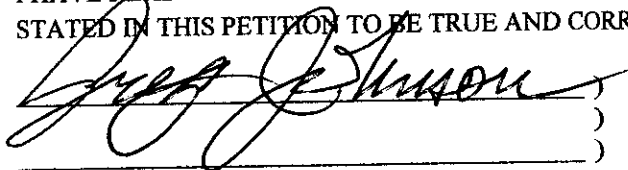
- a. The lands are too high to be watered without pumping by the owners of the lands from water owned or controlled by NYID,
- b. The owners of the lands have installed a good and sufficient water system independent of the water system of such NYID for the irrigation of the lands because NYID does not own a sufficient water right to furnish an adequate water supply for the lands,
- c. The lands in their present condition are not agricultural lands and NYID has not
 - (i) Adopted a resolution to construct a distribution system for the lands pursuant to section 43-333, Idaho Code; or
 - (ii) Called an election on the question of constructing a distribution system for the lands under the provision of section 43-329, Idaho Code; or
 - (iii) Independently or in cooperation with a city or county established a local improvement district to construct a distribution system for the lands; or
 - (iv) Constructed a distribution system for the lands; or
- d. Prior to acquisition of the lands by the petitioning owner and without his knowledge or consent, the ditch or other transmission facility extending from the delivery point of NYID to the lands had been rendered permanently incapable of carrying water to the lands, but this ground for exclusion shall only apply to parcels less than five (5) acres in size.

The Petitioner(s) understand that land excluded from NYID pursuant to proceedings on this petition shall not thereafter be entitled to receive water from the water rights or from the irrigation works and system of NYID and shall not thereafter be entitled to any irrigation benefits of NYID and shall be deemed to have fully relinquished all such water rights and benefits to NYID.

A Petition for Exclusion filed with NYID constitutes representation to NYID by the Petitioner or Petitioners that the facts stated in the Petition are true and correct and that no mortgage company or other person holds a lien of record in the county where the land for which exclusion is requested is located, for which the lien holder's consent to the Exclusion is required or that, if such consent is required, the consent has been granted by the lien holder. The Petitioner shall be liable for any expenses or damages to lien holders or to other landowners or to NYID resulting directly or indirectly from wrongful exclusion of lands by reason of untrue and incorrect statements in the Petition.

IF WATER IS AVAILABLE TO THIS PROPERTY EXCLUSION WILL NOT BE GRANTED.

I HAVE READ AND FULLY UNDERSTAND THE ABOVE STATEMENT AND ACKNOWLEDGE ALL FACTS STATED IN THIS PETITION TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.


_____)

Date 2/15/07

(If the property is recorded in more than one name all recorded owners must sign this petition.)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72571

This is to certify that: PARKLAND DEVELOPMENT LLC
PO BOX 344
MERIDIAN ID 83680
(208)888-9946

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-10780	WR/License	04/05/1989	0.79 cfs	211.5 af	N/A	47.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-10780	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-10780	63-32233	0.07 cfs	18 af	N/A	4.0	63-32232	0.72 cfs	193.5 af	N/A	43.0
COMBINED TOTALS		0.07 cfs	18 af	N/A	4.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of August, 2006



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-10780

WATER RIGHT NO. 63-32232
As Modified by Transfer No. 72571

In accordance with the approval of Transfer No. 72571, Water Right No. 63-32232 is now described as follows.

Right Holder: DARWIN L MC KAY
 6100 S EAGLE RD
 MERIDIAN ID 83642

Priority Date: April 05, 1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.72 CFS	193.5 AF
			0.72 CFS	193.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESE	Sec. 32 Twp 03N Rge 01E ADA County
GROUND WATER	SWSW	Sec. 33 Twp 03N Rge 01E ADA County
GROUND WATER	SWSE	Sec. 33 Twp 03N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	32																	6.0
03N	01E	33																	34.0
																			3.0
																			6.0
																			37.0

Total Acres: 43

CONDITIONS OF APPROVAL

- Approval of this transfer does not confirm the validity of this water right.
- This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of August, 2006


 Chief, Water Allocation Bureau

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Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.07 CFS	18.0 AF
			0.07 CFS	18.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENESW Sec. 4 Twp 02N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01E	4									2.8		1.2						4.0

Total Acres: 4

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Prior to diversion of water under Transfer 72571, the right holder shall provide documentation to the department that water from New York Irrigation District has been legally removed from the place of use described above.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. Right 63-12580 is also diverted through the point of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 2nd day of August, 2006


 Chief, Water Allocation Bureau

