Page _____ of _____

Transfer No. T1483

Form 1-222
12-92

Should questions arise during the processing of this application please contact:
Norm Young - ERO Resources Corp. (208) 373-7983

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Idaho Department of Parks & Recreation Phone (208) 334-4199

Post Office address P.O. Box 83720, Boise, Idaho 83720-0065

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 Use of water at the place of use has changed from industrial (brick making) to an office building complex with associated irrigated lawns and landscaping.

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
63-4724	6/1/1945	0.08 cfs / 13.9 afa	Irrigation	3/01 to 11/15
		1.8 afa	Storage for Aesthetic	1/01 to 12/31
		1.8 afa	Storage for Fire protection	1/01 to 12/31
		0.08 cfs	Diversion to Storage	1/01 to 12/31
		0.04 cfs / 2.2 afa	Commercial	1/01 to 12/31

2. Total amount of water being transferred 0.08 cubic feet per second and/or 17.9 acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		SW	SW	28	3N	3E	Ada	Deep domestic
2		SW	SW	28	3N	3E	Ada	Shallow sump

5. Lands irrigated or place of use: **Place of use for irrigation, irrigation storage & commercial:**

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	3E	28										3	13 Stor						16
												C	C L2						
3N	3E	29																1	1

Within the 17-acre property boundaries of IDPR there are 3.1 irrigated acres in a permissible place of use. This is to allow adjustments of proposed berm areas to control road noise and/or use of aesthetic landscaping. Total acres **17.0**

Transfer No. _____

PART 1

6. General Information:

   a. Description of diversion system 1 deep well (84 feet) and 1 shallow sump (17 feet) with electric driven pumps, pipelines, commercial system, sprinklers and 1 ½ ac-ft lined storage pond.

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

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

   d. Remarks: See Attachment A.

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 _____.

_____

Page _____ of _____ Transfer No. _____

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

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
   in case of _____ vs. _____
   dated _____ in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. 63-4724 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 ☒ Other OWNER OF RECORD

3. Source of water Ground water tributary to _____
4. Date of priority June 1, 1945
5. Water is used for the following purpose:

   Amount 0.08 cfs / 11.2 afa for Industrial purposes from 3/01 to 10/31
   (cfs/ac-ft)
   Amount 0.04 cfs / 1.0 afa for Commercial purposes from 3/01 to 10/31
   (cfs/ac-ft)
   Amount 0.03 cfs / 4.5 afa for Irrigation purposes from 3/01 to 11/15
   (cfs/ac-ft)
   Amount 0.04 cfs / 1.2 afa for Domestic purposes from 1/01 to 12/31
   (cfs/ac-ft)
6. Total amount of water under right 0.08 cubic feet per second and/or 17.9 acre-feet per annum.
7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
L2		SW	SW	28	3N	3E	Ada	

8. Lands irrigated or place of use: **Place of use for industrial, commercial, irrigation & domestic:**

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	3E	28										0.1	0.9 L 2						1.0
													X						

Total acres 1.0

9. Describe any other water rights used for the same purpose as described above None

Transfer No. _____

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 0.08/11.2 for Industrial purposes from 3-1 to 10-31
(cfs/ac-ft)
Amount 0.04/1.2 for Domestic purposes from 1-1 to 12-31
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		SW	SW	28	3N	3E	Ada	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	3E	28										X	X						
													Lt 2						

Total acres _____

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

1. Amount 0.03/4.5 for Irrigation purposes from 3-1 to 11-15
(cfs/ac-ft)
Amount 0.04/1.0 for Commercial purposes from 3-1 to 10-31
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
2		SW	SW	28	3N	3E	Ada	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3N	3E	28										0.1	0.9						1
													X						
													L 2						

Total acres **1.0**

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

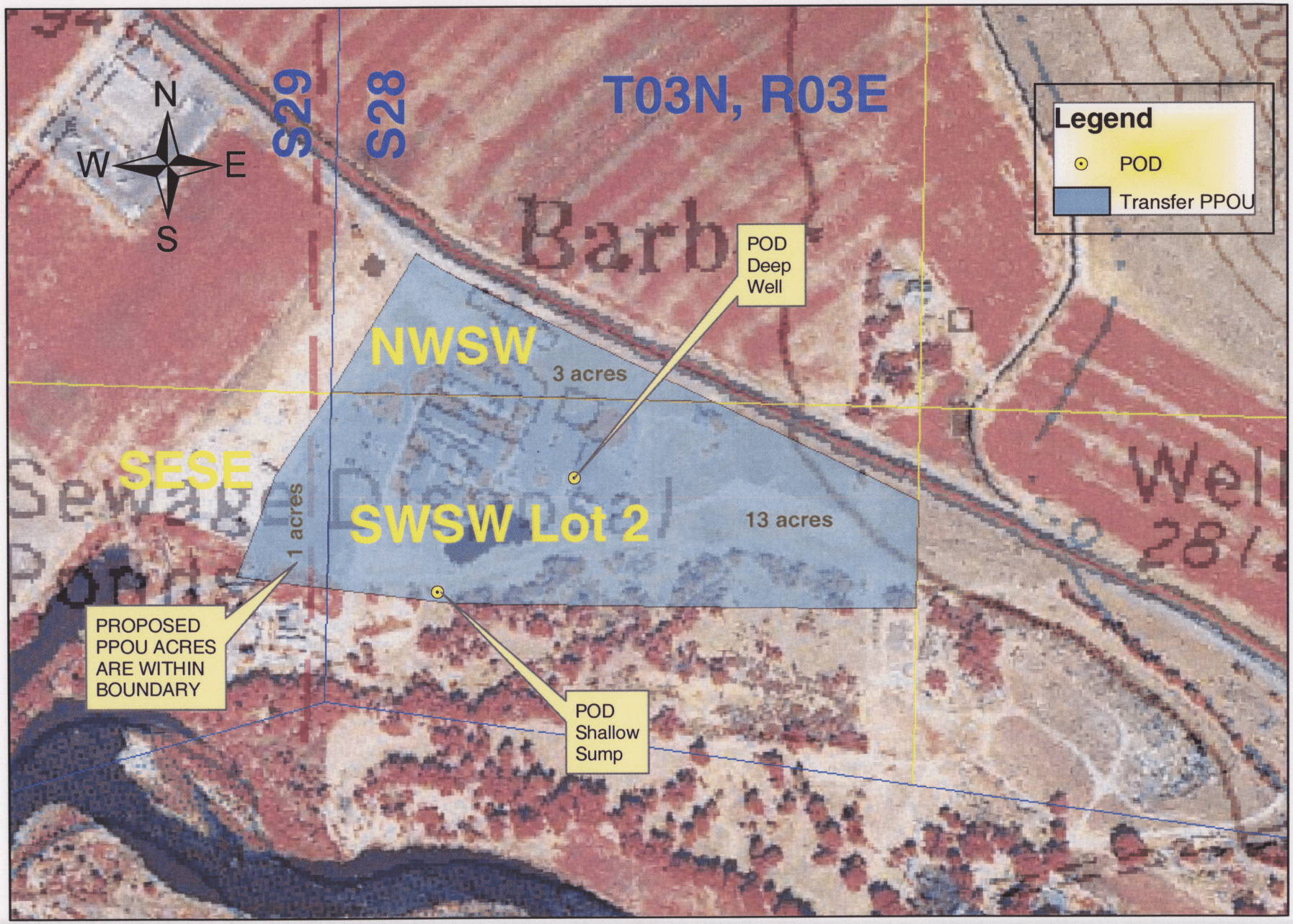
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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 number.

SCALE: 2 inches equals 1 mile. Draw plan in ink.

See enclosed: IDPR TRANSFER 63-04724 MAP.

IDPR TRANSFER 63-04724



Page _____ of _____ Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of Use | Amount (cfs/ac-ft) | Hours/days/year | Period of Use

New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
Irrigation	0.08 cfs/ 13.9 AFA	_____	3/01 to 11/15
Storage for Aesthetic	1.8 afa		1/01 to 12/31
Storage for Fire protection	1.8 afa		1/01 to 12/31
Diversion to storage	0.08 cfs	Continuous	1/01 to 12/31
Commercial	0.04 cfs / 2.2 AFA	Continuous	1/01 to 12/31

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

1) Return from commercial use is treated on site by septic tank drain field systems.
2) Irrigation return flows will be minimal and confined to deep percolation to the ground water system.
3) Storage pond is lined to prevent leakage.

3. Describe effects on other water uses resulting from the proposed change: Domestic and commercial use will be combined for year round use. The industrial use will be retired and converted to irrigation and storage.

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.

RON HOWERTON NOTARY PUBLIC STATE OF IDAHO

Aaron T Baxter
_____
(Signature of Applicant)

Subscribed and sworn before me this 13th day of AUGUST, 20 04.

Ron Howerton
_____
(Notary Public)

Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 2006

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____ _____

Receipted by _____ Date _____ _____

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 _____

ATTACHMENT "A"
REMARKS:

IDWR's recommendations provide a determination of the diversion rate available for each claimed use and a total diversion rate allowed under the right. The recommendations also determined the annual allowed volume to be diverted for each use (except the domestic uses) and the total annual volume allowed to be diverted under the right. As we discussed, IDPR is in agreement with these findings with the understanding that the total annual volume allowed to be diverted does not include that for domestic purpose and now we are asking to include the allocations in-house standards for domestic volume here in the transfer as shown in **Figure 1.**

WATER USE TABLE AUTHORIZED UNDER WATER RIGHT NO. 63-4724

PURPOSE OF USE:		PERIOD OF USE:	QUANTITY:	
Domestic Use	(2 in-house)	1/01 to 12/31	0.04 CFS	1.2 AFA *
Industrial Use		3/01 to 10/31	0.08 CFS	11.2 AFA
Commercial Use		3/01 to 10/31	0.04 CFS	1.0 AFA
Irrigation Use		3/01 to 11/15	0.03 CFS	4.5 AFY
SRBA SUB TOTALS	(The total use for transfer is:)		0.08 CFS	17.9 AFY

* Per adjudication claimed amount based off of IDWR standard of 0.6 AFA per home. The adjudication recommendation hasn't included the volume amounts for the homes.
Figure 1

Domestic Use is for in-house use of 2-homes and is not to exceed 13,000 GPD.

- IDWR's recommendations for the SRBA partial decree for this right generally don't include annual volume. However, domestic homes in the licensing process are allowed 0.6 AFA per home. Therefore we are asking that the 1.2 AFA for the 2-homes be considered in the transfer processing.

Industrial Use is for brick making @ 11.2 AFA.
Commercial Use is for 50 construction workers and one office @ 2500 GPD or 1 AFA.
Irrigation Use is for one acre @ 4.5 AFA.

Because IDWR's recommendation does not determine the consumptive use allowed under the right, the amount allowed must be determined based upon historic use in accordance with IDWR policy and the recent change in the statutes concerning this matter. Attached to this letter are the "Affidavit of George Pullman" describing historic diversion and use of water under this right at the brick-making facility and a memorandum prepared by Ron Howerton evaluating the quantity of water used based upon the affidavit. Based upon these documents, the consumptive volume that can be demonstrated for each of the uses is shown in **Figure 2.**

Domestic (0% for in-house uses)	0
Industrial (100% consumptive)	11.2 AFY
Commercial (0% consumptive)	0
Irrigation (IDWR policy for Boise area)	3.5 AFY
	TOTAL 14.7 AFY

Figure 2

USES TO BE COVERED AT HEADQUARTERS OFFICE SITE

Water is used at the headquarters office site to provide commercial use for 70 office workers and a greenbelt restroom. Present irrigation of lawn and other landscaping is about 1.0 acre with plans for more area with this transfer. A pond, lined having a surface area of ½ acre and a storage capacity of 1.5 AF is used for the irrigation and to store water for aesthetics and fire protection. The fire protection is for the office building and associated grounds.

In addition to right No. 63-4724, there is a permit (No. 63-12046) to appropriate ground water for use in the office building. Enclosed is a copy of a letter to Jeff Peppersack seeking a change in a remark on the permit 63-12046 to allow this permit to be associated with its use at the green belt rest stop and the transfer being filed for 63-4724 will then cover the office associated commercial uses. Thus, a flip-flop of this use remark will allow for the older date of priority to be associated to our headquarters office.

There is also an application for permit (No. 63-12114) to appropriate ground water for irrigation. Although final approval of this application has been delayed because of the administrative hold on processing of applications in Basin 63, water has been used under the condition that 45 AF of stored water held by IDPR is made available to Water District 63 each year.

Two wells furnish the water for the headquarters site. An 84-ft deep well supplies water for use in the office and rest stop and can be pumped into the storage reservoir for aesthetics, fire protection and irrigation. The other is a 17-ft deep well, it re-supplies water for irrigation, aesthetic and fire protection through the storage reservoir. The reservoir ties these two systems together into a common system.

QUANTITIES OF WATER TO BE TRANSFERRED TO USES AT HEADQUARTERS OFFICE

IRRIGATION use is for 3.1 acres. The Brick factory's available quantity is **0.08 CFS**. Its consumptive use volume is 11.2 AFA minus 1.8 AFA for pond evaporation = 9.4 AFA. Add the existing 1-acre volume of 4.5 AFA = 13.9 AFA. = Total volume for irrigation. Thus, 13.9 AFA / 4.5 AFA per acre (IDWR standard) = **3.1 Acres**.

AESTHETIC AND FIRE PROTECTION STORAGE uses are for the pond with a ½ acre surface area with 1.5 AF storage capacities. The pond is lined with a rubberized membrane to prevent seepage. It has been kept essentially full year around since it was constructed. Permit 63-12046 covers the initial fill. This transfer is needed to recognize year-round storage of water in the pond.

The Fire Protection storage use was the first primary need to keep the pond full enabling the irrigation use. Irrigation use of this water essentially was operational because of keeping the pond filled under the fire protection storage use.

Aesthetic storage secondly is needed to keep the pond full because as municipal water will likely become available, our fire protection storage use in the pond maybe replaced by their source. Thirdly the aesthetic storage value greatly adds to the value of the Parks and Recreations Headquarters landscaping.

The irrigation system has a float valve sensing the pond level to assure that the irrigation water can be replaced back into the pond from either well from which the irrigation water was diverted out. The diversion rate into the pond is **0.08 CFS**, the annual volume diverted into the pond for purposes other than the operational use of the pond for irrigation equals that required to replace the volume of water evaporated from the pond surface (0.5 acres times 3.5 AF/A/Y = **1.8 AFY**) and this is the amount consumptively used by the pond. See **Figure 3**.

PURPOSE OF USE	PERIOD OF USE	QUANTITY	AFA
Irrigation	3/01 to 11/15	0.08 CFS	13.9

VOLUME CALCULATION FOR IRRIGATION =

1. Brick factory's available consumptive use volume 11.2 AFA minus 1.8 AFA for pond evaporation = 9.4 AFA
2. Add existing 1 acre volume + 4.5 AFA
3. Total volume available for irrigation = 13.9 AFA
4. Number of irrigated acres available (13.9/4.5) = 3.1 Acres

Aesthetic Storage	1/1 to 12/31		1.8
Fire Protection Storage	1/1 to 12/31		1.8

VOLUME CALCULATION FOR STORAGE =

1. 0.5 Acre pond x 3.5 AFA/AC = Evaporation = 1.8 AFA
   (3.5 AFA consumptive use IDWR irrigation ET rate)

Commercial	1/1 to 12/31	0.04 CFS	2.2

VOLUME CALCULATION FOR COMMERCIAL =

1. Existing commercial use = 1.0 AFA
2. Add volume for 2 homes + 1.2 AFA
3. Total volume available for commercial = 2.2 AFA
4. Per Idaho Code 42-111 the total use will be limited to 2500 GPD
   (2500) (365) /325850 = 2.8 AFA

TOTAL REQUESTED RATE: = 0.08 CFS / 17.9 AFA, 3.1 ACRES

ONE TIME FILL OF POND IS COVERED UNDER PERMIT 63-12046
Figure 3

COMMERCIAL use is for an office building with 70 workers at 13 GPD per person that equals 910 GPD, about 1 AFY, allowing for future growth. The daily volume requested after the combination of the original domestic and original commercial use is still below the 2500 GPD required in 42-111 as a domestic use. The combination of the two original volumes or 2.2 AFA will still be below the 2.8 AFA volumes if 2500 GPD were used 365 days per year.

A diversion rate of **0.04 CFS** is adequate to meet the instantaneous demands using one or more small pressure tanks to make the system operate efficiently. The annual volume of consumptive use can be considered as negligible because of the in-office nature of the use (drinking fountains, sinks and toilets, break areas, etc.) Water use from the deeper well for the green belt rest area is authorized under permit No. 63-12046 and not included under the uses covered by this application for transfer.

OTHER REQUIREMENTS OF SECTION 42-222, IDAHO CODE

The requested change will not injure other water rights because the wells are in place and have been used for the requested purposes for nearly 10 years and a well at the same location was used for over 30 years for the brick-making operation. Having a valid water right with an early priority date to accommodate the state office building is in the interest of the public. Water is used efficiently at the site with the irrigation system using well-designed and maintained sprinkler and drip systems. Additional information to document that the change will meet the requirements of Section 42-222, Idaho Code, will be supplied as necessary.