

RECEIVED

JUN 23 2003

WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1*Please direct all inquiries to Ed Squires at 342-8369*Name of applicant Town Ranch, LP Phone (208) 342-8369 E. Squires
Post Office address 2344 Dunyon, Eagle, Idaho 83616

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversional point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe reason for the proposed changes: Applicant has purchased fifteen acres of this water right. Intent of transfer is to move the right to Applicant's property for year round commercial use related to a concrete manufacturing plant. Water will be diverted from new wells to be drilled by Applicant.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-8796	May 9, 1977	0.23 cfs/ ~~49.5 ac-ft~~ <u>41.3</u>	Commercial	1/1 to 12/31
		~~1.0 ac-ft~~	~~Domestic~~	~~1/1 to 12/31~~
		~~0.23 cfs~~	~~Fire Protection~~	~~1/1 to 12/31~~
		~~0.015 cfs/2.0 ac-ft~~ <u>4.5</u>	Irrigation	3/15 to 11/15

2. Total amount of water being transferred 0.23 cubic feet per second and/or 45.8 acre-feet per annum.3. Source of water GROUNDWATER tributary to N/A

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	20	4N	2W	Canyon	Well # 1
		SW	SE	20	4N	2W	Canyon	Well # 2

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	2W	20																	1.0 acres *

* Irrigation use will be 1/2 acre in each of the two 1/4 1/4 sections.

Total Acres 1.0

Part 1**6. General information:**

- a. Description of diversion system Two 12-inch diameter X 800-foot deep wells with deep-well turbine pumps,
discharging into the proposed facility's water distribution system.

- 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 ☐ 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:
The land will no longer be irrigated.

- d. Remarks
Intended uses include: commercial use in the manufacturing of concrete, dust abatement, wash-down water, irrigation
domestic, and fire protection purposes. New proposed uses are fully consumptive. Volume conversion calculations are
based upon a duty of water of ~~3.5~~ acre-feet per acre of consumptive irrigation use on turf grass.

2.95**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 _____, 2003

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SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
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		1.0 ac-ft	Domestic	1/1	to	12/31
		0.23 cfs	Fire Protection	1/1	to	12/31
		.015cfs/2.0 ac-ft	Irrigation	3/15	to	11/15

2. Total amount of water being transferred 0.23 cubic feet per second and /or 52.5 acre-feet per annum.
3. Source of water GROUNDWATER tributary to N/A
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	20	4N	2W	Canyon	Well # 1
		SW	SE	20	4N	2W	Canyon	Well # 2

5. 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	
4N	2W	20														CD FI	CD FI		1.0 acres *

* Irrigation use will be ¼ acre in each of the two ¼ ¼ sections.

Total Acres 1.0

Part 1**6. General information:**

- a. Description of diversion system Two 12-inch diameter X 800-foot deep wells with deep-well turbine pumps.
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- 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 ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
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The land will no longer be irrigated.
- d. Remarks
Intended uses include: commercial use in the manufacturing of concrete, dust abatement, wash-down water, irrigation
domestic, and fire protection purposes. New proposed uses are fully consumptive. Volume conversion calculations are
based upon a duty of water of 3.5 acre-feet per acre of consumptive irrigation use on turf grass.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Witness my hand this _____ day of _____, 2003

Part 1**6. General information:**

- a. **Description of diversion system** Two 12-inch diameter X 800-foot deep wells with deep-well turbine pumps,
discharging into the proposed facility's water distribution system.
- 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 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:**
The land will no longer be irrigated.
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And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 2003

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: *Please see attached Affidavit of Renata Ham for copy of license for water right no. 63-8796.*

a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

a. License No. _____ issued by the Idaho Department of Water Resources.

b. Claim No. _____ on file with the Idaho Department of Water Resources.

c. 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 _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

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

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 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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____ There are no other water rights
appurtenant to these lands. _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse?
 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 .225 cfs / 67.5 ac-ft For Irrigation purposes from 03 / 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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	31	4N	1E	ADA	16 inch Well

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	
4N	1E	31					5.5			9.5									15.0

Total acres 15.0

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

1. amount .825 cfs / 238.5 ac-ft For Irrigation purposes from 03 / 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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	31	4N	1E	Ada	16 inch well

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	
4N	1E	31		15	7		23.5			7.5									53.0

Total acres 53.0

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 places of use for rights described in part 1. Clearly depict the land by section, township and range number.

[illegible]

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</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
Commercial	.23 cfs / 49.5 ac-ft	18 hrs / day 300 days / year (peak)	1 / 1 to 12 / 31
Fire Protection	.23 cfs	N/A	1 / 1 to 12 / 31
Domestic	1.0af	18 hrs/day 300 days/year (peak)	1 / 1 to 12 / 31

2. Quantity and quality of return flows of discharge:

All commercial use is entirely consumptive with no return flows. De minimus domestic flows returned through septic system.

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

No impacts are expected. Please refer to attached cover letter for discussion.

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.



Subscribed and sworn to before me this 27 th day of March, 2003

(Signature of Applicant)

(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DH Date 3-28-03

Prelim. Check by g Fee \$290-

Receipted by DH W030275 Date 3-28-03

Published in _____

Pub. Dates _____

Watermaster recommendation requested on _____

rec'd.

Copy of transfer sent to lien holder _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

Hydro Logic, Inc.

1002 W. Franklin Street, Boise, ID 83702 (208) 342-8369, (Fax) 342-3100, hydrologic@qwest.net

June 20, 2003

Ms. Lori Graves
Water Rights Agent
State of Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

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JUN 23 2003

WATER RESOURCES
WESTERN REGION

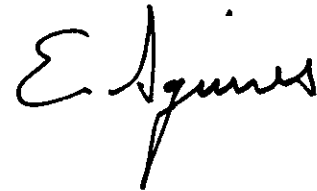
Dear Lori:

Attached, please find replacement pages for the Application for Transfer in the name of Town Ranch, LP dated March 27, 2003. The replacement pages, which will fold right into the existing document, take into account the reduction in diversion rate we have discussed because the diversion rate cannot, under existing interpretation of the rules, be increased by the transfer process. Instead, Town Ranch, LP will file a corresponding Application for Permit requesting an increased diversion rate for the water right.

Please continue to process the transfer, and I will obtain a signature from my client for the Application for Permit. Please call me direct at 342-8369 with any questions you may have concerning the transfer.

Respectfully,

Ed Squires



c: Cal Low

Hydro Logic, Inc

1002 W. Franklin Street, Boise, ID 83702 (208) 342-8369, (Fax) 342-3100, hydrologic@qwest.net

March 27, 2003

Mr. Steve Lester
Water Rights Supervisor
State of Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, Idaho 83705-5082

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WATER RESOURCES
WESTERN REGION

Dear Steve:

This letter, which should be considered a part of the attached Application for Transfer of Water Right No. 63-8796 on behalf of my client Town Ranch LP., is intended to present an overview of the transfer application. In addition to this explanation of the details of the transfer, the Application consists of the following parts:

1. A completed and signed (by the Applicant) IDWR Application for Transfer form.
2. The Affidavit of Renata Ham for Water Rights Nos. 63-10566, 63-9972, and 63-8796.
 - a. Legal description of the property from which the water will be transferred.
 - b. Water Right License No. 63-8796 for the water being transferred.
 - c. Deed from Frank and Wyoma Ham to Gayle and Renata Ham.
 - d. Court Appointment of Personal Representative of Sheldon Gayle Ham.
 - e. 1987, 1994, 2000 aerial photos of beneficial use.
 - f. Water right assignments and quitclaim deeds for land and water rights.
 - g. Various other related documents.
3. A portion of a U.S.G.S Topographic Series map showing the proposed new Place of Use and nearby existing water wells.
4. A 1992 aerial photograph showing the new Place of Use and surrounding area.
5. A tabulation of selected data from all nearby existing water wells.
6. A check for \$290 to cover the IDWR processing fee.
7. This cover letter.

Overview of the new nature of use:

The transfer proposes to move 15 acres of water right No. 63-8796 to a new Place of Use and, in the process, to change the Nature of Use, Point of Diversion, and Period of Use. No expansion in the volumetric limitations of the water right are expected or intended. Right No. 63-8796 has previously been used for irrigation of turf grass at Stone Creek Turf Farm. The Applicant proposes to move the water right to property in Canyon County for the purpose of operating a concrete manufacturing plant. The nature of this use requires a relatively small volumetric quantity of water but a relatively high, but short lived, instantaneous rates of diversion. In other words, the concrete batching process requires that water additions to delivery trucks be as instantaneous as possible. Although the average daily water demand is estimated at only about 70 gpm, (or 140 gpm given about 100,000 gallons per day are required over an average day of 12-hour duration), discharge rates up to 900 gpm are necessary for short periods when the admixture is being batched into concurrently-filled mixer trucks. Because fire protection necessitates a high flow rate, and owing to problems related to cold weather conditions and freezing temperatures, the Applicant desires to utilize the aquifer for storage rather than an above-ground reservoir. Therefore, the Applicant intends to follow this transfer application with a Application for Permit to increase the instantaneous diversion rate to 2.0 cfs.

Duty of water/consumptive use:

Because the proposed new nature of use is essentially 100 percent consumptive, the Applicant understands that the duty of water, under its present irrigation use, will not apportioned at the 4.5 acre feet per acre duty of the original water right. We have based our need calculations, on the past consumptive use for turf grass irrigation; on a consumptive use of 3.5 acre feet per acre. We have considered the proposed extension of the period of use as well as the non-consumptive portion of the original water right in our conversions as explained below:

Volumetric calculations:

The total quantity of water required annually is estimated according to the following assumptions:

A. Commercial:

- i. Concrete manufacturing.
 - a. Requires 30 gallons of water per yard of concrete mixed.
 - b. Maximum load is 10 cubic yards or 300 gallons of water per load.
 - c. Average load is 6 cubic yards or 180 gallons of water per load.
 - d. Each truck uses an additional 150 gallons of wash-down water per load.
 - e. Maximum number of truck loads per day is estimated at 150.
 - f. Using the average (6 yd³) load: 150 (maximum) loads per day X 330 gallons per load X 300 days per year (accounting for holidays, Sundays, and cold winter weather) yields **14,850,000** gallons per year.
- ii. Dust abatement/aggregate cooling.
 - a. 4,000 gallon truck X 2 trips daily yields 8,000 gallons per peak day (gpd).
 - b. 8,000 gpd X 115 days yields **920,000** gallons per year.

B. Irrigation and Domestic:

- i. It is anticipated that approximately 1 acre of the grounds will be irrigated.
- ii. Consists of decorative commercial lawn and landscaping with a caretaker residence.
- iii. 3.5 acre-feet per year X 325,850 gallons/ac-ft = **1,140,500** gallons per year.
- iv. Domestic provides for future use of lavatories and drinking water of up to 60 people.
- v. 12 gpd/person X 60 persons X 260 days = **187,200** gallons per year.

Total estimated consumptive water use = ~17,100,000 gallons = ~52.5 acre feet.

Nearby existing water wells:

Records of all wells within the 6 square mile area surrounding the proposed place of use were obtained from the IDWR Well Driller's Report file. These wells were plotted with respect to location and depth on the attached topographic map. Well density in the area is low with less than ten wells within a quarter mile of the new proposed points of diversion. The four $\frac{1}{4}$ $\frac{1}{4}$ sections making up the center of Section 20, have no wells at all. Although the requested instantaneous diversion rate is relatively high, the average daily withdrawal rate, 70 gpm average for 24 hours or 140 gpm average for 12 hours of operation is relatively small so that interference effects to other wells and water right owners are expected to be minimal-to-non existent. The underlying aquifers appear to be both productive and full with high (close to ground level) non-pumping water-levels.

Nearby existing water rights:

Water rights associated with the wells described above were evaluated for the surrounding area. Most of the nearby water rights on file with the IDWR are domestic and/or stockwater rights with small diversion quantities. As described above, the wells associated with these rights are typically 100-to-150-feet deep with non-pumping water-levels within 20 feet of land surface. In other words, the potential for interference effects to these small diameter wells is considered very low. Within Sections 20 and 29 only three non-domestic uses exist. Of these only two are larger than 6-inch diameter. The irrigation well owned by Nau is for a supplemental use only in the case surface water is not available. The industrial well under the name of Feed Service is mis-located on the Driller's Report and, according to the water right, is actually located more than three miles away to the East.

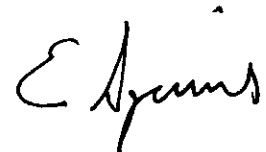
Water-bearing zone to be appropriated.

The geologic section beneath this area is relatively unexplored because most water wells have been completed above 150 feet. The few deepest wells in the general area have been drilled as deep as 311 feet. From the available Driller's Reports, the sub-surface is characterized by complexly and thinly interbedded sands and silty clays. Individual units are rarely thicker than 10-to-20 feet but the thin sand aquifers appear to be quite productive. Because little is known about the deeper section, the total depth of the proposed wells cannot be precisely known at this time. Therefore, this transfer requests that the Applicant be able to complete the proposed new points of diversion (wells) at any depth of the aquifer where sufficient quantities of water are located. In other words, the Applicant wishes the flexibility to complete the new wells anywhere within the water-bearing section from the shallow unconfined gravel aquifer to a conceivable depth of 800 feet below land surface.

It is, both, my intention and hope that you find this application complete and thorough so that processing is straightforward and expeditious. Please call me directly at 342-8369 with any questions or if additional information is needed. We will make every effort to respond right away to any such requests. Time is of the essence in this application and we would greatly appreciate prompt consideration of the matter.

Respectfully,

Ed Squires



c: Town Ranch, LP