

RECEIVED

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WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 88631**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Dry Creek Water Company LLC**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Dry Creek Water Company LLC Phone 208-618-2147
Mailing address 923 S Bridgeway Pl, Eagle, ID 83616 Email adickey@boisehunterhomes.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative HDR Phone 208-387-7000
Mailing address 412 E Parkcenter Blvd, Boise, ID 83706 Email terry.scanlan@hdrinc.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

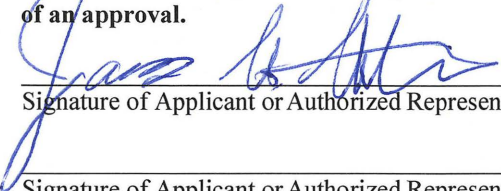
☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

James H. Hunter, Manager
Print Name and Title if applicable

11/7/2023
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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. Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Applicant proposes (1) changing the nature of use from seasonal irrigation to year-round municipal use, (2) changing the points of diversion to the applicant's integrated municipal system, and (3) changing the place of use to the applicant's municipal service area. See attached Part 1.A.3 for more details.

Transfer Part 1.A.3

Dry Creek Water Company LLC

Background

The DCR irrigation water right portfolio consists of ground water rights 63-2535, 63-4023B, 63-4086B and 63-7123 that were decreed in the Snake River Basin Adjudication (SRBA) for 392 acres, along with “enlargement right” 63-32266 authorizing 12 additional irrigated acres but no additional water. The property also has a Dry Creek water right 63-17454 authorizing irrigation of 85 of the same 392 acres. When combined, the six irrigation rights authorize a total volume of 1,764 acre-feet of water and a 7.84 cfs maximum diversion rate for irrigation of 404 acres. The rights were combined in 2009 allowing irrigation of 404 acres from an integrated system anywhere within a 739-acre place of use.

Permit 63-32423 was approved in 2010 authorizing diversion of ground water for municipal purposes associated with the Dry Creek Ranch Planned Community currently being developed by Boise Hunter Homes (BHH) on lands formerly irrigated under the DCR water rights.

The permit conditions require that the number of acres irrigated under the DCR irrigation water rights be reduced each year based on the estimated domestic and non- domestic municipal water usage to be developed. The irrigated area for the listed rights must be reduced by one acre for every 2.7 acre-feet of estimated non- domestic municipal use and by one acre for every 4.5 acre-feet of estimated domestic municipal use. In compliance with the permit conditions, mitigation plans have been submitted to Idaho Department of Water Resources (IDWR) every year starting in 2019. Each plan describes the amount of authorized irrigation reduction required to mitigate the amount of municipal development anticipated for that given year.

Applicant recently submitted water bank lease applications requesting 65.3 acres of its water rights currently not being used for mitigation or irrigation be protected from forfeiture. During application processing, IDWR found the water rights had not been converted to mitigation by non-use according to the submitted mitigation plans as required by the conditions of 63-32423. As catch-up, IDWR used the 215.7 acres dedicated to mitigation per the 2023 mitigation plan and proportioned this amount between the water rights as shown in Table 1.

Table 1: IDWR Water Right Changes

Water Right	Priority Date	Source	Water Use	Total		Mitigation			Remaining Irrigation		
				cfs	Acres	cfs	af	Acres	cfs	af	Acres
63-2535	8/24/1937	GROUND WATER	DOMESTIC, IRRIGATION	0.70	35	0.36	81.80	18.2	0.34	75.70	16.8
63-4023B	7/1/1927	GROUND WATER	IRRIGATION, STOCKWATER	3.00	180	1.56	421.00	93.5	1.44	389.00	86.5
63-4086B	7/20/1960	GROUND WATER	IRRIGATION	5.00	359	2.60	840.00	186.5	2.40	776.00	172.5
63-7123	7/11/1968	GROUND WATER	IRRIGATION	0.79	351	0.41	840.00	182.4	0.38	776.00	168.6
63-32266	3/1/1987	GROUND WATER	IRRIGATION	0.23	12	0.23	54.00	12.0	0.0	0.0	0.0
63-17454	3/20/1938	DRY CREEK	IRRIGATION	1.70	85	0.88	199.00	44.2	0.82	not listed	40.8

Summary & Future Use

Applicant’s decreed water rights allowed irrigation of 404 acres, of which 215.3 acres have been dedicated to mitigation for development completed to date under permit 63-32423. The development period for permit 63-32423 expires March 1, 2025. Because the Dry Creek Ranch

Planned Community will not be built out by March 1, 2025, applicant is submitting the accompanying permit application proposing appropriation of groundwater for domestic uses that will be developed after March 1, 2025. To simplify future water use and accounting, applicant proposes transferring the remaining 188.3 acres of decreed irrigation water rights to fully consumptive municipal use.

The municipal purpose proposed by this transfer application include any uses authorized under municipal purposes, including domestic, irrigation, stockwater and commercial uses.

Sixty-five of the acres proposed for transfer have been submitted to the Idaho Water Supply Bank for protection from forfeiture due to non-use.

To prevent enlargement, the transferred volume is based on the historic irrigation consumptive volume for the mix of crops grown in 2023 on the remaining 123 acres as documented in Transfer Attachment 8A.

Domestic use listed on water right 63-2535 and stockwater use listed on water right 63-4023B are incidental and have been incorporated into the proposed municipal use. The transfer filing fee is based on the combined limits for the remaining irrigation allowed under the subject rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ ☐	63-2535	0.36/81.8	Mitigation by Non-Use	3/1 to 11/15	Ground Water
☒ ☐		0.34/52.3	Municipal	1/1 to 12/31	Ground Water
☒ ☐	63-4023B	1.56/421	Mitigation by Non-Use	3/1 to 11/15	Ground Water
☒ ☐		1.44/269.38	Municipal	1/1 to 12/31	Ground Water
☒ ☐	63-4086B	2.6/840	Mitigation by Non-Use	3/1 to 11/15	Ground Water
☒ ☐		2.4/537.21	Municipal	1/1 to 12/31	Ground Water
☒ ☐	63-7123	0.41/840	Mitigation by Non-Use	4/1 to 10/31	Ground Water
☒ ☐		0.38/525.06	Municipal	1/1 to 12/31	Ground Water
☐ ☐	see attached			to	

Total authorized under rights 7.84 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed *3.53 cubic feet per second and/or _____ acre-feet per year.
*Combined limit for remaining irrigation allowed under water rights

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NE	NE	36	5N	1E	Ada	Ground Water	74609
			NE	NE	36	5N	1E	Ada	Ground Water	74610
			NE	NE	36	5N	1E	Ada	Ground Water	97235
			SE	NW	36	5N	1E	Ada	Ground Water	Big Pump Well
			NE	NE	36	5N	1E	Ada	Dry Creek	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) **Proposed POU is the applicant's municipal service area**

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	1						X, L4											
		2	X, L1	X, L2			X, L3												
5N	1E	25			X	X					X	X	X	X	X	X	X	X	
		35	X	X	X	X					X			X	X	X	X	X	
		36	X	X	X	X	X	X	X	X	X				X	X	X	X	
5N	2E	30											X, L4						
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Three existing wells divert into an integrated municipal water distribution system. The existing Big Pump well and Dry Creek are diverted into separate systems for municipal irrigation. All diversions are controlled and can be measured.

- b. Who owns the property at the point(s) of diversion? BHH Investors 1414 LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant manages the Dry Creek Ranch Community water system per water rights agreement on file with IDWR.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☒ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Lands are being developed

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Permit 63-32423 for municipal uses

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☒ | ☐ | currently leased to the Water Supply Bank, (65 acres pending approval) |
| ☒ | ☐ | currently used in a mitigation plan limiting the use of water under the right, or (215.3 acres in accordance with 2023 mitigation plan) |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

See attached Part 1.A.3.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-2535

Current Owner: DRY CREEK WATER COMPANY LLC
 Priority Date: 8/24/1937
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION BY NON-USE	03/01 to 11/15	0.36 CFS	81.8 AF
IRRIGATION	03/01 to 11/15	0.34 CFS	75.7 AF
DOMESTIC	01/01 to 12/31	0.02 CFS	
	<u>Total Diversion</u>	0.7 CFS	157.5 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 35,	Twp 05N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 36,	Twp 05N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 36,	Twp 05N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T05N R01E S25	NWSE	11.00	T05N R01E S25	SWSE	23.00
T05N R01E S25	SESE	33.00	T05N R01E S35	NENE	6.20
T05N R01E S35	NWNE	22.00	T05N R01E S35	SWNE	39.00
T05N R01E S35	SENE	40.00	T05N R01E S35	NESW	28.00
T05N R01E S35	SESW	1.90	T05N R01E S35	NESE	36.00
T05N R01E S35	NWSE	26.00	T05N R01E S35	SWSE	0.40
T05N R01E S35	SESE	16.00	T05N R01E S36	NENE	40.00
T05N R01E S36	NWNE	28.00	T05N R01E S36	SWNE	35.00
T05N R01E S36	SENE	20.00	T05N R01E S36	SWNW	36.00
T05N R01E S36	SENE	20.00	T05N R01E S36	NESW	13.00
T05N R01E S36	SENE	20.00	T05N R01E S36	NESW	13.00
T05N R01E S36	NESE	1.20	T05N R01E S36	NWSE	8.90
T05N R02E S30	SWSW	24.00			

Total Acres: 523.6

DOMESTIC Within ADA County

T05N R01E S35	NENE	T05N R01E S35	NWNE
T05N R01E S35	SWNE		

Total Acres: 523.6

MITIGATION BY NON-USE Within ADA County

T05N R01E S25	NESW	0.00	T05N R01E S25	NWSW	0.00
T05N R01E S25	SWSW	0.00	T05N R01E S25	SESW	0.00
T05N R01E S25	SWSE	0.00	T05N R01E S35	NENE	0.00
T05N R01E S35	NWNE	0.00	T05N R01E S36	NWNE	0.00
T05N R01E S36	NENW	0.00	T05N R01E S36	NWNW	0.00
T05N R01E S36	SWNW	0.00	T05N R01E S36	SENW	0.00

Total Acres: 523.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 16.8 acres within the place of use described above in a single irrigation season.
2. X35 Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season.
3. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-4023b

Current Owner: DRY CREEK WATER COMPANY LLC
Priority Date: 7/1/1927
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.44 CFS	389 AF
MITIGATION BY NON-USE	03/01 to 11/15	1.56 CFS	421 AF
STOCKWATER	01/01 to 12/31	0.04 CFS	
	<u>Total Diversion</u>	3 CFS	810 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 35,	Twp 05N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 36,	Twp 05N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 36,	Twp 05N,	Rge 01E B.M.
ADA County				

Place of Use

IRRIGATION Within ADA County

T05N R01E S25	NWSE	11.00	T05N R01E S25	SWSE	23.00
T05N R01E S25	SESE	33.00	T05N R01E S35	NENE	6.20
T05N R01E S35	NWNE	22.00	T05N R01E S35	SWNE	39.00
T05N R01E S35	SENE	40.00	T05N R01E S35	NESW	28.00
T05N R01E S35	SESW	1.90	T05N R01E S35	NESE	36.00
T05N R01E S35	NWSE	26.00	T05N R01E S35	SWSE	0.40
T05N R01E S35	SESE	16.00	T05N R01E S36	NENE	40.00
T05N R01E S36	NWNE	28.00	T05N R01E S36	SWNE	35.00
T05N R01E S36	SENE	20.00	T05N R01E S36	SWNW	36.00
T05N R01E S36	SENE	35.00	T05N R01E S36	NESW	13.00
T05N R01E S36	NESE	1.20	T05N R01E S36	NWSE	8.90
T05N R02E S30	SWSW	24.00			

Total Acres: 523.6

STOCKWATER Within ADA County

T05N R01E S26	SWSE		T05N R01E S26	SESE	
T05N R01E S35	NENE		T05N R01E S35	NWNE	
T05N R01E S35	SWNE		T05N R01E S35	SENE	
T05N R01E S36	NENW		T05N R01E S36	NWNW	
T05N R01E S36	SWNW		T05N R01E S36	SENE	

Total Acres: 523.6

MITIGATION BY NON-USE Within ADA County

T05N R01E S25	NESW	0.00	T05N R01E S25	NWSW	0.00
T05N R01E S25	SWSW	0.00	T05N R01E S25	SESW	0.00
T05N R01E S25	SWSE	0.00	T05N R01E S35	NENE	0.00
T05N R01E S35	NWNE	0.00	T05N R01E S36	NWNE	0.00
T05N R01E S36	NENW	0.00	T05N R01E S36	NWNW	0.00
T05N R01E S36	SWNW	0.00	T05N R01E S36	SENE	0.00

Total Acres: 523.6

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. X35 Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. X27 This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Decreed Date: 4/11/2007

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-4086b

Current Owner: DRY CREEK WATER COMPANY LLC
Priority Date: 7/20/1960
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.4 CFS	776 AF
MITIGATION BY NON-USE	03/01 to 11/15	2.6 CFS	840 AF
	<u>Total Diversion</u>	5 CFS	1615.5 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	NE1/4NE1/4	Sec. 35,	Twp 05N,	Rge 01E B.M.
GROUND WATER ADA County	NE1/4NE1/4	Sec. 36,	Twp 05N,	Rge 01E B.M.
GROUND WATER ADA County	NE1/4NE1/4	Sec. 36,	Twp 05N,	Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T05N R01E S25	NWSE	11.00	T05N R01E S25	SWSE	23.00
T05N R01E S25	SESE	33.00	T05N R01E S35	NENE	6.20
T05N R01E S35	NWNE	22.00	T05N R01E S35	SWNE	39.00
T05N R01E S35	SENE	40.00	T05N R01E S35	NESW	28.00
T05N R01E S35	SESW	1.90	T05N R01E S35	NESE	36.00
T05N R01E S35	NWSE	26.00	T05N R01E S35	SWSE	0.40
T05N R01E S35	SESE	16.00	T05N R01E S36	NENE	40.00
T05N R01E S36	NWNE	28.00	T05N R01E S36	SWNE	35.00
T05N R01E S36	SENE	20.00	T05N R01E S36	SWNW	36.00
T05N R01E S36	SENE	35.00	T05N R01E S36	NESW	13.00
T05N R01E S36	NESE	1.20	T05N R01E S36	NWSE	8.90
T05N R02E S30	SWSW	24.00			

Total Acres: 523.6

MITIGATION BY NON-USE Within ADA County

T05N R01E S25	NESW	14.00	T05N R01E S25	NWSW	0.40
T05N R01E S25	SWSW	9.00	T05N R01E S25	SESW	36.00
T05N R01E S25	SWSE	7.20	T05N R01E S35	NENE	35.00
T05N R01E S35	NWNE	15.00	T05N R01E S36	NWNE	13.00
T05N R01E S36	NENW	41.00	T05N R01E S36	NWNW	41.00
T05N R01E S36	SWNW	3.20	T05N R01E S36	SENE	2.90

Total Acres: 523.6

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X35 Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Rights 63-4086B and 63-7123 when combined shall not exceed a total annual maximum diversion volume of 776 af at the field headgate, and the irrigation of 172.5 acres in a single irrigation season.
6. X27 This right is limited to the irrigation of 172.5 acres within the place of use described above in a single irrigation season.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Decreed Date: 4/11/2007

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7123

Current Owner: DRY CREEK WATER COMPANY LLC
Priority Date: 7/11/1968
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION BY NON-USE	04/01 to 10/31	0.41 CFS	840 AF
IRRIGATION	04/01 to 10/31	0.38 CFS	776 AF
	<u>Total Diversion</u>	0.79 CFS	1615.5 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 35,	Twp 05N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 36,	Twp 05N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 36,	Twp 05N,	Rge 01E B.M.
ADA County				

Place of Use

Conditions of Approval:

1. Rights 63-4086B and 63-7123 when combined shall not exceed a total annual maximum diversion volume of 776 af at the field headgate, and the irrigation of 172.5 acres in a single irrigation season.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
3. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/11/2007.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. X35 Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season.
7. X27 This right is limited to the irrigation of 168.6 acres within the place of use described above in a single irrigation season.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Decreed Date: 4/11/2007

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-17454

Current Owner: DRY CREEK WATER COMPANY LLC
Priority Date: 3/20/1938
Origin: Water Right
Status: Active
Basis: Decreed

Source

DRY CREEK

Tributary

BOISE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 03/01 to 11/15

0.82 CFS

MITIGATION BY NON-
USE 03/01 to 11/15

0.88 CFS

199 AF

Total Diversion

1.7 CFS

Location of Point(s) of Diversion

DRY CREEK

NE1/4NE1/4

Sec. 36, Twp 05N, Rge 01E B.M.

ADA County

Place of Use

88331

IRRIGATION Within ADA County

T05N R01E S25	NWSE	11.00	T05N R01E S25	SWSE	23.00
T05N R01E S25	SESE	33.00	T05N R01E S35	NENE	6.20
T05N R01E S35	NWNE	22.00	T05N R01E S35	SWNE	39.00
T05N R01E S35	SENE	40.00	T05N R01E S35	NESW	28.00
T05N R01E S35	SESW	1.90	T05N R01E S35	NESE	36.00
T05N R01E S35	NWSE	26.00	T05N R01E S35	SWSE	0.40
T05N R01E S35	SESE	16.00	T05N R01E S36	NENE	40.00
T05N R01E S36	NWNE	28.00	T05N R01E S36	SWNE	35.00
T05N R01E S36	SENE	20.00	T05N R01E S36	SWNW	36.00
T05N R01E S36	SENE	35.00	T05N R01E S36	NESW	13.00
T05N R01E S36	NESE	1.20	T05N R01E S36	NWSE	8.90
T05N R02E S30	SWSW	24.00			

Total Acres: 523.6

MITIGATION BY NON-USE Within ADA County

T05N R01E S25	NESW	0.00	T05N R01E S25	NWSW	0.00
T05N R01E S25	SWSW	0.00	T05N R01E S25	SESW	0.00
T05N R01E S25	SWSE	0.00	T05N R01E S35	NENE	0.00
T05N R01E S35	NWNE	0.00	T05N R01E S36	NWNE	0.00
T05N R01E S36	NENW	0.00	T05N R01E S36	NWNW	0.00
T05N R01E S36	SWNW	0.00	T05N R01E S36	SENE	0.00

Total Acres: 523.6

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. X35 Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. X27 This right is limited to the irrigation of 40.8 acres within the place of use described above in a single irrigation season.

Decreed Date: 4/11/2007

1780033

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-32266

Current Owner: DRY CREEK WATER COMPANY LLC
Priority Date: 3/1/1987
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION BY NON-USE	03/01 to 11/15	0.23 CFS	54 AF
	<u>Total Diversion</u>	0.23 CFS	54 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 36,	Twp 05N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 35,	Twp 05N,	Rge 01E B.M.
ADA County				

Place of Use

MITIGATION BY NON-USE Within ADA County

T05N R01E S25	SESW	12.00
Total Acres: 12		

Conditions of Approval:

1. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
2. K02 This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.
3. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. K09 This right is for an enlargement of 12 acres within the place of use described for this right.

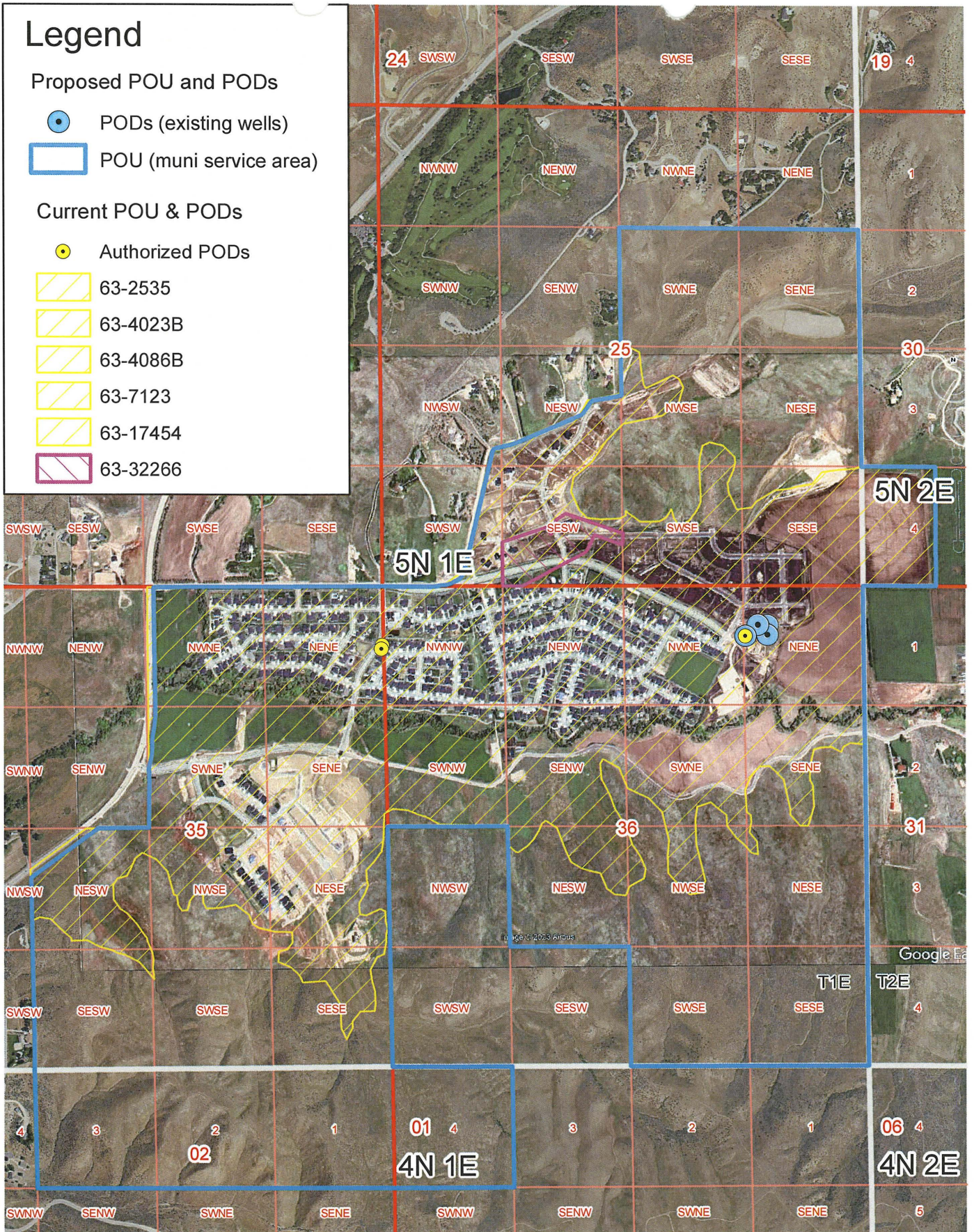
Legend

Proposed POU and PODs

- PODs (existing wells)
- POU (muni service area)

Current POU & PODs

- Authorized PODs
- 63-2535
- 63-4023B
- 63-4086B
- 63-7123
- 63-17454
- 63-32266



0 Feet 2,000



TRANSFER ATTACHMENT 7A AND 7B
 DRY CREEK WATER COMPANY LLC
 DRY CREEK RANCH SUBDIVISION

1.88631

Transfer Attachment 8A WATER BALANCE AND CHANGES

Boise WSFO Airport (NWS - USC00101022)
Precipitation Deficit Requirements

Alfalfa (frequent cuttings)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	-0.26	0.15	0.76	3.7	4.39	5.83	5.9	5.08	3.62	1.99	0.01	-0.44	960	-21	939
days / month	31	28	31	30	31	30	31	31	30	31	30	31			365
mm / month		4.2	23.6	111.0	136.1	174.9	182.9	157.5	108.6	61.7	0.3				961

960 mm/yr, net annual crop precipitation-deficit consumptive use (from above, growing season)

3.15 ft/yr, Net annual precipitation-deficit crop (Alfalfa (frequent cuttings)) consumptive use ($f = e / 304.8$)

Grass - Turf (lawns) - Irrigated															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	-0.03	0.08	0.62	3.07	4.4	5.91	6.49	5.5	3.87	2.21	-0.09	-0.23	987	-13	974
days / month	31	28	31	30	31	30	31	31	30	31	30	31			365
mm / month		2.2	19.2	92.1	136.4	177.3	201.2	170.5	116.1	68.5					984

987 mm/yr, net annual crop precipitation-deficit consumptive use (from above, growing season)

3.24 ft/yr, Net annual precipitation-deficit crop (Grass - Turf (lawns) - Irrigated) consumptive use ($f = e / 304.8$)

Grass Pasture - High Mgt															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	-0.13	0.06	0.84	3.48	4.59	6.15	6.6	4.96	2.83	1.3	-0.31	-0.35	943	-24	919
days / month	31	28	31	30	31	30	31	31	30	31	30	31			365
mm / month		1.7	26.0	104.4	142.3	184.5	204.6	153.8	84.9	40.3					942

943 mm/yr, net annual crop precipitation-deficit consumptive use (from above, growing season)

3.09 ft/yr, Net annual precipitation-deficit crop (Grass Pasture - High Mgt) consumptive use ($f = e / 304.8$)

Garden Vegetables - General															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	-0.03	0.32	0.41	0.72	2.18	5.88	7.01	5.97	3.59	0.88	-0.2	-0.17	775	39	813
days / month	31	28	31	30	31	30	31	31	30	31	30	31			365
mm / month		9.0	12.7	21.6	67.6	176.4	217.3	185.1	107.7	27.3					825

775 mm/yr, net annual crop precipitation-deficit consumptive use (from above, growing season)

2.54 ft/yr, Net annual precipitation-deficit crop (Garden Vegetables - General) consumptive use ($f = e / 304.8$)

Crop	growing season precipitation deficit			2023 Irrigation Season	
	mm	in	ft	acres	Pdef (af)
alfalfa (freq)	960	37.8	3.15	57.00	179.7
Turf	987	38.9	3.24	1.00	3.24
Pasture Gras	943	37.2	3.10	63.00	195.1
Garden	775	30.5	2.54	2.00	5.09
Total				123	383.1
Average Pdef over 123 ac (af/ac)				3.11	

Proposed Changes to Water Rights

	Pre-Transfer Irrigation			Post-Transfer Municipal		
	Acres	cfs	volume	Acres	cfs	volume
63-2535	16.8	0.34	75.7	0	0.34	52.3
63-4023B	86.5	1.44	389.00	0	1.44	269.38
63-4086B	172.5	2.40	776.00	0	2.4	537.21
63-7123	168.6	0.38	776.00	0	0.38	525.06
63-17454	40.8	0.82		0	0.82	127.06
*63-32266	0	0	0	0	0	0
Combined						
Limits	188.3	3.53	793.00	0	3.53	586.41

*Mitigation right included in transfer for PPU changes only.

180331

APPLICATION FOR TRANSFER OF WATER RIGHT ATTACHMENT WSB: TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
63-2535					Attached? ☐ or No Change ☐
63-4023B					Attached? ☐ or No Change ☐
63-4086B					Attached? ☐ or No Change ☐
63-7123					Attached? ☐ or No Change ☐
63-32266					Attached? ☐ or No Change ☐
63-17454					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

Additional Information:

Applicants recently submitted 65.3 acres of primary ground water to the Idaho Water Supply Bank. Amounts of each water right attributed towards the 65.3 acres are pending Department review and allocation.

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

August 19, 2024

DRY CREEK WATER COMPANY LLC
923 S BRIDGEWAY PL
EAGLE ID 83616-6098

RE: Transfer No. 88631

Water Right No(s). 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, 63-32266

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 8/21/2024 and 8/28/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Lynne Evans
Administrative Assistant

CC: TERRY SCANLAN, HDR INC

Evans, Lynne

From: Evans, Lynne
Sent: Friday, August 16, 2024 10:19 AM
To: BOI Legals
Subject: Legal Notice: Application for Permit No. 63-35516; Transfer Nos. 88631, 88872
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Idaho Statesman on the dates indicated (8/21 & 8/28, once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 9/9/2024. Your cooperation is appreciated.

Thank you,



Lynne Evans (she/her)
Administrative Assistant I
IDWR – Western Region
2735 W Airport Way, Boise ID 83705
lynne.evans@idwr.idaho.gov | (208) 605-4622

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-35516

WHITAKER FARMS PROPERTIES LLC
18095 USTICK RD, CALDWELL, ID 83607-9406
Point of Diversion SENE S33 T02N R01W ADA County
Source GROUND WATER
Use: IRRIGATION
03/01 to 11/15; 1.5 CFS
Total Diversion: 1.5 CFS
Date Filed: 02-26-2024
Place Of Use: IRRIGATION
T02N R01W S33 NWNE, SWNE
Total Acres: 70
Water bearing zone to be appropriated is from 130 to 140 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western Region office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 9/9/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 8/21/2024 and 8/28/2024

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 88631

DRY CREEK WATER COMPANY LLC, 923 S BRIDGEWAY PL, EAGLE, ID 83616-6098 has filed Application No. 88631 for changes to the following water rights within ADA County(s): Right No(s). 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, 63-32266; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:
to include four existing wells as PODs on all ground water rights, change portions of each right from irrigation use to municipal use, change the period of use from seasonal irrigation to year-round municipal use, and change the place of use to the applicant's municipal service area.

TRANSFER NO. 88872

SEDDIE EAGLE I LLC, 212 E CROSSROADS BLVD # 143, SARATOGA SPGS, UT 84045-2966 has filed Application No. 88872 for changes to the following water rights within ADA County(s): Right No(s). 63-10536, 63-11060, 63-25981, 63-25982, 63-31725; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:
to change the point of diversion for water right numbers 63-10536, 63-11060, 63-25981, 63-25982, 63-31725 to a new well south of the existing point of diversion. The two existing wells will be abandoned. Water will be used at the current place of use near the intersection of N Palmer Ln and W Floating Feather Rd, Eagle, ID.

For additional information concerning the property location, contact the Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 9/9/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

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DRY CREEK WATER COMPANY, LLC

Mr. Nick Miller
Idaho Department of Water Resources
2735 W Airport Way
Boise, ID 83705-5082

Dear Mr. Miller,

**RE: Dry Creek Water Company, LLC
Application for Transfer
Application for Permit**

Enclosed, you will find both a Transfer Application and a Permit Application for Dry Creek Water Company, intended for the provision of municipal and domestic water to the Dry Creek Ranch Community. Notably, the development phase of Permit 63-32423 is nearing its conclusion, and the proof of beneficial use is slated to expire on March 1, 2025. The purpose of these applications is to secure authorization for water diversions in areas of the community slated for future development beyond the March 1, 2025 deadline. We are proactively submitting these applications prior to the existing permit's licensing to ensure continuous coverage, especially in the event of potential protests and protracted permitting procedures.

It is acknowledged that an additional permitting action, such as an amendment to the enclosed Transfer Application or a distinct application, may be necessary for the complete transfer of all senior irrigation rights to municipal use subsequent to the licensing of 63-32432.

For an in-depth understanding of our requests, please consult the narratives provided in the applications. Given the complexity of our water rights portfolio, we anticipate that ongoing discussions may be beneficial as you review these applications. Should you have any inquiries, feel free to contact Terry Scanlan or myself.

Sincerely,

Ann Dickey
Water and Sewer Manager