

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84759**

This is to certify that: CALDWELL MUNICIPAL IRRIGATION DISTRICT
PO BOX 1179
CALDWELL, ID 83606-1179

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-35027	WR/DECREED	3/12/1951	0.210 cfs	49.5 af	N/A	11.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-35027	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-35027	63-35027	0.210 cfs	49.5 af	11.0	28.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.210 cfs	49.5 af	11.0	28.0		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 6th day of June, 2023.

SCOTT STORMS, Water Rights Supervisor

Transfer No. 84759

SCANNED

JUN 08 2023

WATER RIGHT NO. 63-35027
As Modified by Transfer No. 84759

In accordance with the approval of Transfer No. 84759, Water Right No. 63-35027 is now described as follows:

Right Holder: CALDWELL MUNICIPAL IRRIGATION DISTRICT
 PO BOX 1179
 CALDWELL, ID 83606-1179

Priority Date: 3/12/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.210 cfs	49.5 af
			0.210 cfs	49.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 10 Twp 03N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	10					13.5			14.5									28.0

Right Acre Limit: 11.0
 POU Total Acres: 28.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. This right is limited to the irrigation of 11 acres within the authorized place of use in a single irrigation season.
3. This right is limited to the irrigation of a specific 11 acres within the 28 acre place of use authorized by this right in a single irrigation season. The specific 11 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 11 acres to be irrigated within the 28 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Use of this right is combined with water from Wilder Irrigation District.

Transfer No. 84759

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WATER RIGHT NO. 63-35027

As Modified by Transfer No. 84759

CONDITIONS OF APPROVAL

5. 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.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 84759

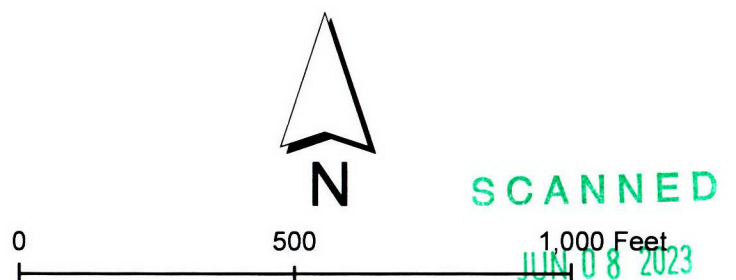
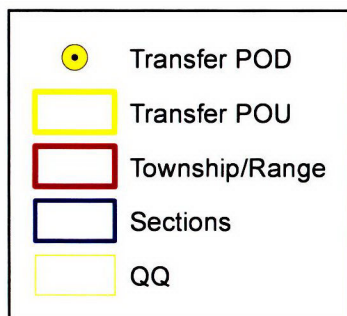
SCANNED
JUN 08 2023

State of Idaho
Department of Water Resources

Attachment to Transfer No. 84759

Water Right: 63-35027

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84759

RECEIVED

MAR 03 2021

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

WATER RESOURCES
WESTERN REGION

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) CALDWELL MUNICIPAL IRRIGATION DISTRICT

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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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 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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) CALDWELL MUNICIPAL IRRIGATION DISTRICT Phone (208) 455-3070
Mailing address PO BOX 1179, CALDWELL, ID 83606-1179 Email _____

- ☐ 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 SPF Water Engineering Phone 208-383-4140
Mailing address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Email lgraves@spfwater.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

STEVEN K. POTTS
Print Name and Title if applicable

2-25-2021
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change ownership
- 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**.
- 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**.
See attached Part 1A.3.

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Transfer Part 1A.3.

Water right 63-35027 is currently authorized for irrigation of 11 acres in the SENW from a well located on U of I Regents property. The 11 acres is part of 27-acre development that has recently been annexed into the City of Caldwell's service area. As part of the annexation agreement, an integrated irrigation system to be managed by Caldwell Municipal Irrigation District (CMID) is proposed for the development. The integrated system will also serve permit 63-34712 that authorizes irrigation of 14.6 separate acres within the 27-acre development from the proposed well. For consistency, the 27-acre permissible place of use (ppu) is also being proposed for permit 63-34712 on the accompanying amendment application. When combined, water right 63-35027 and permit 63-34712 will not exceed irrigation of 25.6 acres within the proposed ppu. Surface water from WID will be incorporated into the proposed integrated system and continue to serve as the primary irrigation source for the property. To allow ownership of water right 63-35027 be changed into the name of CMID, a recoded water right quitclaim deed from CW-Heartleaf, LLC to CMID is included as transfer attachment 2b.

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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
All or Part ☒ ☐	63-35027	0.21/49.5	Irrigation	3/1 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.21 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.21 cubic feet per second and/or _____ acre-feet per year.

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 #
Y			SE	NW	10	3N	3W	Canyon	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ 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	
3N	3W	10					13.5			14.5									27
Total Acres (for irrigation use)																			*11

*Limited to 11 acres irrigation within a 27-acre permissible place of 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:

Well, pump, pressurized system. Measuring device and lockable controlling works will be accommodated upon Department request.

- b. Who owns the property at the point(s) of diversion? CW-Heartleaf, LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Annexation Agreement. The development's pressurized irrigation system will be managed by the applicant.

- 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:
n/a

- 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:

See attached Part 1A.3.

- 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,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 63-35027

Current Owner: CW HEARTLEAF LLC
Priority Date: 3/12/1951
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	0.21 CFS	49.5 AF
	<u>Total Diversion</u>	0.21 CFS	49.5 AF

Location of Point(s) of Diversion

GROUND WATER
CANYON County

SW1/4NW1/4 Sec. 10, Twp 03N, Rge 03W B.M.

Place of Use

IRRIGATION Within CANYON County

T03N R03W S10 SENW 11.00
Total Acres: 11

Conditions of Approval:

1. W59 Use of this right is combined with water from Wilder Irrigation District.
2. 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.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Decreed Date: 2/6/2009

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84759 JUN 08 2023

2021-012672

RECORDED

02/22/2021 09:47 AM



00589583202100126720010014

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=1 MBROWN

\$15.00

DEED

CW HEARTLEAF LLC

WATER RIGHT QUITCLAIM DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, CW Heartleaf LLC ("Grantor"), does hereby convey, release, remise and forever quitclaim unto Caldwell Municipal Irrigation District ("Grantee"), whose mailing address is P.O. Box 1179, Caldwell ID 83606, all of Grantor's right, title and interest in and to that certain water right and all appurtenances thereto represented by water right number 63-35027 in the records of the Idaho Department of Water Resources.

IN WITNESS WHEREOF, the Grantor has executed this Deed this 18th day of February 2021.

GRANTOR: CW Heartleaf LLC

By:

David Woods - Controller

State of Oregon)

) SS.

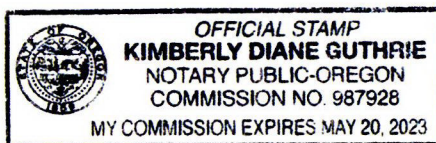
County of Deschutes)

Subscribed and sworn (or affirmed) before me this 18 of February, 2021.

Kimberly D. Guthrie
Notary Public

Residing at Deschutes

My commission Expires May 20, 2023





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 Gary Spackman

June 07, 2023

CALDWELL MUNICIPAL IRRIGATION DISTRICT
PO BOX 1179
CALDWELL ID 83606-1179

Re: Transfer No: 84759
Water Right No(s): 63-35027

Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of

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the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Evans', with a stylized flourish at the end.

Lynne Evans
Administrative Assistant I

Enclosure(s)

SCANNED

JUN 08 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 07, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84759
Water Right No(s): 63-35027

CALDWELL MUNICIPAL IRRIGATION DISTRICT
PO BOX 1179
CALDWELL ID 83606-1179

LORI GRAVES
HDR INC
412 E PARKCENTER BLVD STE 100
BOISE ID 83706-6659



Lynne Evans
Administrative Assistant I

SCANNED

JUN 08 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 84759
FROM: Scott Storms
DATE: June 6, 2023
RE: Evaluation of Application for Transfer

The purpose of this transfer is to move the point of diversion (POD) to a well located in the SENW Sec. 10, T03N, R03W, and to create an overlapping permissible place of use (PPU) of 28 acres along with permit 63-34712. Application for amendment of permit No. 88001 has been submitted to create the PPU for the permit.

A quitclaim deed and ownership change fee of \$25 was also submitted with the application conveying ownership of water right 63-35027 from CW Heartleaf, LLC, to Caldwell Municipal Irrigation District. The ownership change will be processed along with the transfer, so long as the transfer is approved.

Deviations from Transfer Policy Standards

Legal Notice Not Required
6/6/2023

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Summary of Information Submitted

Authority to File:

The application was submitted by Lori Graves of HDR Inc. (Formerly SPF Water Engineering at the time of application submittal) on behalf of the Caldwell Municipal Irrigation District (CMID). The application was signed by Steven Potts, supervisor at the CMID. The transfer application included a quitclaim deed transferring ownership of water right 63-35027 from CW Heartleaf LLC to CMID. The land at the place of use is within the City of Caldwell's municipal service area, as well as CMID's service area.

Water Right Validity:

The partial decree for water rights no. 63-35027 was issued on 02/06/2009. The right is presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

SCANNED

JUN 08 2023

Injury to Other Water Rights:

The application proposes to move the well POD one quarter-quarter east of its current location and create a PPU while still only irrigation 11 acres within the PPU, as originally authorized by the right. The application also states that surface water from Wilder Irrigation District will remain the primary source of irrigation on the 11 acres. These changes should not cause a reduction in quantity of water available, as there will be no increase to the historical rate or volume diverted nor any increase to the number of acres irrigated. Therefore no injury to other water rights is anticipated.

Enlargement of Use:

The proposed changes would not result in an increase to the historical diversion rate, annual volume, or number of acres irrigated. There is also no proposed change to the period of use. Although a PPU of 28 acres will be created should the transfer be approved, the right will be limited to 11 acres of irrigation within that PPU, as has been historically irrigated. No concerns of enlargement are anticipated as a result of this proposal.

Local Public Interest:

Things to consider:

No impacts to water quality, recreation, or fish/wildlife resources are anticipated.

For these reasons this application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

If approved the following changes should be made to the conditions of water right no. 63-35027

- Retain condition R65 to explain the standard duty of water for the area

- Add condition X27 to describe the acre limit

- Add condition 206 in order to obtain verification of which 11 acres within the 28 acre PPU are irrigated under the authorization of the right

- Add condition 01M

- Retain condition W59 to explain the groundwater is used in conjunction with surface water from Wilder Irrigation District

- Add condition 046 because the proposed new POD is a groundwater well

- Update condition C18 to T19.

- Add standard transfer conditions T07 and T08

SCANNED

MAR 03 2021

WATER RESOURCES
WESTERN REGION

March 1, 2021

Allen Bradbury
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: *Hayden Homes/City of Caldwell Submittals*

Dear Allen,

In response to your letter dated June 26, 2020 to Hayden Homes and as we discussed, enclosed are the following:

1. *Application for Transfer* on water right 63-35027 that proposes changing the water right's current ownership, place of use and point of diversion to allow irrigation of 11 acres within a 27-acre permissible place of use from a proposed private well to be managed by Caldwell Municipal Irrigation District (CMID). A copy of the recorded quitclaim deed from the current water right owner to CMID is included. The Department's filing fee for the transfer application is \$500 plus an additional \$25 to change ownership of the water right.
2. *Application for Amendment of Permit* 63-34172 in the name of CMID that proposes changing the permit's current place of use to allow irrigation of 14.6 acres within a 27-acre permissible place of use from the proposed private well referenced above. The Department's filing fee for the amendment application is \$100.
3. *Withdrawal of Application for Amendment of Permit* 63-34172 previously submitted by Hayden Homes. Please reimburse Hayden Homes the \$100 filing fee they paid at the time of original submittal.

Check No. 316258 for \$625 is enclosed to cover the required filing fees for items 1 and 2 above. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lori Graves".

Lori Graves
Sr. Water Rights Specialist

Cc: Eric Scheck, Hayden Homes Idaho

Enclosures

SPF file number: 1637.0030

SCANNED

JUN 08 2023

Add WSB paragraph to approval cover letter (see N:WRFormLetters/Water Bank Paragraph)	Y	N
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OPTIONAL PAGE -- CONDITIONS & NOTES**GROUNDWATER:**

WD 161 (Non-de minimis uses) - R05
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 214

~~WD~~

< 0.24 cfs/5 acres - No MD
 ≥ 0.24 cfs/5 acres - 01M or 01Q (ref. MD flowchart)

No water measurement districts in Western Region at this time.

DRILLING PERMIT - 046 (new well)

SURFACE WATER:

WD - R05
 ≤ 0.20 cfs - R02, 01P or No MD (ref. MD flowchart)
 > 0.20 cfs - R43

~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE

< 0.24 cfs/5 acres - No MD
 ≥ 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)

STANDARD VOLUME _____ af/ac

CONSUMPTIVE USE VOLUME _____ af/ac

USES:

STORAGE	- 18C-18B/R40-123-220-219-221-222-259-937-938	POWER	- 17H-17K (+uses)-025-106
IRR ≤ 5 ac	- R66/R67/R68/R69 (0.03 cfs/ac)	MUNICIPAL	
> 5 ac	- R62/R63/R64/R65 (0.02 cfs/ac)	Restricted area	- 022-075 RAFN – 007-109-X64
Volume only	- R58/R59/R60/R61	Irr., GW supp to SW	- 102
Supplemental	- 943 & WB7		
Storage	- R70		
STOCKWATER	- R37 (all BLM/USFS)	DOMESTIC	
MINING	- 054-106	Surface water	- WB5 (Boise above Star Bridge)
FISH PROP	- 029 (70's basins only)-007-122-106	>1 in restricted area	- 070-071-075(no parks/common areas, etc)
HEAT/COOL	- R07 (injection well)	Irr use listed separate	- WB5
FIRE PROT.	- 077-218		
DAIRY	- 082 (zoning if a concern)-106-WD8		

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. condition outside a WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined **limits** of multiple rts

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
205 - use when quantity reduced by xFer approval
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X63 - replaced C12 through C17 - ultimately C18 placed on rts to cover issue. If C18 on rts replace with T19 and remove X63.

Apply one to chg'd & unchg'd rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt yet)
T19 - replaces C18 (if at Directors Report or Partial Decree stage)
T20 - use only on unchg'd rts not subject to SRBA

NOTES:
