State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-35181

Priority: July 14, 2016

Maximum Diversion Volume: 541 AF

It is hereby certified that:

LEIGHTON LAKE ESTATES HOA
22138 TRIGGER RANCH LN
STAR ID 83669-6102

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 14, 2016, and has submitted Proof of Beneficial Use on December 30, 2021. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use	Period of Use	Annual Volume
WILDLIFE STORAGE	01/01 to 12/31	541 AF
RECREATION STORAGE	01/01 to 12/31	541 AF
AESTHETIC STORAGE	01/01 to 12/31	541 AF

Location of Point(s) of Diversion

GROUND WATER	L3 (SE¼ NW¼), Sec. 14, Twp 04N, Rge 02W, B.M.	CANYON County
GROUND WATER	SE¼ SW¼, Sec. 11, Twp 04N, Rge 02W, B.M.	CANYON County
GROUND WATER	NE¼ NW¼, Sec. 14, Twp 04N, Rge 02W, B.M.	CANYON County

Place of Use: WILDLIFE STORAGE, RECREATION STORAGE, and AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02W	11									X			X					
04N	02W	14					X			X									
04N	02W	14								X L3									

Conditions of Approval

1. The three (3) ponds established by the storage of water under this right shall not exceed a total capacity of 485 acre-feet or a total surface area of 38.9 acres.
2. Right 63-34257 authorizes a total annual storage volume of 541 acre-feet; 485 acre-feet to be used for the initial filling or carryover storage of the ponds and 55.8 acre-feet for the replacement of losses caused by evaporation.
3. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.

JAN 31 2023

State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-35181

4. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 26th day of January, 2023

CODY PARKER
Water Rights Supervisor

JAN 31 2023

State of Idaho
Department of Water Resources

Attachment to Water Right License

63-35181

This map depicts the AESTHETIC STORAGE, RECREATION STORAGE, and WILDLIFE STORAGE 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.



IDAHO DEPARTMENT OF WATER RESOURCES 1/19/2022

Water Permit 63-35181

Owner Type **Name and Address**

Current Owner LEIGHTON LAKE ESTATES HOA
22138 TRIGGER RANCH LN
STAR, ID 83669-6102

Priority Date: 7/14/2016
Status: Active DRAFT

Source **Tributary**

GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
WILDLIFE STORAGE	01/01	12/31		541.0 AF
RECREATION STORAGE	01/01	12/31		541.0 AF
AESTHETIC STORAGE	01/01	12/31		541.0 AF
	Total Diversion			541.0 AF

Source and Point(s) of Diversion

GROUND WATER	L3(SENW)	Sec. 14, Twp 04N, Rge 02W, CANYON County
GROUND WATER	SESW	Sec. 11, Twp 04N, Rge 02W, CANYON County
GROUND WATER	NENW	Sec. 14, Twp 04N, Rge 02W, CANYON County

Place Of Use

RECREATION STORAGE within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02W	11									X			X					
04N	02W	14					X			X									
04N	02W	14								X L3									

WILDLIFE STORAGE within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02W	11									X			X					
04N	02W	14					X			X									
04N	02W	14								X L3									

AESTHETIC STORAGE within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02W	11									X			X					
04N	02W	14					X			X									
04N	02W	14								X L3									

Conditions of Approval:

1. 220 The five (5) ponds established by the storage of water under this right shall not exceed a total capacity of 2835.0 acre-feet or a total surface area of 81.0 acres.
2. 219 Right 63-34257 authorizes a total annual storage volume of 2963.0 acre-feet; 2835.0 acre-feet to be used for the initial filling or carryover storage of the ponds and 128.0 acre-feet for the replacement of losses caused by evaporation.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 123 Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
5. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. 121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

Comments:

1. dnelson 1/18/2022 Split Right
This right is the result of split from 63-34257.

2. dnelson 1/19/2022 POU
Updated Shape

3. dnelson 1/19/2022 POU
Updated Pls

Dates and Other Information

Permit Proof Made Date: 12/30/2021
Field Exam Date: 12/20/2021
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

RECEIVED
JAN 19 2022

Rev. 04/12

$25 fee per permit
Receipted by _____
Receipt amt. $_____
Receipt no. _____
Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Leighton LLC (c/o Trace Leighton), hereby assign to Leighton Lake Estates HOA
Current owner(s) — New owner(s)

of, 22138 Trigger Ranch Ln, Star, ID 83669
New owner's address including city, state and ZIP — Phone

All my right, title, and interest in and to Permit No(s).: _____ to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s).:
63-34257, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

Ponds 1, 2 and 3 located in the E1/2SW, S11 and the E1//2NW, S14 as shown on the attached aerial photo map.

Does the new permit holder own the property at the:

Point of diversion? ☐ Yes ☑ No
Place of use? ☐ Yes ☑ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use:

Ponds are part of recently subdivided property aka Leighton Lake Estates and will be managed by the subdivision's HOA.

Dated this 22 day of December, 2021.

[signature] Mayor
Permit holder — Title (if applicable)

_____
Permit holder — Title (if applicable)

State of Idaho)
)ss
County of _____)

On this 22nd day of December, 2021, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL

DEBRA CRAYS
NOTARY PUBLIC
STATE OF IDAHO
COMMISSION NUMBER# 62978

[signature]
Notary Public
My commission expires: Feb 7, 2026

RECEIVED
JAN 3 1 2022

Form 42-217 Rev. 9/21

[redacted] [redacted]

FOR OFFICE USE ONLY
Amt. of Fee $ _____
Receipt No. _____
Receipted By _____
Date Receipted _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete an Assignment of Permit form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 63-34257 Name of Permit Holder(s) Leighton LLC

Telephone No. 208.941.4700 Email trace.leighton@outlook.com

Mailing Address 21270 Trigger Ranch Ln City Star State ID Zip 83669

2. Source of Water Ground Water If Ground Water (well), Date Drilled mo. _____ / yr. _____

Drilling Permit/Tag No. _____ Drilling Company's Name _____

3. Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) _____ Irrigation (No. acres) _____ Stockwater (No. and stock type) _____

Other aesthetic, recreation and wildlife storage uses

4. Total diversion rate or volume (storage only) for which proof is submitted _____ cfs OR 2,963 af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

n/a - shallow ground water resulting from pond development

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☒	Ground water level data, pumping information, or other diversion data
☐	☐	☒	Mitigation plan
☐	☐	☒	Lockable controlling works
☐	☐	☒	Measuring device
☐	☐	☒	Fish screen
☐	☐	☒	Other requirements of the water right permit _____
	☐	☒	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $_____ or ☒ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: n/a - exam by SPF Telephone No. _____ Email _____

Mailing Address _____ City _____ State _____ Zip _____

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

[signature] TRAcleighton Manager 12-20-21

SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

*Attach power of attorney if completing on behalf of permit holder.

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

January 30, 2023

LEIGHTON LAKE ESTATES HOA
22138 TRIGGER RANCH LN
STAR ID 83669-6102

RE: License No. 63-35181

ISSUANCE OF LICENSE

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 287-4910.

Sincerely,

for Cody Parker
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2023, I served a true and correct copy of Water Right License No. 63-35181 by U.S. Mail, postage prepaid, to the following:

LEIGHTON LAKE ESTATES HOA (Current Owner)
22138 TRIGGER RANCH LN
STAR ID 83669-6102

HDR INC (Representative)
C/O LORI GRAVES – *via email*
300 E MALLARD DR STE 350
BOISE ID 83706-6660
Lori.graves@hdrinc.com

Debbi Judd
Technical Records Specialist

MEMORANDUM

TO: Water Right File 63-34257 and 63-35181

FROM: Daniel Nelson – Analyst 3

DATE: January 18, 2022

SUBJECT: Licensing Review of Water Right 63-34257 and 63-35181

The field exam for this right was performed Certified Water Right Examiner Terry Scanlan of SPF Water Engineering. Mr. Scanlan recommended 1553 acre-feet (af) for 5 ponds for aesthetic storage, recreation storage, and wildlife storage.

Ownership:

This permit was filed and owned by Leighton LLC. With the submittal of the field report, an assignment of permit has been submitted by Leighton LLC. This assignment conveys ponds 1, 2, and 3 to Leighton Lake Estates HOA. These are the 3 northern ponds shown in the field report. The permit will be split at licensing. Water right permit 63-34257 was split into 63-34257 and 63-35181. Ponds 4 and 5 remain with water right permit 63-34257 and ponds 1-3 will be assigned to 63-35181.

Overlap:

Water right 63-12072 authorizes 15 af for wildlife storage, recreation storage, and aesthetic storage for the pond shown on the maps as pond 5. The 15 af has been removed from the volume calculated for pond 5.

This property falls within the borders of Canyon County Water Co. LTD. On January 14, 2022, Mr. Scanlan confirmed in an email that no Canyon County Water Co. LTD, water is diverted into the pond.

There currently are no water rights for the in-house uses for the parcels around the ponds. Several domestic wells have been drilled in this area, which suggests that each parcel will be responsible for their own culinary water use water rights.

Point of Diversion and Place of Use:

I found no issues with the point of diversion and place of use. I was able to recreate shape files and the found the same number of acres.

SCANNED
JAN 31 2023

Diversion Rate and Volume:

There is no diversion to storage, so there is no diversion rate required for these permits.

The field examiner provided volumes for ponds 4 and 5 in the field report. However, he neglected to supply any calculations or formulas for calculating the volume of ponds 1 through 3. Mr. Scanlan did give a statement in the field report of what he had calculated for the volume of ponds 1 – 3. In answer to a request to clarify this issue, Mr. Scanlan did supply a table showing the how he calculated the volume for ponds 1-3. After review Mr. Scanlan's calculations, I agree with the volumes recommended in the original field report.

For water right 63-34257, ponds 4 and 5 should be limited to a combined surface area of 46.9 acres, 945.3 (rounded to 945 af) af for the initial filling of the pond, and 58 af for evaporation for a total of 1027.6 af (rounded to 1030 af). When you remove the 15 af already authorized by water right 63-12072, the permit for Ponds 4 and 5 can be licensed for 1012.6 af, which would be rounded to 1010 af.

For water right permit, 63-35181 ponds 1-3 should be limited to a combined surface are of 38.9 acres, 485 af for initial filling of the pond, and 55.8 af for evaporation losses for a total of 540.6 af total storage volume. This volume will be rounded to 541 af.

Conditions:

Condition 123 should be carried forward to licensing. Condition 121 should be changed to 103 as is standard.

The combined surface area of the ponds that have been developed have a surface area of 85.5 acres, which is much more than the 81 acres allowed by the conditions on the permit approval. However, total volume developed of 1,430.3 af pond volume, 113.8 af evaporation and 1,568.2 af total volume is much less than the 2,835 af pond volume, 128 af evaporation and 2963 af total volume. Since the actual volume developed is less than what was authorized by the permit, then there is no reason to be concerned about the difference in surface area. This permit has been split, so conditions 220 and 219 need to be altered to match the two new permits.

Permit 63-34257 conditions 220 and 219 should state the following:

> The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 945 acre-feet or a total surface area of 46.9 acres.
>
> Rights 63-12072 and 63-34257 authorize a total annual storage volume of 1030

acre-feet; 945 acre-feet to be used for the initial filling or carryover storage of the ponds and 58 acre-feet for the replacement of losses caused by evaporation.

Permit 63-35181 conditions 220 and 219 should state the following:

The three (3) ponds established by the storage of water under this right shall not exceed a total capacity of 485 acre-feet or a total surface area of 38.9 acres.

Rights 63-35181 authorizes a total annual storage volume of 541acre-feet; 485 acre-feet to be used for the initial filling or carryover storage of the ponds and 55.8 acre-feet for the replacement of losses caused by evaporation.

JAN 3 1

Nelson, Dan

From: Terry Scanlan <TScanlan@spfwater.com>
Sent: Tuesday, January 18, 2022 11:57 AM
To: Nelson, Dan; Lori Graves
Subject: RE: One more Question on 63-34257

Good catch Dan. Thanks.

From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Tuesday, January 18, 2022 11:01 AM
To: Terry Scanlan <TScanlan@spfwater.com>; Lori Graves <LGraves@spfwater.com>
Subject: One more Question on 63-34257

Hi Terry,

In your pond calculations for ponds 4 and 5 on page 4, you show the combined volumes as follows:

881 af total pond volume + 67.3 af evaporation loss = 953 af – 15 af = 1012.3 af. (This equation equals 938 af.)

My understanding of the data suggests that the equation should be as follows:

(79.3 af for pond 4 + 881 af for pond 5 = 960.3 af total pond volume) + 67.3 af evaporation loss = 1027.6 af – 15 af = 1012.3 af.

You had the correct answer, but the wrong equation. I reviewed the volumes for ponds 1-3 this morning and they look good, and the equation matches. I just wanted to let you know that I will use the 1012 .3 af volume for ponds 4-5. I didn't catch during my first review, because I was looking at the answer and not the equation.

As always, when I find something that doesn't match up right, I want to let you know to make sure what I am seeing is correct. If I am not correct, then please let me know.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, January 18, 2022 7:51 AM
To: Terry Scanlan
Cc: Lori Graves
Subject: RE: 63-34257 Field Report

Hi Terry,

This is exactly what I needed for both questions. We need the dimensions and the formulas used to calculate the volumes of the ponds in the file to avoid a dispute in the future, and a confirmation statement that the canal water isn't diverted into the ponds is all we needed.

I will complete my review, and let you know if any other questions arise. Everything looks pretty good at this point.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Terry Scanlan <TScanlan@spfwater.com>
Sent: Friday, January 14, 2022 3:42 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Cc: Lori Graves <LGraves@spfwater.com>
Subject: 63-34257 Field Report

Dan,

Thanks for your letter seeking additional information to support the field report for licensing of 63-34257. The letter requested two items.

1. Basis for Ponds 1, 2, and 3 Volumes. You asked for Civil 3D CAD drawings to help verify volumes. I don't have topographic drawings, but I have the results of an analysis of a point file of the ponds and surrounding area and the screen shot of the image used to prepare those results. It is attached. The analysis assumed an arbitrary elevation of 2400 feet for the floor of the ponds, and then calculated the volume for various water depths. I understood from the land owner that the normal depth in the ponds is 22 feet, so we set the water surface elevation at 2422 to calculate the volumes.

2. Canyon County Water Company. You asked if Canyon County Water Company water is diverted into any of the ponds. The answer is no, there is no direct diversion of Canyon County Water Company water into the ponds.

Let me know if the information above satisfies your request and if you need any additional information. Have a great weekend.

Terry M. Scanlan, P.E., P.G. | Principal Engineer/Hydrogeologist
SPF Water Engineering, LLC
o. 208.383.4140 | **d.** 208.489.2121 |
w. www.spfwater.com

SPF utilizes a robust email filter. If you do not receive a timely response to an email, please call 208.383.4140 to ensure it was received.

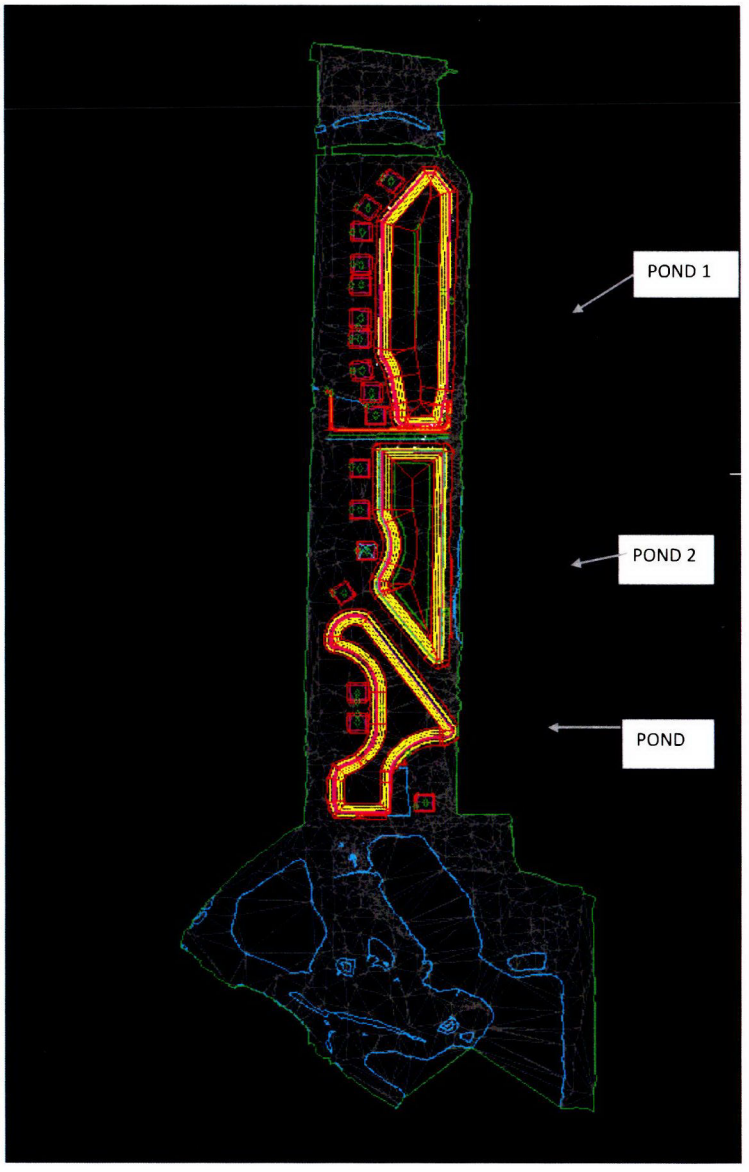
JAN 31 2023

POND VOLUME CALCULATIONS BY WATER DEPTH

Job: 1278.0020

DATE: 12/3/2021

	POND 1				POND 2				POND 3			
WATER DEPTH	Pond Floor Elevation (FT)	Surface Elevation (FT)	Water Volume (CY)	Water Volume (ACRE-FT)	Pond Floor Elevation (FT)	Surface Elevation (FT)	Water Volume (CY)	Water Volume (ACRE-FT)	Pond Floor Elevation (FT)	Surface Elevation (FT)	Water Volume (CY)	Water Volume (ACRE-FT)
31	2400	2431	--	--	2398	2429	365,559	226.59	2400	2431	--	--
26	2400	2426	423,900	262.75	2398		--	--	2400	2426	--	--
25	2400	2425	403,199	249.92	2398	2423	274,603	170.21	2400	2425	249,043	154.37
24	2400	2424	382,498	237.09	2398	2422	260,323	161.36	2400	2424	235,796	146.15
23	2400	2423	361,797	224.25	2398	2421	246,042	152.51	2400	2423	222,548	137.94
22	2400	2422	341,097	211.42	2398	2420	231,791	143.67	2400	2422	209,300	129.73
21	2400	2421	320,396	198.59	2398	2419	217,480	134.80	2400	2421	196,052	121.52
20	2400	2420	299,695	185.76	2398	2418	203,199	125.95	2400	2420	182,804	113.31



Nelson, Dan

From: Nelson, Dan
Sent: Tuesday, January 11, 2022 8:34 AM
To: Terry Scanlan; Lori Graves
Subject: Clarification Letter for Permit 63-34257
Attachments: 63-34257 Clarification Letter.pdf

Terry and Lori,

I have attached a request for clarification of the field report for permit 63-34257. All we really need is a copy of the CAD drawings for ponds 1-3 and confirmation of whether the Canyon County Water Company water is diverted into the ponds.

Thank you.

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
Director Gary Spackman

June 22, 2020

SPF WATER ENGINEERING
ATTN TERRY SCANLAN
300 E MALLARD DRIVE SUITE 350
BOISE ID 83706

RE: Field Report for Permit 63-34257

Dear Mr. Scanlan,

I received the field reports for the ponds associated with permit 63-34257. I was able to replicate the surface area of the ponds. My calculations showed a slightly higher (0.3 acres) surface area than the surface area you calculated. Due to rounding of both calculations, the surface area of the ponds will be a total of 86 acres. I was also able to confirm the pond evaporation rates.

I also agree with your calculations on volume for ponds 4 and 5. However, you forgot to include the "Civil 3D CAD" drawings you used to calculate ponds 1-3, so I can't verify those volumes.

The Idaho Beneficial Use Examination Rules 37.03.02.035.01.j states in part:

> ...For each use of water the examiner shall report an annual diversion volume based on actual beneficial use during the development period for the permit. The method of determining the annual diversion volume shall be shown....

At this point, I can process the portion of the split with Ponds 4 and 5, but I can't process the portion that includes ponds 1-3 until I have something that shows how the volume was determined. Without the "Civil 3D CAD" drawings, I cannot verify the pond volume for ponds 1-3. Please provide the information you used to determine the volumes of ponds 1-3, so I can verify the volume of these ponds.

You list Canyon County Water Company in Section B-1 Overlap Review, but you don't state in the narrative if the Canyon County Water Company water is diverted into the ponds. All I need is a statement informing us if Canyon County Water Company water is diverted into the ponds or not.

Scanned
JUN 3 1 20

The Idaho Beneficial Use Examination Rules 37.03.02.035.02.c states that we can give a certified water right examiner an additional 30 days to supply additional information to clarify the field exam report as stated below:

> If the Director determines that a field report prepared by a certified water right examiner is acceptable, but that additional information is needed to clarify the field report, he will notify the examiner in writing of the information required. If the additional information is not submitted within thirty (30) days or within the time specified in the written notice, the priority date of the permit will be advanced one (1) day for each day the information submittal is late. Failure to submit the required information within one (1) year of the date of the department's request is cause for the Director to take action to cancel the permit.

Therefore, please supply the above information by February 11, 2022. Once I have the information requested above to clarify the field report, I will be able to move forward with the licensing process.

If you have any questions, please don't hesitate to contact me.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

SPF WATER ENGINEERING

RECEIVED
DEC 30 2021
DEPARTMENT OF WATER RESOURCES

December 28, 2021

Dan Nelson
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83702-7371

Subject: 63-34257 – Proof of Beneficial Use, Beneficial Use Field Report, Permit Assignment and Leighton LLC Water Rights Address Change

Dear Dan:

Enclosed on behalf of Leighton LLC are a Statement of Completion for Submitting Proof of Beneficial Use and a Beneficial Use Field Report for permit 63-34257. The exam found total development for five ponds within the parameters of the permit. Since permit approval, the property has been subdivided resulting in Ponds 1 – 3 owned by an HOA. For licensing simplicity, an Assignment of Permit is included in Attachment A along with check #70624 for the $25 filing fee. A Change in Address is also included to update Leighton LLC's water rights with a new mailing address.

Please contact Terry or me with any questions. Thanks Dan.

Sincerely,

Lori Graves

Lori Graves for
Terry M. Scanlan, P.E., P.G.
Principal Engineer/Hydrogeologist

Cc: Trace Leighton

Enclosures

SPF file number: 1278.0020

300 E. Mallard Drive, Suite 350, Boise, Idaho 83706 Tel: 208-383-4140 Fax: 208-383-4156

SCANNED
JAN 3 1 2022

Form 219 07/11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

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WATER RESOURCES

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATION

Permit No. 63-34257

1. Owner Leighton LLC Phone No. 208-941-4700
   Current address 21270 Trigger Ln, Star, ID 83669 (address change form included in Attachment A)
2. Examiner's name Terry Scanlan, P.E., P.G., CWRE 129 EXAM DATE December 20, 2021
3. Accompanied by Trace Leighton Email trace.leighton@outlook.com
   Address same as above
   Relationship to permit holder Owner Phone No.
4. Source Ground Water tributary to Boise River

B. OVERLAP REVIEW

1. Other water rights with the same place of use 63-12072, Canyon County Water Co.
2. Other water rights with the same source and point of diversion 63-12072

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:**

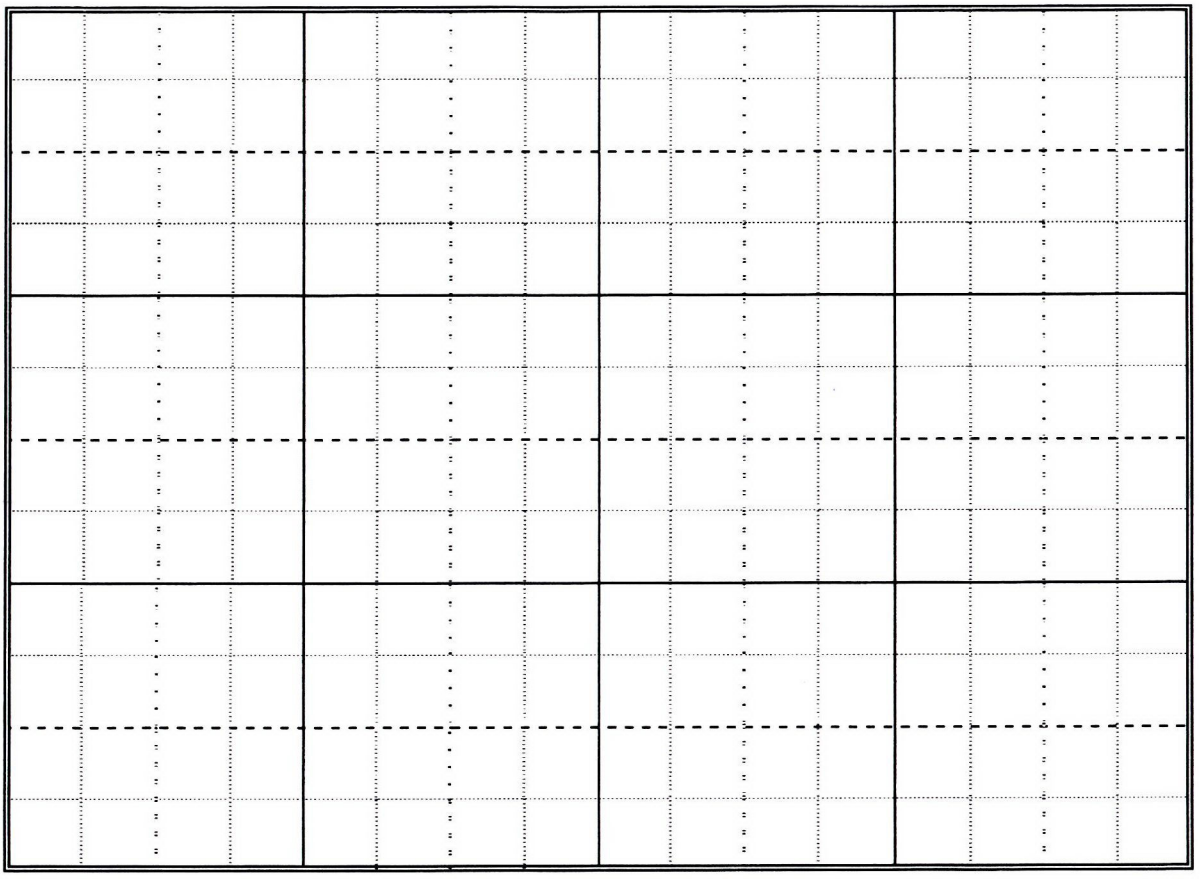
Ident. No.	Gov't Lot	¼	¼	¼	Sec	Twp	Rge	County	Method of Determination/Remarks
Pond 1			SE	SW	11	4N	2W	Canyon	2020 aerial photo, BUFE
Pond 2			NE	NW	14	4N	2W	Canyon	2020 aerial photo, BUFE
Pond 3	3		SE	NW	14	4N	2W	Canyon	2020 aerial photo, BUFE
Pond 4	6		NE	SW	14	4N	2W	Canyon	2020 aerial photo, BUFE
Pond 5	6		SE	SW	14	4N	2W	Canyon	2020 aerial photo, BUFE

2. **Place(s) of Use:** Method of determination 2020 aerial photo, BUFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2W	11									X			X					
		14					X			X	X	X		X		X	X		
		14								X	X	X	X	X		X	X		
										L3	L6	L5	L5	L6		L2	L7		

Old river channel PLS and gov lot PLS both accounted for above for ponds 3 - 5

3. **Delivery System Diagram**: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☒ see attached.



Scale: 1" = _____

☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (**required**)
☒ Aerial photo attached (required for irrigation of 10+ acres)
☒ Photo of diversion and system attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

****Code to correspond with no. on map and aerial photo***

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:** _____

Volumes for ponds 1 - 3 (newer ponds) were determined based on the Civil 3D CAD modeling the contractor used to excavate and shape the ponds. These 3 ponds have a maximum depth of 22 feet. Volumes for ponds 4 & 5 (older ponds) were estimated using 15 ft and 20 ft bottom depths and GIS analysis of pond surface areas. These two ponds have estimated maximum depths of 20 and 35 feet. Pond volume calculations are included in Attachment B.

E. NARRATIVE/REMARKS/COMMENTS

The exam found five excavated ponds with a 85.8 acres of total surface area and storage volume of approximately 1445 af. Using ET Idaho data and the Caldwell weather station, evaporation from 85.8 acres of pond surface area is 123.1 af for open water - deep systems. Development is within the parameters of the permit, which allows 2,835 af for pond storage volume and 128 af for evaporative losses. Seepage loss is not a factor since the pond naturally fills with shallow ground water.

Since permit approval, the property has been subdivided. Ponds 1 - 3 are now managed under an HOA. Ponds 4 and 5 remain under the ownership of the permit holder. For licensing simplicity, an Assignment of Permit from the permit holder to the HOA for ponds 1 - 3 is included in Attachment A.

Overlaps: License 63-12072 authorizes 15 af storage in pond 5 for wildlife, aesthetic and recreation uses that the Department found developed in in 1994. Due to significant gravel excavation after 1994, total storage volume for pond 5 is now 881 af based on 40.4 acres of pond surface area and 25 ft depth. To account for the overlap, total storage volume for pond 5 recommended for licensing is 866 af.

Note, pond levels will fluctuate with shallow ground water level, which in turn is influenced by river level. Therefore, pond storage will be less when river is at low flow and greater when river is at high flow. Pond depth estimates were reported to the examiner by the permit holder.

Wildlife beneficial use from ducks, geese, and other birds. Recreation use includes fishing and water sports. Aesthetic use is landscaped shoreline adjacent to homes.

Attachment A: permit record, permit assignment. proof of beneficial use, address change form

Attachment B: topographical map, 2020 aerial photo map, pond volume calculations

Attachment C: exam photos

Attachment D: evaporation calculations

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☒ Yes ☐ No If no, what must be done to meet the permit requirements?

Total developed volume is less than total permit volume.

F. FLOW CALCULATIONS ☐ Additional computation sheets attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:
Recommend licensing:

HOA: Ponds 1 - 3, 485 af total pond volume + 55.8 af evap loss = 540.6 af total

Leighton LLC: Ponds 4 & 5, 881 af total pond volume + 67.3 af evap loss = 953 af - 15 af (lic)= 1012.6 af total

Total developed pond volume: 1430 af + 123 af for evaporative losses = 1553 af total

See Attachment B for Volume Calculations

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Aesthetic Storage	1/1	12/31		1553
Recreation Storage	1/1	12/31		1553
Wildlife Storage	1/1	12/31		1553
		Totals:		1553

2. Recommended Amendments

☐ Change P.D. as reflected on page 1 ☐ Add P.D. as reflected on page 1 ☒ None

☐ Change P.U. as reflected on page 1 ☐ Add P.U. as reflected on page 1 ☐ Other

I. AUTHENTICATION

Field Examiner's Signature Terry M. Scanlan Date December 20, 2021

Reviewer _____ Date _____

PROFESSIONAL ENGINEER LICENSED SEAL 6266 STATE OF IDAHO TERRY M. SCANLAN

JAN 31 2022

Attachment A

Permit Record, Permit Assignment, Proof of Beneficial Use, Address Change Form

RECEIVED
DEC 30 2021
DEPARTMENT OF WATER RESOURCES

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-34257

Priority: July 14, 2016 Maximum Diversion Volume: 2,963.0 AF

This is to certify, that LEIGHTON LLC
7627 HWY 44
STAR ID 83669

has applied for a permit to appropriate water from:

Source: GROUND WATER **Tributary:** BOISE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE	PERIOD OF USE	ANNUAL VOLUME
AESTHETIC STORAGE	01/01 to 12/31	2,963.0 AF
RECREATION STORAGE	01/01 to 12/31	2,963.0 AF
WILDLIFE STORAGE	01/01 to 12/31	2,963.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L3 (SE¼NW¼)	Sec. 14, Twp 04N,	Rge 02W, B.M., CANYON County
GROUND WATER	L6 (NE¼SW¼)	Sec. 14, Twp 04N,	Rge 02W, B.M., CANYON County
GROUND WATER	SE¼SW¼	Sec. 11, Twp 04N,	Rge 02W, B.M., CANYON County
GROUND WATER	NE¼NW¼	Sec. 14, Twp 04N,	Rge 02W, B.M., CANYON County
GROUND WATER	L6 (SE¼SW¼)	Sec. 14, Twp 04N,	Rge 02W, B.M., CANYON County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 02W 11									X			X					
04N 02W 14					X			X L3	X L6	X L5	X L5	X L6		X L2	X L7		
04N 02W 14										X							

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 02W 11									X			X					
04N 02W 14					X			X L3	X L6	X L5	X L5	X L6		X L2	X L7		
04N 02W 14										X							

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 02W 11									X			X					
04N 02W 14					X			X L3	X L6	X L5	X L5	X L6		X L2	X L7		
04N 02W 14										X							

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-34257

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2022.**
2. Subject to all prior water rights.
3. The five (5) ponds established by the storage of water under this right shall not exceed a total capacity of 2835.0 acre-feet or a total surface area of 81.0 acres.
4. Right 63-34257 authorizes a total annual storage volume of 2963.0 acre-feet; 2835.0 acre-feet to be used for the initial filling or carryover storage of the ponds and 128.0 acre-feet for the replacement of losses caused by evaporation.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
8. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

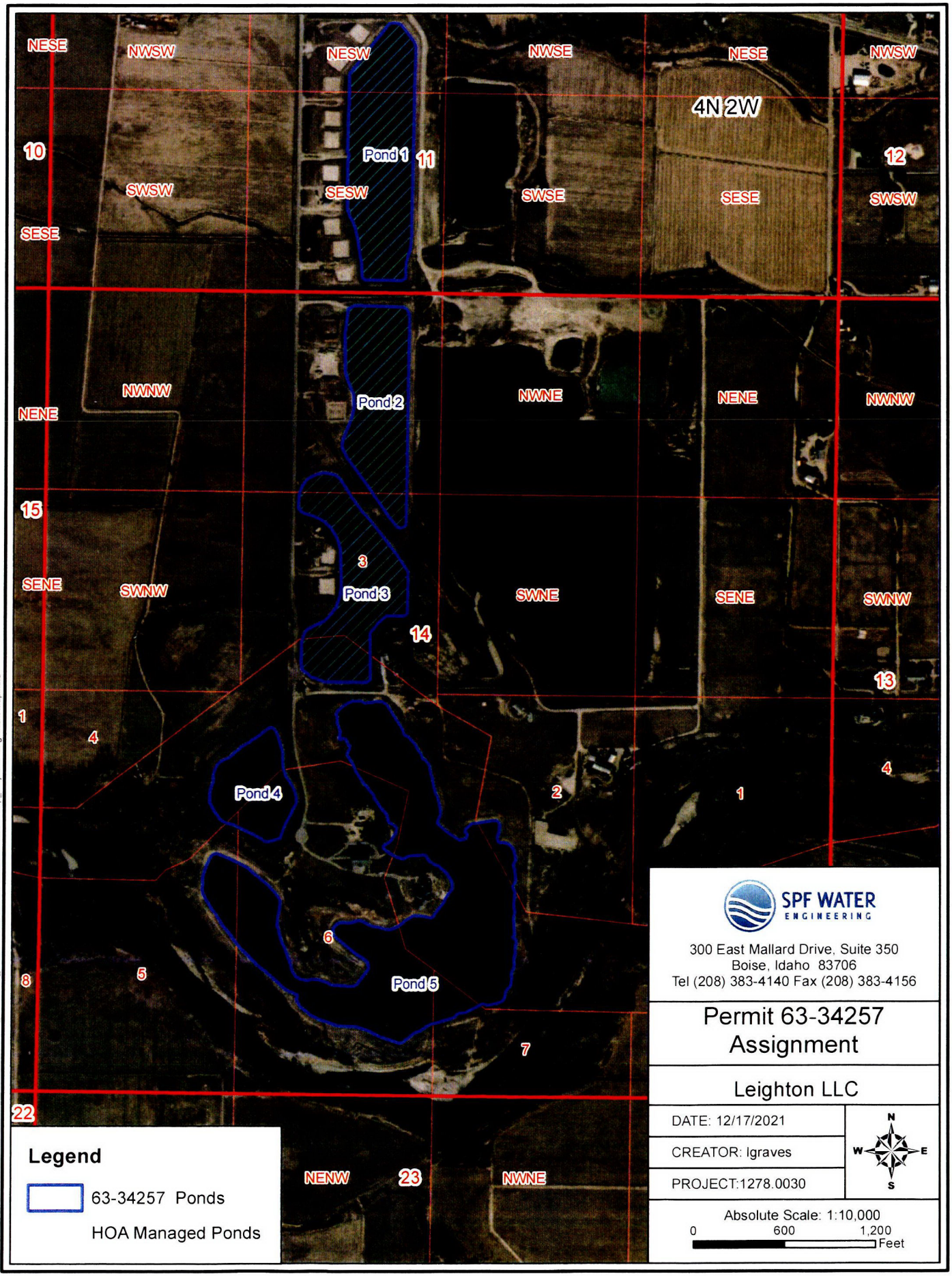
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 30th day of January, 2017.

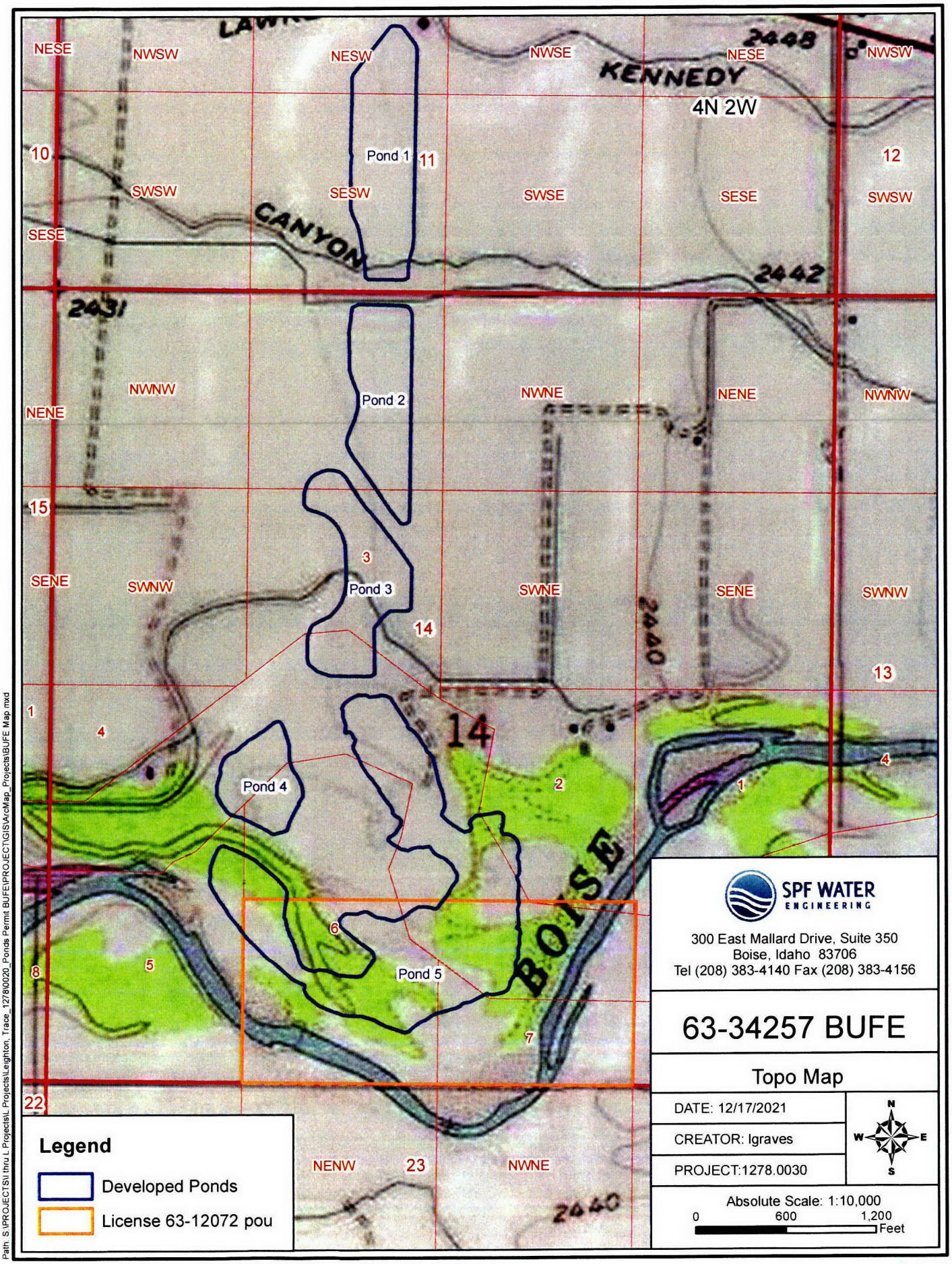
Nick Miller
Manager, IDWR Western Region

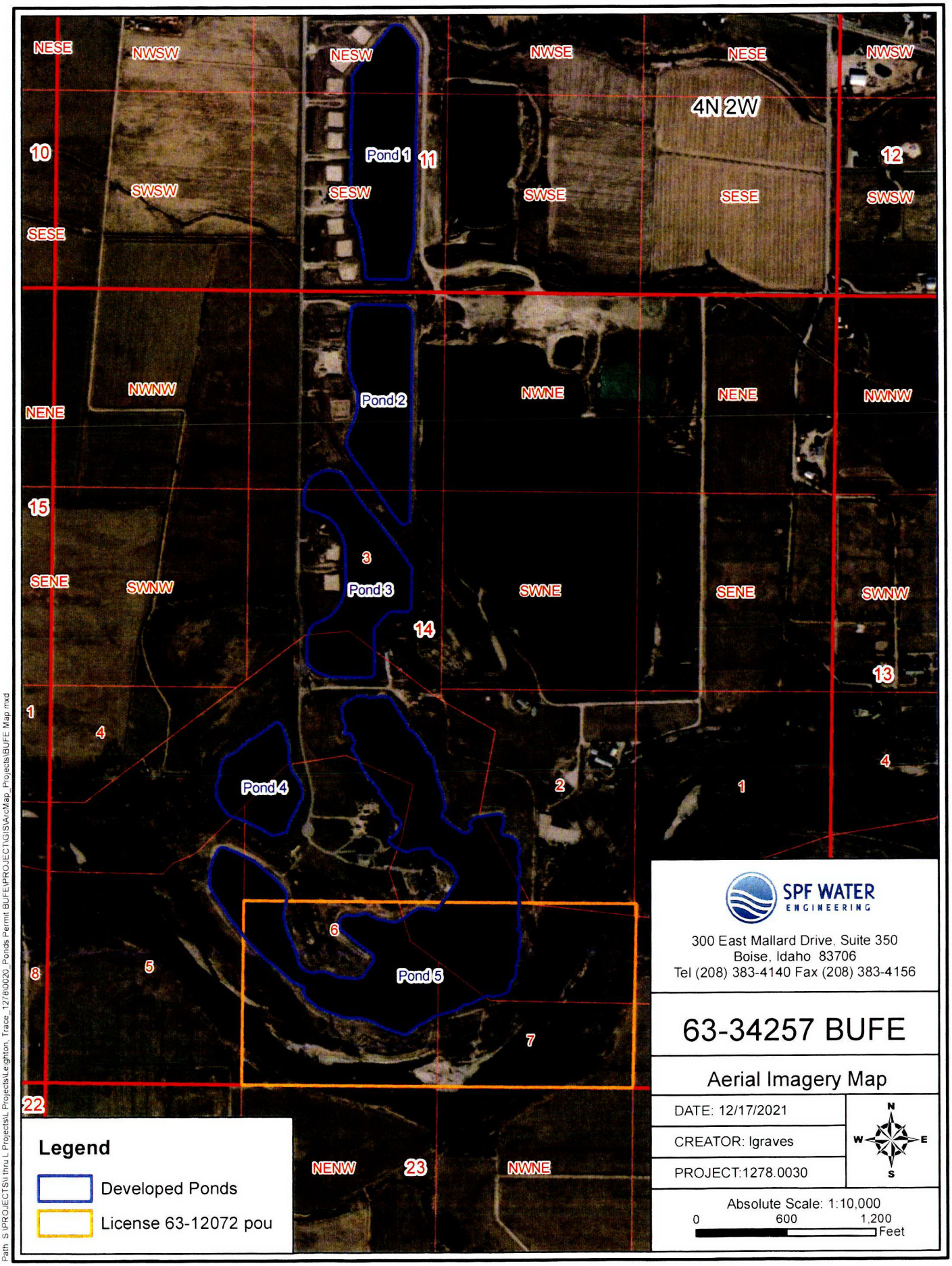
Attachment B

Topographical Map, 2020 Aerial Photo Map, and Pond Volume Calculations



Path: S:\PROJECTS\i thru L Projects\L Projects\Leighton Trace_1278\0020_Ponds Permit BUFFER\PROJECTGIS\ArcMap_Projects\Assignment Map.mxd


NESE
NWSW
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NWSE
NESE
NWSW
KENNEDY
4N 2W
2448
10
Pond 1
11
12
SWSW
SESW
SWSE
SESE
SWSW
SESE
CANYON
2442
2431
NWNW
Pond 2
NWNE
NENE
NWNW
NENE
15
3
SENE
SWNW
Pond 3
SWNE
SENE
SWNW
14
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14
Pond 4
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1
4
BOISE
6
8
5
Pond 5
7
22
NENW
23
NWNE
2440
Legend
Developed Ponds
License 63-12072 pou
SPF WATER ENGINEERING
300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156
63-34257 BUFE
Topo Map
DATE: 12/17/2021
CREATOR: lgraves
PROJECT:1278.0030
N
W
E
S
Absolute Scale: 1:10,000
0
600
1,200
Feet
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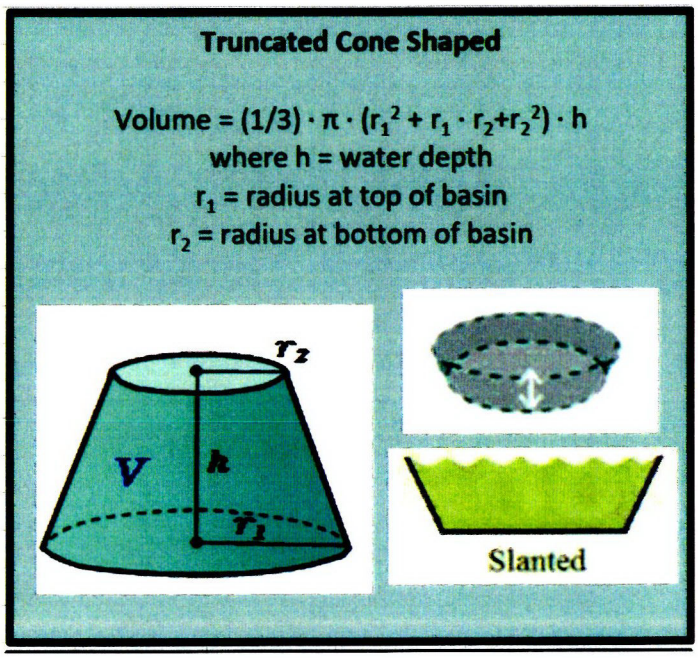
Pond Volume Calculations for Licensing

	Surface Area (ac)	Average Bottom Depth (ft)	Pond Volume (af)	Evap Volume (af)	Total for Licensing 63-34257 (af)
POND 1	14.9		211	21.4	232.8
POND 2	11.7		144	16.8	160.5
POND 3	12.3		130	17.6	147.4
POND 4	6.5	15	79.3	9.33	88.6
POND 5	40.4	25	881	58.0	924.0
63-12072			-15		
			866		
TOTAL	85.8		1430	123.1	1553

Evaporation volumes based on ET Idaho precipitation deficit for Caldwell NWS station (1.435 ft/yr)

Volumes for Ponds 1, 2, and 3 calculated based on gravel pit topography using Civil 3D CAD

Volumes for Ponds 4 and 5 estimated for circular, flat bottom, steep side slope gravel pits using formula below



	Pond 4	Pond 5
Depth	15	25
Top Area (ac)	6.5	40.4
Top Area (ft2)	283,140	1,759,824
top radius (ft)	300	748
bottom radius 4:1 slope (ft)	240	648
bottom area (ft2)	181,274	1,320,984
Volume (ft3) = (1/3) · π · (r_1^2 + r_1 · r_2+r_2^2) · h =	3,454,835	38,379,208
volume (af) :	79.3	881

Attachment C
Exam Photos



Pond 1 looking north



Pond 2 looking south



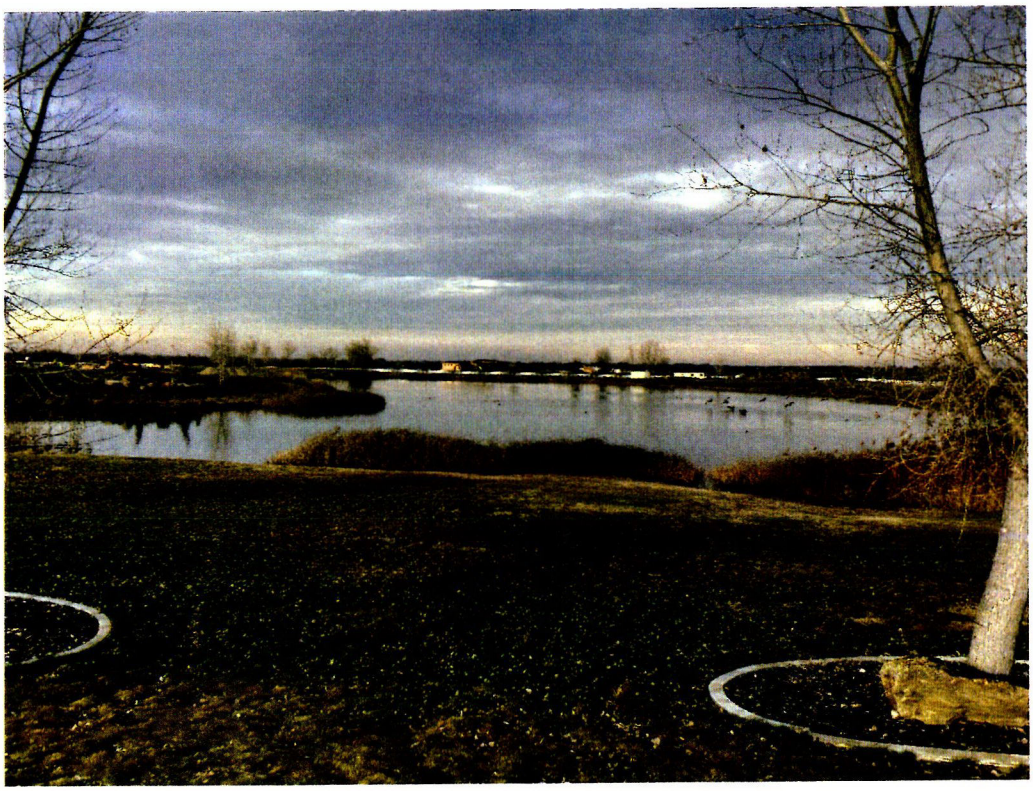
Pond 3 looking northwest



Pond 4 looking south



Pond 5, looking southwest from home on peninsula



Pond 5, looking north from home on peninsula. Geese and ducks visible in photo.

Attachment D
Evaporation Calculations

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBE	63-34257
REVIEWER	SPF
DATE	12/16/2021

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:
P = Precipitation
ET= Evapotranspiration
P_d = Precipitation deficit
P_d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: http://data.kimberly.uidaho.edu/ETIdaho/

Precipitation Deficit

Station: Caldwell (NWS -- USC00101380) Deep Systems

Month	mm/day[1]	*Days per month*	mm/Month
Jan	-0.58	31	0.00
Feb	0.19	28	5.32
March	0.55	31	17.05
April	1.22	30	36.60
May	1.89	31	58.59
June	2.12	30	63.60
July	2.66	31	82.46
August	2.27	31	70.37
September	1.68	30	50.40
October	1.52	31	47.12
November	0.19	30	5.70
December	-0.41	31	0.00
Total mm/year =			437.21

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

[(mm/yr) ÷ (convert to feet)] X (Surface area of pond, in acres) = Evaporation Loss in Acre Feet

(437.21 ÷ 304.8) X 85.80 = 123.1 AFA