

RECEIVED

MAR 12 2024

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 88830**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) New Dry Creek Ditch Co

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 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) New Dry Creek Ditch Co Phone 208-629-7447
Mailing address c/o Bryce Farris, Sawtooth Law Offices PLLC, PO Box 7985, Boise, ID 83707 Email bryce@sawtoothlaw.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, Ste 100, Boise, ID 83706 Email lori.graves@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

ROGER A. FOSTER - PRESIDENT
Print Name and Title if applicable

2/27/2024
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☒ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☐ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code §42-221.0.8?
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**.
Applicant proposes changing the nature of use of a portion of the identified water right to provide mitigation for evaporative losses from ponds proposed under application 63-35482. See attached Part 1A.3. for additional details.

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 ☐ ☒	63-28977	0.29 cfs	Irrigation	3/1 to 11/15	Boise River
☐ ☐		0.11 cfs	Diversion to Storage	3/1 to 11/15	
☐ ☐		14.1 afa	Aesthetic Storage	1/1 to 12/31	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.40 cfs and/or _____ acre-feet. Proposed Aesthetic Storage Amount

2. Total amount of water proposed to be transferred or changed 0.11 cubic feet per second and/or 14.1 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 #

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	
4N	1W	1											AS	AS					

Total Acres (for irrigation use)

AS = aesthetic storage pou to be added to right

No change in the company pou boundary proposed

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:

No changes to the existing diversion system are proposed. The aesthetic flow will be delivered to the property through the same infrastructure as currently used for irrigation.

- b. Who owns the property at the point(s) of diversion? n/a - no change in the point of diversion

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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:

The place of use for the ponds will no longer be irrigated but the shareholder will continue to own shares for the aesthetic use. The irrigated place of use for NDCDC water rights will be reduced by 5.3 acres within the NDCDC service area. The NDCDC place of use boundary remains unchanged.

- 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:

Associated permit application 63-35482 for aesthetic storage from ground water for the subject ponds. Ground water right 63-31971 for supplemental irrigation.

- 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:

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

Current Water Right No.: 63-28977

Current Owner: NEW DRY CREEK DITCH CO
Priority Date: 6/1/1864
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

0.4 CFS

0.4 CFS

Annual Volume

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L7(N/E1/4SE1/4)

Sec. 23, Twp 04N, Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01E S6	Lot 7	SWSW
T04N R01E S6		SWSE
T04N R01E S7		NWNE
T04N R01E S7		SENE
T04N R01E S7	Lot 1	NWNW
T04N R01E S7		SENW
T04N R01E S7	Lot 3	NWSW
T04N R01E S7	Lot 5	SESW
T04N R01E S7		NWSE
T04N R01E S7		SESE
T04N R01E S8		SENE
T04N R01E S8		SWNW
T04N R01E S8		NESW
T04N R01E S8		SWSW
T04N R01E S8		NESE
T04N R01E S8		SWSE
T04N R01E S9		SWNW
T04N R01E S9		NWSW
T04N R01E S9		SESW
T04N R01E S9		NWSE
T04N R01E S9		SESE
T04N R01E S10		NWSW
T04N R01E S10		SESW

T04N R01E S6		SESW
T04N R01E S7		NENE
T04N R01E S7		NWNE
T04N R01E S7		NENW
T04N R01E S7	Lot 2	SWNW
T04N R01E S7		NESW
T04N R01E S7	Lot 4	SWSW
T04N R01E S7		NESE
T04N R01E S7		SWSE
T04N R01E S8		SWNE
T04N R01E S8		NWNW
T04N R01E S8		SENW
T04N R01E S8		NWSW
T04N R01E S8		SESW
T04N R01E S8		NWSE
T04N R01E S8		SESE
T04N R01E S9		NESW
T04N R01E S9		SWSW
T04N R01E S9		NESE
T04N R01E S9		NWSE
T04N R01E S10		NESW
T04N R01E S10		SWSW
T04N R01E S10		SWSE

Page _____ of _____

T04N R01E S15		NWNE
T04N R01E S15		NENW
T04N R01E S15		SWNW
T04N R01E S15		NESE
T04N R01E S15	Lot 1	SESE
T04N R01E S16		NENW
T04N R01E S17	Lot 1	NENE
T04N R01E S17		NENW
T04N R01E S18	Lot 1	NENE
T04N R01W S1		SWNE
T04N R01W S1	Lot 4	NWNW
T04N R01W S1		SESW
T04N R01W S1		NWSW
T04N R01W S1		SESW
T04N R01W S1		NWSE
T04N R01W S1		SESE
T04N R01W S2	Lot 2	NWNE
T04N R01W S2		SENE
T04N R01W S2	Lot 4	NWNW
T04N R01W S2		SESW
T04N R01W S2		NWSW
T04N R01W S2		SESW
T04N R01W S2		NWSE
T04N R01W S2		SESE
T04N R01W S3		SENE
T04N R01W S3	Lot 4	NWNW
T04N R01W S3		SESW
T04N R01W S3		NWSW
T04N R01W S3		SESW
T04N R01W S3		NWSE
T04N R01W S3		SESE
T04N R01W S4		SESE
T04N R01W S10		NWNE
T04N R01W S10		NENW
T04N R01W S11		NENE
T04N R01W S11		SENE
T04N R01W S11		SWNW
T04N R01W S12		NWNE
T04N R01W S12		NWNW
T04N R01W S12		SESW
T05N R01W S35		NESE
T05N R01W S35		SESE
T05N R01W S36		SWSW

T04N R01E S15		SWNE
T04N R01E S15		NWNW
T04N R01E S15		SESW
T04N R01E S15		NWSE
T04N R01E S16		NENE
T04N R01E S16		NWNW
T04N R01E S17	Lot 2	NWNE
T04N R01E S17		NWNW
T04N R01E S18	Lot 2	NWNE
T04N R01W S1	Lot 3	NENW
T04N R01W S1		SWNW
T04N R01W S1		NESW
T04N R01W S1		SWSW
T04N R01W S1		NESE
T04N R01W S1		SWSE
T04N R01W S2	Lot 1	NENE
T04N R01W S2		SWNE
T04N R01W S2	Lot 3	NENW
T04N R01W S2		SWNW
T04N R01W S2		NESW
T04N R01W S2		SWSW
T04N R01W S2		NESE
T04N R01W S2		SWSE
T04N R01W S3		SWNE
T04N R01W S3	Lot 3	NENW
T04N R01W S3		SWNW
T04N R01W S3		NESW
T04N R01W S3		SWSW
T04N R01W S3		NESE
T04N R01W S3		SWSE
T04N R01W S4		NESE
T04N R01W S10		NENE
T04N R01W S10		SENE
T04N R01W S10		NWNW
T04N R01W S11		NWNE
T04N R01W S11		NWNW
T04N R01W S12		NENE
T04N R01W S12		NENW
T04N R01W S12		SWNW
T05N R01W S35		SENE
T05N R01W S35		SWSE
T05N R01W S36		NWSW
T05N R01W S36		SESW

Conditions of Approval:

1. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
3. F01 Water is delivered through the New Dry Creek Ditch.
4. SD1 This right originated as all or part of right no. 3 in the Stewart Decree and the historic Boise River Water Masters records.
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. T19 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.
7. R05 Use of water under this right may 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.
8. X27 This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
9. 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.
10. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 12/10/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 63-28977

1. amount 0.11 cfs (cfs/ac-ft) for Irrigation purposes from 3/1 to 11/15
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Total Acres (for irrigation use)	*5.3
----------------------------------	------

*5.3 acres of pond area. Irrigation within the NDCDC service area will be reduced by 5.3 acres and limited to 2958.7 acres upon transfer approval.

A88836

Transfer Part 1A.3.

Summary. BHH Farmstead Holdings, LLC has proposed 5.3-acres of pond area within an 80-acre farm site on Application for Permit 63-35482. The proposed source of water for the ponds is ground water from an existing well that, upon application review, IDWR has deemed to be hydraulically connected with the Boise River due to the lack of a sufficient well seal. Based on this determination, mitigation to Boise River flows is required to offset consumptive use resulting from the proposed ponds. Upon development, supplemental ground water and New Dry Creek Ditch Co. (NDCDC) surface water will flow through the ponds for irrigation use.

Applicant owns 2.7 shares in NDCDC with each share equivalent to 27 acres/inches. These shares have historically been used for irrigating alfalfa where the ponds are to be located. NDCDC owns numerous Boise River water rights. To simplify the process, this transfer proposes changing the nature of use of a portion of water right 63-28977 from irrigation to aesthetic storage to mitigate for evaporation resulting from the proposed ponds, although the reduction in irrigated acres will be recorded in all the Company water rights.

Consumptive Use Data & Proposed Mitigation. As shown in Transfer Attachment 8A, the consumptive requirement and subsequent depletion rate to river flows required for shallow ponds and alfalfa, which is the typical crop grown on applicant's property and within the NDCDC service area, can be calculated based on the ET Idaho (<http://data.kimberly.uidaho.edu/ETIdaho/>) precipitation deficit tables for the Emmett climate station. The amount proposed for mitigation is based on a one to one ratio; 1 acre of irrigation for 1 acre of pond surface area. The calculations demonstrate that 5.3 acres of pond surface area will annually evaporate 9.9 acre-feet, equivalent to the consumptive use associated with 3.71 acres of alfalfa. During the 60% Stewart Decree cut, 3.71 acres of alfalfa can sufficiently satisfy the ponds' anticipated peak daily consumptive use requirement of 3.96 mm/day. As a result, 5.3 acres of NDCDC water converted from irrigation to aesthetic use will more than adequately offset the consumptive use resulting from development of the ponds.

The Department's pond-loss calculation spreadsheets for pond seepage, evaporation and storage capacity that were submitted with the permit application 63-35482 further support the adequacy of the amount proposed for change to aesthetic storage.

TRANSFER ATTACHMENT 8A

WATER BALANCE AND CHANGES TO 63-28977

ET_{Idaho} 2017, Emmett 2E (NWS -- USC00102942)

Precipitation Deficit Requirements

Alfaifa - 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	-0.3	0.09	0.54	3.11	4.14	4.75	5.1	4.58	3.18	1.41	0.4	-0.94	809	-38	771

Open Water - shallow systems (ponds/streams)															
	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	-0.91	-0.44	0.48	1.81	2.45	3.31	3.96	3.44	2.12	0.94	-0.76	-1.51	456	0	456
days / month	31	28	31	30	31	30	31	31	30	31	30	31			365
mm / month			14.9	54.3	76.0	99.3	122.8	106.6	63.6	29.1					567

- a 567 mm/yr, Net annual positive-month precipitation-deficit lake consumptive use (from above, open water, annual use)
- b 1.86 ft/yr, Net annual precipitation-deficit pond consumptive use ($b = a / 304.8$)
- c 5.3 acres, lake surface area (from lake permit application)
- d 9.9 af/yr, total annual pond consumptive use ($d = b \times c$) and changed to aesthetic storage by transfer
- e 809 mm/yr, net annual precipitation-deficit grass pasture consumptive use (from above, grass pasture, growing season)
- f 2.65 ft/yr, Net annual precipitation-deficit grass pasture consumptive use ($f = e / 304.8$)
- g 3.7 acres of grass pasture consumptive use required to offset lake consumptive use ($g = d / f$)
- h 0.020 cfs/acre, the duty of water for water right 63-28977
- i 0.074 cfs, quantity of NDCDC irrigation component dedicated to diversion to storage ($i = g \times h$)
- k 3.96 mm/day, peak daily pond Pdef (July)
- l 0.035 cfs, required to meet peak daily pond Pdef at 60% Stewart Decree flow reduction ($l = k / 304.8 \times c / 1.9835$)
- m 0.058 cfs, available when 100% flow delivered ($m = l / 0.60$)
- n 2.89 acres of transfer water right associated with above 100% flow ($n = m / h$)
- p 3.71 acres, greater of n & g, required to offset pond evaporation.
- 5.30 acres, actual amount provided per transfer application

Changes to 63-28977			
	Pre-Transfer	Changed by Transfer	Post-Transfer
Irrigation, cfs	0.40	0.11	0.29
Aesthetic Storage, afa	0.00	14.1	14.1
Diversion to Storage, cfs	0.00	0.11	0.11
Mitigation by non-use	0.00	0.00	0.00
Total, cfs	0.40		0.40
Acres, combined limit	2964.0	5.3	2958.7
Duty, combined limit, cfs/acre	0.02	0.02	0.02

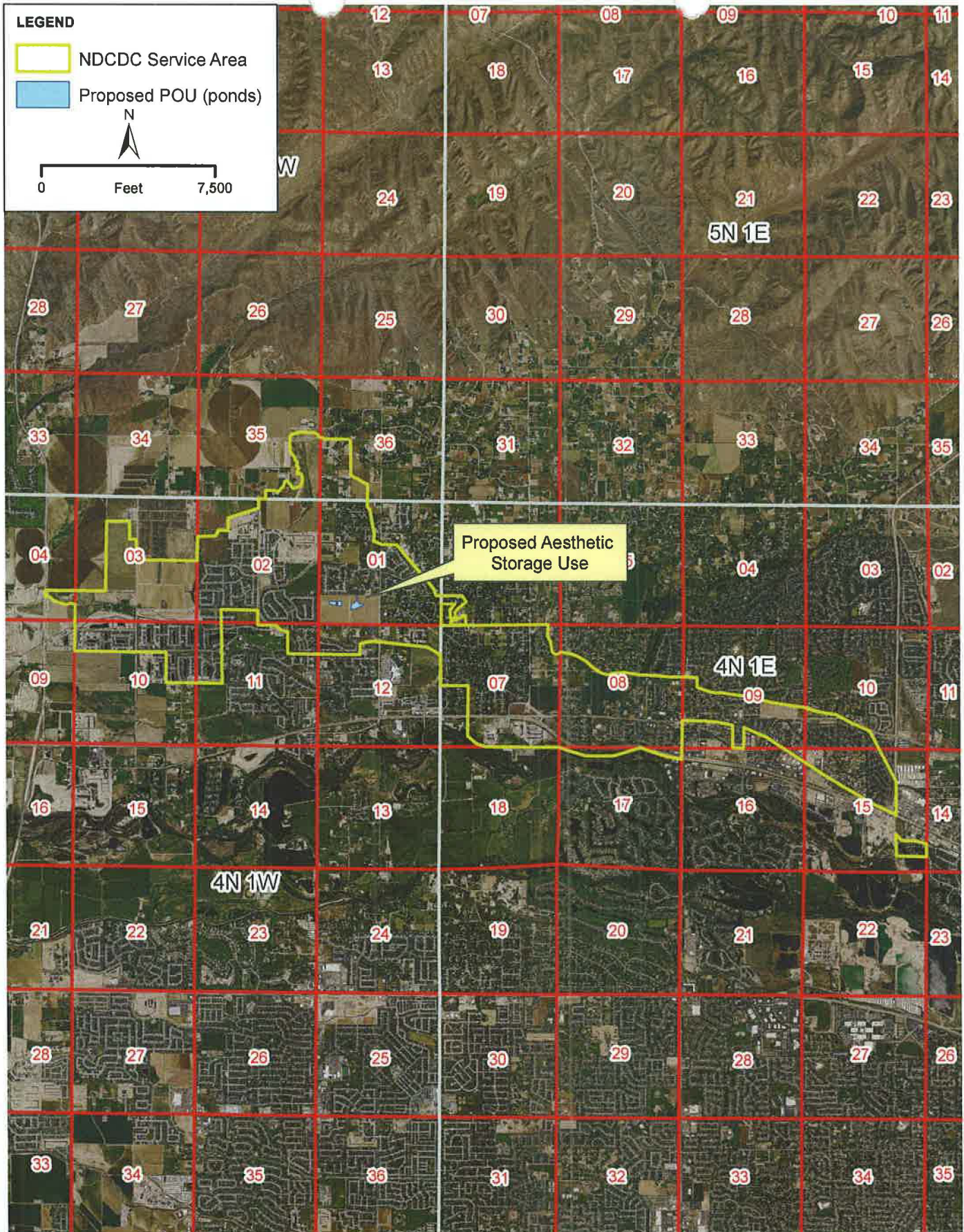
LEGEND

 NDCDC Service Area

 Proposed POU (ponds)

N

0 Feet 7,500



ATTACHMENT 7A & 7B
NDCDC TRANSFER APPLICATION
APPLICATION 63-35482 POND MITIGATION



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

April 1, 2024

NEW DRY CREEK DITCH CO
C/O BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
PO BOX 7985
BOISE ID 83707-1985

RE: Transfer No. 88836
Water Right No(s). 63-28977

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 4/3/2024 and 4/10/2024. 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 I

CC: LORI GRAVES, HDR INC

Evans, Lynne

From: Evans, Lynne
Sent: Friday, March 29, 2024 3:57 PM
To: Daniel Hoke; Mike Meyers
Subject: Application for Transfer No. 88836; Application for Permit No. 63-35528
Attachments: 88836 WM.docx; 88836 Transfer Application.pdf; 63-35528 WM.docx; 63-35528 Permit Application.pdf

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. You can find more information about the applications at: <https://research.idwr.idaho.gov/apps/waterrights/wrajssearch/wradjsearch.aspx>. I have also attached copies of the applications to this email. Please review the applications, then complete the enclosed recommendation forms and return them to this office by April 22, 2024.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation April 22, 2024, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RE: Transfer No. 88836
Water Right No(s). 63-28977

Transfer Applicant's Name: NEW DRY CREEK DITCH CO
C/O BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
PO BOX 7985
BOISE, ID 83707-1985

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned
as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, _____.

Watermaster's Signature

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, March 28, 2024 11:51 AM
To: BOI Legals
Subject: RE: Legal Notice: Application for Permit Nos. 63-35482, 63-35526, 63-35528; Transfer No. 88836
Attachments: Legal Notice.docx

Please discard the previous submission and use this attached legal notice instead. The only change is that the listed publication dates in the legal notice have been corrected to **4/3/24 and 4/10/24**. Sorry for any confusion.

Thank you,

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

From: Evans, Lynne
Sent: Thursday, March 28, 2024 11:47 AM
To: BOI Legals <legals@idahostatesman.com>
Subject: Legal Notice: Application for Permit Nos. 63-35482, 63-35526, 63-35528; Transfer No. 88836

Please publish the enclosed legal notice in the Idaho Statesman on the dates indicated (4/3/24 & 4/10/24, 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 4/22/2024. Your cooperation is appreciated.

Thank you,

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

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

63-35482

BHH FARMSTEAD HOLDINGS LLC
923 S BRIDGEWAY PL, EAGLE, ID 83616-6098
Point of Diversion SESW S1 T04N R01W ADA County
Source GROUND WATER Tributary BOISE RIVER
Use: RECREATION STORAGE; 01/01 to 12/31; 455 AF
Use: AESTHETIC STORAGE; 01/01 to 12/31; 455 AF
Use: DIVERSION TO STORAGE; 01/01 to 12/31; 1.53 CFS
Total Diversion: 1.53 CFS; 455 AF
Date Filed: 08-25-2023
Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE
T04N R01W S1 SWSW, SESW
Water bearing zone to be appropriated is from 310 to 420 feet.

63-35526

JUDITH M MOTIS 1998 REVOCABLE TRUST
11505 W LANKTREE GULCH RD, STAR, ID 83669-5175
Point of Diversion SENE S31 T05N R01W ADA County
Source GROUND WATER
Use: DOMESTIC; 01/01 to 12/31; 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 03-11-2024
Place Of Use: DOMESTIC
T05N R01W S31 NENE, SENE
Domestic use is for 2 homes in Monument Ridge Ranch Subdivision.
Water bearing zone to be appropriated is from 204 to 365 feet.

63-35528

B RIVER RANCH LLC
6325 HAVENFIELD LN, CALDWELL, ID 83607-1006
Point of Diversion SENE S17 T05N R05W CANYON County
Source BOISE RIVER Tributary SNAKE RIVER
Use: RECREATION; 10/01 to 02/29; 15 CFS
Use: RECREATION STORAGE; 10/01 to 02/29; 367 AF
Use: DIVERSION TO STORAGE; 10/01 to 02/29; 15 CFS
Total Diversion: 15 CFS
Date Filed: 03-19-2024
Place Of Use: RECREATION, RECREATION STORAGE
T05N R05W S17 NWNE, SWNE, SENE, NENW

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 4/22/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 4/3/2024 and 4/10/2024

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 88836

NEW DRY CREEK DITCH CO, C/O BRYCE FARRIS, SAWTOOTH LAW OFFICES PLLC, PO BOX 7985, BOISE, ID 83707 has filed Application No. 88836 for changes to the following water rights within ADA County(s): Right No(s). 63-28977; 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 irrigation nature of use for a 0.11 cfs portion to diversion to storage and 14.1 acre feet to aesthetic storage.

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 4/22/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 4/3/2024 and 4/10/2024



RECEIVED

MAR 27 2024

WATER RESOURCES
WESTERN REGION

March 27, 2024

Jared Adamson
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer #88836

Dear Jared,

As requested, the additional \$250 fee to allow the requested nature of use change proposed under transfer #88836 in the name of New Dry Creek Ditch Company is being paid via credit card today to allow continued processing of the application.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

HDR Engineering, Inc.

Lori Graves

Lori Graves
Sr. Water Rights Specialist

Cc: Ann Dickey

Enclosers: none

Project: BHH

MEMORANDUM

Date: March 25, 2024

To: Transfer 88836

From: Jared Adamson

Re: Legal Notice Remarks

to change the irrigation nature of use for a 0.11 cfs portion to diversion to storage and 14.1 acre feet to aesthetic storage.



RECEIVED

MAR 12 2024

WATER RESOURCES
WESTERN REGION

March 12, 2024

Jared Adamson
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

**Subject: Assignment of Permit 63-35482
63-35482 Mitigation Plan
NDCDC Application for Transfer**

Hi Jared,

Enclosed is an *Assignment of Permit 63-35482* from WH Eagle 80 LLC to BHH Farmstead Holdings LLC. The application place of use is now owned by three separate Boise Hunter Home entities. Secretary of State documents are included showing James Hunter as the common manager. There does not appear to be a filing fee for the application assignment.

Also enclosed is a *Mitigation Plan* requested for the original application along with the associated *Application for Transfer* in the name of New Dry Creek Ditch Company. The \$200 filing fee for the transfer application is being provided by credit card upon submittal.

Thank you for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

HDR Engineering, Inc.

Lori Graves

Lori Graves
Sr. Water Rights Specialist

Cc: Ann Dickey, Bryce Farris

Enclosures: application assignment, mitigation plan, transfer application

Project: TBD