

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-11413

WATER RIGHT NUMBER: 63-11413

Owner Type	Name and Address
Original Owner	FLOATING FEATHER HILLS INC 2417 BANKS DR STE 101 BOISE, ID 83705 (208)343-6500
Current Owner	CITY OF EAGLE PO BOX 1520 EAGLE, ID 83616 (208)939-6813
Attorney	CITY OF EAGLE PO BOX 1520 EAGLE, ID 83616 (208)939-6813
Original Owner	TREASURE VALLEY VILLAGE LIMITED PARTNERSHIP 4720 EMERALD BOISE, ID 83706 (208)336-3393

Priority Date: 04/02/1991

Basis:

Status: Active

Source

GROUND WATER

Beneficial Use

From To
1/01 to 12/31

Diversion Rate
3.150 CFS

Annual Volume
540.00 AF

Total Diversion:

3.150 CFS

540.00 AF

Location of Point(s) of Diversion

GROUND WATER	ADA County	NW1/4SW1/4	Sec. 3,	Twp 04N,	Rge 01E, B.M.
GROUND WATER	ADA County	SW1/4SW1/4	Sec. 3,	Twp 04N,	Rge 01E, B.M.
GROUND WATER	ADA County	SW1/4SW1/4	Sec. 4,	Twp 04N,	Rge 01E, B.M.
GROUND WATER	ADA County	SW1/4SW1/4	Sec. 4,	Twp 04N,	Rge 01E, B.M.

Place of Use

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.

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2. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right holder is responsible on an on-going basis to provide a well suitable for monitoring as determined by the Department.

The right holder is responsible to insure that pumpage under this water right does not directly cause the water level to significantly decline in any domestic well drilled and in use prior to March 29, 1978, or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the right holder provides reasonable compensation or mitigation to the prior water right holder for the reduced water levels as determined by the Director.

Farmers Union Canal Company water shall be utilized for the irrigation of the lots in Lexington Hills and Trail Creek Ranch parcels equal to or greater than one-half acre in size during periods when water is being delivered in the canal. This water right may be used for irrigation purposes only if the entire amount of water from the Farmers Union Canal Co. remains with the lands in Lexington Hills and Trail Creek Ranch. Sale or transfer of surface water from any portion of these properties will be cause for the Department to further limit the use of this right.

The right holder shall permanently maintain totalizing flow measurement devices of a type approved by the Department at each well. The water right holder shall provide flow measurements to the Department on a frequency determined by the Department.

Each lot which receives water under this right shall be metered.

Rights 63-11413, 63-12017, and 63-12448 when combined shall not exceed a total diversion rate of 3.25 cfs.

Rights 63-12017 and 63-12448 also diverted through the point(s) of diversion described above. Points of diversion were formerly known as Hornaachea Wells 1 and 2 and Lexington Wells 1 and 2. They are currently known as City of Eagle Wells 1-4.

Place of use is located within the city limits of Eagle and the surrounding service area.

Remarks:

Comments:

1. ZIMMERMAN 1/24/1994 AMENDED PERMIT
- SO3, T04N, R01E to mitigate pond surface area in water right no. 63-12017. This reduction in acres reduced the total diversion rate from 3.25 cfs to 3.15 cfs.

2. VAULT 8/31/1995 Extension of Time Received

Comment: Extension of Time Received

3. JYARBROU 9/11/1995 Lapse Notice Sent

Comment: Lapse Notice Sent

4. VAULT 9/27/1995 Extension of Time Received

Comment: Extension of Time Received

5. VAULT 9/18/2000 Lapse Notice Sent

Comment: Lapse Notice Sent

6. DELLS 9/19/2000 Proof of Beneficial Use Rcvd

Comment: Proof of Beneficial Use Rcvd

Water Supply Bank:

Would like to see the condition on the
decided it. in case of ~~that~~ ^{the} moved
as an (replay)

Revised

1 - May ultimately need to be
a remark in 133 that own
reference 03-11413.

2 - HOA purchasing their lot in
the subject. COA's are out there
Contract between Dev. & HOA's
& we're aware of the matter can -
during way of the subd. -
question about whether or not
there is a violation that the HOA
~~to know that~~ know they can turn
their heads or not during the
shelter season.

→ COA's 7.11B & 7.11C -
Spend of keeping landscaping in
good condition in COA's.

Foringer Shik as D.H. HAA

#1 - Water Meter - Foringer Shik measured all water & water use
separate & separate to the property & the water.

#2 - 6 Deck later did Deck 119.4"
2.388 ft) to the HAA separately
in the deck.

#3 - The SM determined in the
M.D. & order on car meters for
the M.D. & order on car meters
I did that & they can get all deck
I did not mean what we normally
take it to mean - the water is 9 with
the land. In this case he left 8.4 ft.
had returned the water to 4 under
they quit them out in the road they
recovered with 8.4 ft.

SMR - OK on 2.388 ft) from
Foringer Shik & the HAA the
the 119.4 to deck. OK on 119.4 ft
from 6 ft to 8 ft & 8 ft
the 119.4 to deck. OK on 119.4 ft
from 6 ft to 8 ft & 8 ft

Developer reduced by the # of
meters (4) given to the HAA from
the 6 deck. 1.69 ft

HEARING TO RECEIVE EVIDENCE AND TESTIMONY IN CONNECTION WITH
PROTESTED APPLICATION FOR PERMIT NO. 63-11413 IN THE NAME OF FLOATING FEATHER
HILLS, INC. AND TREASURE VALLEY VILLAGE
BEFORE GLEN SAXTON, HEARING OFFICER
JUNE 12, 1991 BOISE, IDAHO, J.R. WILLIAMS BUILDING

[...]

Phil Barber, Attorney for Floating Feather Hills, Inc.: ... concerning the use and availability of Farmers Union Canal Company surface water, irrigation water, over the area which is the location of beneficial use in this application. The two applicants have between them approximately, and I only say approximately because sure as I pick an exact number I will be wrong by one or two numbers, approximately 259 shares of the Farmers Union Canal Company making available in lay terms, in lawyer terms, 259 inches of the right, again that's in lay terms because presently people speak of shares as if they were inches recognizing that the Farmers Union Canal has both water rights in storage and I believe, in the river but I am not certain how that actually gets measured is something that you technical people know and we lawyers don't. The applicant will agree to the following:

1) We will not, this applicant will not substitute in effect ground water for surface irrigation water. It is nobody's interest to do that. This applicant will agree therefore not to sell or transfer the Farmers Union irrigation water right off of the property, which is the place of beneficial use in this application.

2) The applicant will develop a pressurized irrigation system to be made available on an economic feasibility basis for the appropriate areas that can be irrigated by such a system in these two projects which make up the place of beneficial use. Those places are common, open and public spaces including the proposed school site on Floating Feather Hills development as well as within certain areas of ponds and creeks. We will provide it to lots where is economically feasible, the economic feasibility issue can not be determined with precision until design is done, the city of Boise's Visions Committee has preliminarily noted that costs to homeowners, both initial and operating and maintenance costs tend to render pressurized irrigation systems not economically feasible in lots, generally, of less than half acre. We won't know if we can reach lots of smaller size from that until we have done the design. The principal economic issue being in the distribution system but we will provide, these applicants will provide surface irrigation Farmers Union Water to all lots where the economic feasibility does render it appropriate and as we design the system we will advise the Department of how that actually is going to shake out in terms of lot sizes where the economic breakpoint is. We can do a little bit of testimony I think about generally where those lots likely are. The bottom line is we will not strip the surface water, irrigation water, from these lands and we are willing to make a commitment that can be a condition that we will not transfer those surface rights away from these lands and that we will provide a pressurized, surface irrigation system.

[...]

TESTIMONY FROM PERMIT

Mr. Barber: Why is it in your interest to provide a pressurized irrigation system to distribute that surface Farmers Union Canal water?

David Roylance, witness for Floating Feather Hills, Inc.: Well, one thing it will be an amenity, if we can provide it at a cost that we can afford it would be a great amenity for the ultimate consumer, that is the guy that buys the lot and also it would serve as a recharge to the aquifer. Any kind of surface application of water like that would tend to recharge the aquifer to some extent and so we would be putting something back in the aquifer that would replace what we take out.

Mr. Barber: Isn't it true that by using surface water you reduce the demand on the aquifer as well?

Mr. Roylance: Yes we would.

Mr. Barber: Do you have any intention of replacing surface irrigation water you presently have available with ground water?

Mr. Roylance: No we don't.

Mr. Barber: You heard my prior commitment that you would not transfer or sell surface irrigation water off of the project?

Mr. Roylance: That's right. We have no desire or need to sell the water, we want to use as much of the water as we feasibility can on the project both to recharge the aquifer and to keep it green.

[...]