

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90060**

This is to certify that: TOLL WEST INC
1140 VIRGINIA DR
FT WASHINGTON, PA 19034-3204

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-35643	WR/DECREED	3/12/1951	0.410 cfs	94.5 af	N/A	21.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

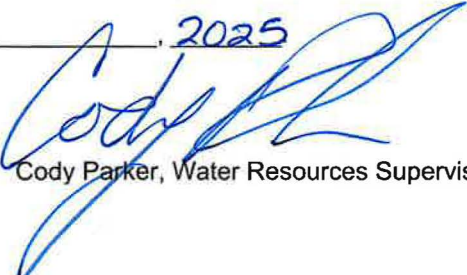
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-35643	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-35643	63-35643	0.410 cfs	94.5 af	N/A	21.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.410 cfs	94.5 af	N/A	21.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 6th day of October, 2025


Cody Parker, Water Resources Supervisor

Transfer No. 90060

WATER RIGHT NO. 63-35643
As Modified by Transfer No. 90060

In accordance with the approval of Transfer No. 90060, Water Right No. 63-35643 is now described as follows:

Right Holder: TOLL WEST INC
 1140 VIRGINIA DR
 FT WASHINGTON, PA 19034-3204

Priority Date: 3/12/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.410 cfs	94.5 af
			0.410 cfs	94.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 9 Twp 03N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	03W	9				9.0													9.0
03N	03W	10							12.0										12.0

POU Total Acres: 21.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. Use of this right is combined with water from Wilder Irrigation District.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 90060

WATER RIGHT NO. 63-35643
As Modified by Transfer No. 90060

CONDITIONS OF APPROVAL

7. 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.

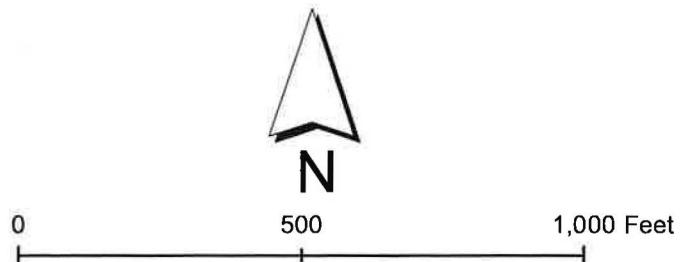


State of Idaho
Department of Water Resources

Attachment to Transfer No. 90060

Water Right(s): 63-35643

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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 4 2025

DEPT. OF WATER RESOURCES

RECEIVED

SEP 08 2025

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Toll West Inc.

Mailing Address 1140 Virginia Dr, Fort Washington, PA 19034

Email* _____ Phone _____

Name of Representative (if any) HDR

Mailing Address 412 E Parkcenter Blvd, Ste 100, Boise, ID 83706

Email* lori.graves@hdrinc.com Phone 208-872-9519

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

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	

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|--|---|
| ☒ Change point(s) of diversion | ☐ Change place of use |
| ☐ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

Applicant proposes drilling a new well rather than using the existing authorized well.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☐	63-35463	0.41/94.5	Irrigation	3/1 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 0.41 cfs and/or _____ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
Y	3N	3W	9			SE	NE	Canyon	Ground Water	

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☒ N/A. This application does not propose to change the place of use.

Proposed Place of Use

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	

Total Irrigated Acres: _____

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.
Permit application 63-35713 proposed for amendment to new pod

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.
See above

3. Is the proposed point of diversion within a state water district? ☐ Yes. Water District # _____. ☒ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☐ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

N/A - classified as high ground

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

N/A - pou not proposed for change

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☐ No. The place of use for the portion to be changed will no longer be irrigated.

☒ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No

☐ ☒ currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☐ ☒ currently used in a mitigation plan limiting the use of water under the right?

☐ ☒ subject to an agreement not to divert (CREP)?

☐ ☒ currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

New 10" well, up to 400' deep, pump and pressurized irrigation (PI) system

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

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 Representative*

Print Name and Title, if applicable

Date

Signature of Applicant or Representative*

Print Name and Title, if applicable

Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ 500.00

Receipt #: C122901

Date: 9/4/2025

Received by: KW

Add'l Paid: \$ _____

Receipt #: _____

Date: _____

Received by: _____

ATTACHMENT 2A
WATER RIGHT 63-35643

Water Right Report : 63-35643(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	TOLL WEST INC	1140 VIRGINIA DR	FT WASHINGTON	PA	19034-3204
Original Owner	UNIVERSITY OF IDAHO REGENTS	875 PERIMETER DR MS3162	MOSCOW	ID	83844-3162
Representative	HDR INC	412 E PARKCENTER BLVD STE 100	BOISE	ID	83706-6659

Water Right Status

Priority Date : 3/12/1951

Basis : Decreed

Status : Active

Water Source

Source Source Qualifier Tributary Tributary Qualifier

GROUND WATER

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	03N	03W	10	0				SW NW CANYON	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	0.41 CFS	94.50 AFA
TOTAL			0.41 CFS	94.50 AFA

Places of Use

[Printable View](#)
[Paged View](#)

Place of Use Legal Description : IRRIGATION (CANYON county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
03N	03W	9		SE	NE	9.0	
03N	03W	10		SW	NW	12.0	

Irrigation Totals

Total Acres Acre Limit

21.00

Conditions

Code Conditions

- R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
- W59 Use of this right is combined with water from Wilder Irrigation District.
- 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- 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.
- 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.

Dates

Other Information

90060

Licensed Date :

Decreed Date : 2/6/2009

Permit Proof Due Date :

Permit Proof Made Date :

Permit Approved Date :

Permit Moratorium Expiration Date :

Enlargement Use Priority Date :

Enlargement Statute Priority Date :

Application Received Date:

Protest Deadline Date:

State or Federal : S

Water District Number : 63

Generic Max Rate Per Acre : 0

Generic Max Volume Per Acre : 4.5

Civil Case Number :

Decree Plaintiff :

Decree Defendant :

Swan Falls Trust or Nontrust :

Swan Falls Dismissed :

DLE Act Number :

Cary Act Number :

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

8/13/2025

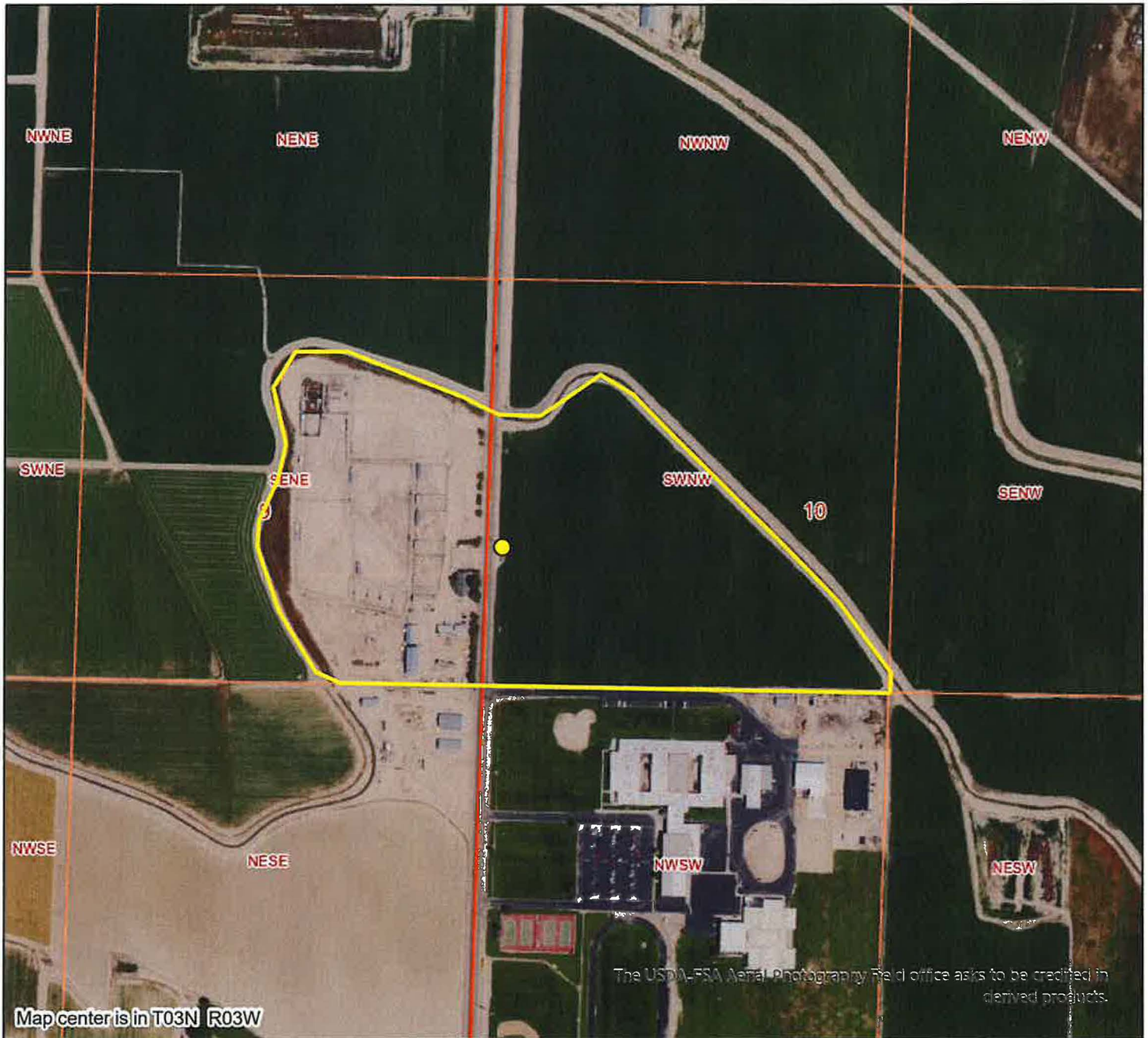
State of Idaho
Department of Water Resources

Water Right

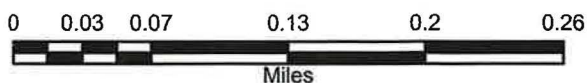
63-35643

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 8/13/2025



Legend

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion



90060

ATTACHMENT 2B & 3C
MAP OF CURRENT & PROPOSED SYSTEM



HDR

ATTACHMENT 2B & 3C
VERBENA RANCH SUBDIVISION
TOLL WEST INC.



October 07, 2025

TOLL WEST INC
1140 VIRGINIA DR
FT WASHINGTON PA 19034-3204

Re: Transfer No: 90060
Water Right No: 63-35643

Transfer Approval Notice

Dear Water Right Holder:

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

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

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

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

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

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

Sincerely,

A handwritten signature in blue ink that reads "Susan E. Hobson". The signature is written in a cursive style with a large initial 'S'.

Susy Hobson
Technical Records Specialist

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on October 07, 2025 I mailed a true and correct copy, postage prepaid, and/or served by electronic mail where indicated, the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

Re: Transfer No: 90060
Water Right No: 63-35643

TOLL WEST INC
1140 VIRGINIA DR
FT WASHINGTON PA 19034-3204

US Mail

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

email



Susy Hobson
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

MEMORANDUM

TO Water Right No. 63-35463
FROM Cody Parker
RE Evaluation of Application for Transfer No 90060
DATE October 6, 2025

Toll West Inc. applied to change the point of diversion for water right 63-35643 on September 4, 2025. If approved, the transfer would move the point of diversion from an existing well to a new well located roughly 400 feet northwest of the current location. No other changes are proposed by the application.

On page 4 of the transfer application, the applicant lists the water right to be changed as 63-35463. However, the water right report attached to the application is for 63-35643. It is clear the applicant intends to change 63-35643.

The changes proposed in this application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. The transfer will be processed without legal notice.

Authority to File

Toll West Inc is the current owner of record for water right 63-35643. The applicant is listed as Toll West Inc and the application was signed by Ryan Hammons. Mr. Hammons is not listed on the company's annual report, but his title on the application is listed as Division President.

On September 25, 2025 Steve Hannula of HDR provided an *Officer's Certificate* granting Ryan Hammons authorization to act on behalf of the company for any "...permit application, license application..."

Water Right Validity

12 acres in the SWNW of Section 10, T03N, R03W have been irrigated as recently as 2023 (and possibly later).

Water right 63-35643 was split from parent right 63-2851 through the approval of transfer 89467 in April of 2025. Prior to transfer 89467, moved irrigated acres from the SENW of Section 10, T03N, R03W to the SENE of Section 9, T03N, R03W. Irrigation at the original location has occurred as recently as 2023. Therefore, the full irrigation authorized under water right 63-35643 is valid.

Injury to Existing Water Rights

The change to the location of the point of diversion is minimal. It is unlikely that other water users would see any increased impact from pumping at the new location as compared to pumping the same quantity at the original location. No concerns.

Enlargement in Use

The change in location of the diversion itself should not cause enlargement in the use of the water right. No concerns.

Local Public Interest

The application proposes a change consistent with the local public interest.

Beneficial Use / Conservation of Water Resources

The applicant proposes a beneficial use consistent with the conservation of water resources in Idaho.

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

Discussion

Condition 046 will be added to water right 63-35643 through the transfer approval to notify the water right owner of the obligation to comply with the drilling permit requirements and with the IDAPA Well Construction Standards Rules.



RE: Applications for Permit 63-35751, 63-35713 and Transfer 90060 for Toll West

From Hannula, Steve <steve.hannula@hdrinc.com>

Date Thu 9/25/2025 11:35 AM

To Parker, Cody <Cody.Parker@idwr.idaho.gov>; Graves, Lori <Lori.Graves@hdrinc.com>

Cc mkhan <mkhan@tollbrothers.com>; Blaze Davis <adavis1@tollbrothers.com>

 1 attachment (138 KB)

20230123 - Toll ID I - Toll Southwest - Toll West (Officer's Cert - ID).pdf;

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Cody,

I should have included the attached in the initial submittal. Please see the attached that describes Ryan Hammons' authority to sign for Toll West Inc.

Thank you.

Steve Hannula, P.E., P.G., PMP

D 208.872.9529 M 208.850.1731

hdrinc.com/follow-us

From: Parker, Cody <Cody.Parker@idwr.idaho.gov>

Sent: Thursday, September 25, 2025 9:53 AM

To: Hannula, Steve <steve.hannula@hdrinc.com>; Graves, Lori <lori.graves@hdrinc.com>

Subject: Applications for Permit 63-35751, 63-35713 and Transfer 90060 for Toll West

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Steve and Lori,

We have a few applications for permit and transfer for Toll West inc. pending. The applications were all signed by Ryan Hammons. Mr. Hammons is not listed as a registered agent or as an officer or director for the company. Can you provide some authorization for Mr. Hammons to file the applications on behalf of Toll West Inc?

Thanks



Cody Parker
Water Rights Supervisor
Idaho Dept of Water Resources

2735 Airport Way, Boise, ID 83705
(208)-605-4629

OFFICER'S CERTIFICATE

Dated: January 23, 2023

I, Kenneth J. Greenspan, Vice President and Assistant Secretary of Toll ID I LLC, an Idaho limited liability company, Toll Southwest LLC, a Delaware limited liability company, and Toll West Inc., a Delaware corporation (collectively, the "Companies"), do hereby certify and confirm that:

1. The following individuals are duly appointed to the offices next to their names and they are individually authorized, empowered and directed to execute and deliver, for and on behalf of each of the Companies, (i) any performance agreement, bond, escrow agreement, easement, permit application, license application, deed, record plat and any and all ancillary documents which may be required by various governmental municipalities and agencies; (ii) any agreement, easement and any and all related documents which may be required by utility companies and (iii) any agreement, deed or document with respect to the sale and conveyance of individual homes, lots or units owned by each of the Companies:

Ryan Hammons

Division President

William E. Stanton

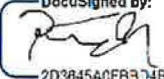
Vice President

2. Adam Capell is a duly appointed Vice President and he is individually authorized, empowered and directed to execute and deliver, for and on behalf of each of the Companies, (i) any performance agreement, bond, escrow agreement, easement, permit application, license application, deed, record plat and any and all ancillary documents which may be required by various governmental municipalities and agencies and (ii) any agreement, easement and any and all related documents which may be required by utility companies.
3. Vice Presidents of Sales, including Denise Bourne, are individually authorized, empowered and directed to execute and deliver, for and on behalf of each of the Companies, any agreement, deed or document with respect to the sale of individual homes or units owned by each of the Companies, upon such terms and conditions as they deem appropriate and in the best interest of each of the Companies.
3. Area Sales Managers, including Eric Ellsworth and Matthew Lotridge, are appointed as authorized representatives of each of the Companies, and they are individually authorized, empowered and directed to execute and deliver, for and on behalf of each of the Companies, agreements of sale and any and all related documents with respect to the sale of individual homes or units owned by each of the Companies, upon such terms and conditions as they deem appropriate and in the best interest of each of the Companies.

4. Design Studio Managers, including Dana Kartchner, are appointed as authorized representatives of each of the Companies, and they are individually authorized, empowered and directed to execute and deliver, for and on behalf of each of the Companies, change orders to agreements of sale with respect to the sale of individual homes or units owned by each of the Companies, upon such terms and conditions as they deem appropriate and in the best interest of each of the Companies:

[SIGNATURE ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned has executed this Officer's Certificate as of the date first written above.

DocuSigned by:

2D3845A0FB3D4B3...

Kenneth J. Greenspan
Vice President and Assistant Secretary



RECEIVED

SEP 04 2025

DEPARTMENT OF
WATER RESOURCES

RECEIVED

SEP 4 2025

DEPT. OF WATER RES.

RECEIVED

SEP 08 2025

WATER RESOURCES
WESTERN REGION

September 3, 2025

Scott Storms
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Applications for Permit and Transfer – Toll West Inc.

Dear Scott,

Enclosed on behalf of Toll West, Inc., is an *Amendment to an Application for Permit* in the name of Toll West Inc. for 63-35713. Also enclosed is an *Application for Transfer* for 63-35463. The goal of these two applications is to propose a new well location. The existing well that was listed in the initial submittals was determined to be too old, so a new well location has been identified.

The \$100 filing fee for the *Amendment to an Application for Permit* and the \$500 filing fee for the transfer is being paid with credit card upon submittal.

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
Water Rights Specialist

Cc via email: Mohammad Khan, Toll West, Inc.

Project: 10374911