Rev. 11/24

RECEIVED
NOV 13 2025
DEPARTMENT OF
WATER RESOURCES
RECEIVED
NOV 17 2025
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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) New Dry Creek Ditch Company

Mailing Address c/o Bryce Farris, Sawtooth law Offices, 1101 W River St, Ste 110, Boise, ID 83702

Email* bryce@sawtoothlaw.com **Phone** 208-629-7447

Name of Representative (if any) Bryce Farris, Sawtooth Law Offices

Mailing Address 1101 W River St, Ste 110, Boise, ID 83702

Email* bryce@sawtoothlaw.com **Phone** 208-629-7447

*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.

Transfer No. 90176 **Page** 1

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 or 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	
4N	1W	2													1.5				1.5

Total Irrigated Acres to be Changed: 1.5

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

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

Applicant proposes changing the nature of use of a portion of the identified water right to provide mitigation for evaporative losses from a proposed pond within Kingswood HOA property. The proposed pond surface area is currently irrigated with NDCDC shares. Mitigation to Boise River flows is required to offset consumptive use resulting from the pond and will be accomplished by changing the nature of use from irrigation to aesthetic storage for 1.5 acres of NDCDC water right 63-28977. NDCDC's place of use boundary remains unchanged.

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	Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use		Source
☑	☐	63-28977	0.26 cfs	Irrigation	3/1	to 11/15	Boise R./Snake R.
☐	☐		18.2 af	Aesthetic Storage	1/1	to 12/31	
☐	☐		0.14 cfs	Diversion to Storage	3/1	to 11/15	
☐	☐					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: 0.03 **cfs and/or** 4.1 **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

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 AS = Aesthetic Storage place of use added to right; no change to company place of use boundary proposed

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	2													AS				

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.

No point of diversion changes proposed.

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

No point of diversion changes proposed.

3. Is the proposed point of diversion within a state water district? ☑ Yes. Water District # 63 . ☐ 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.

NDCDC water rights portfolio for which 2.0907 shares for 56.45 acres irrigation are assessed to property encompassing Kingswood Subdivision, including HOA land in the NESE where a pond is proposed.

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.

See item 1 above. Each NDCDC share is equivalent to 27 acre/inch. Kingswood HOA is submitting an accompanying permit application proposing aesthetic storage from shallow ground water for the pond.

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.

No changes to the existing diversion system are proposed. The aesthetic flow will be delivered to a proposed pond located on Kingswood HOA property. The proposed pond surface area is currently irrigated with NDCDC shares that will be maintained by the HOA for aesthetic use.

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
Ron A. Foster	Roger Foster - President	11/10/2025

*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: $ 450 Receipt #: C124051 Date: 11-17-25 Receipted by: kw

Add'l Paid: $ _____ Receipt #: _____ Date: _____ Receipted by: _____

ATTACHMENT 2A

WATER RIGHT 63-28977

90176

Close

Water Right Report : 63-28977(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Attorney	RINGERT CLARK CHARTERED	C/O S BRYCE FARRIS 455 S 3RD ST PO BOX 2773	BOISE	ID	83701
Current Owner	NEW DRY CREEK DITCH CO	C/O BRYCE FARRIS SAWTOOTH LAW OFFICES PLLC PO BOX 7985	BOISE	ID	83707-1985

Water Right Status

Priority Date : 6/1/1864
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
BOISE RIVER		SNAKE RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
BOISE RIVER	04N	01E	23	7		NE	SE	ADA	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	0.29 CFS	
AESTHETIC STORAGE	01/01	12/31		14.10 AFA
DIVERSION TO STORAGE	03/01	11/15	0.11 CFS	
TOTAL			0.40 CFS	14.10 AFA

Places of Use

This water right has a Large Place Of Use

Irrigation Totals

Total Acres	Acre Limit
2958.70	

Conditions

Code	Condtions
X27	This right is limited to the irrigation of 2958.7 acres within the boundary of New Dry Creek Ditch Co.
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.
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.
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.
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.

90176

155	This right shall receive 10 ent of its decreed quantity until the natural flow of the waters c 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.
SD1	This right originated as all or part of right no. 3 in the Stewart Decree and the historic Boise River Water Masters records.
F01	Water is delivered through the New Dry Creek Ditch.
938	Transfer 88836 authorizes the diversion and delivery of 0.11 cfs and 14.1 af of water to storage for replacement of evaporation losses from three ponds authorized by Right 63-35482.
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	
Licensed Date :	
Decreed Date : 12/10/2007	
Permit Proof Due Date :	
Permit Proof Made Date :	
Permit Approved Date :	
Permit Moratorium Expiration Date :	
Enlargment Use Priority Date :	
Enlargement Statute Priority Date :	
Application Recevied Date:	
Protest Deadline Date:	

Other Information
State or Federal : S
Water District Number : 63
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plantiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

© 2021 - ExternalSearch - Privacy

B90176

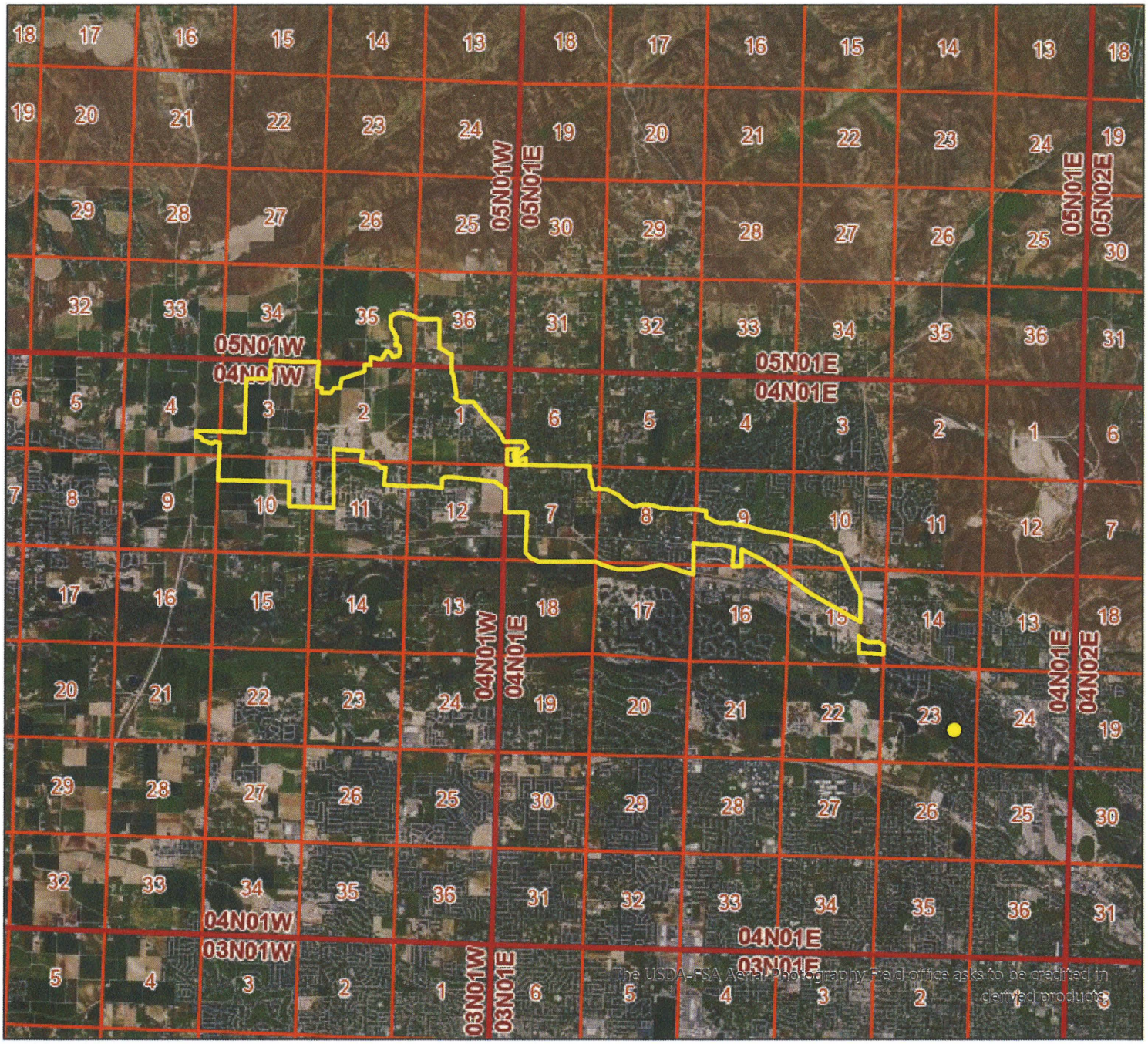
State of Idaho
Department of Water Resources

Water Right

63-28977

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.





0 0.5 1 2 3 4
Miles

Legend
- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion

N

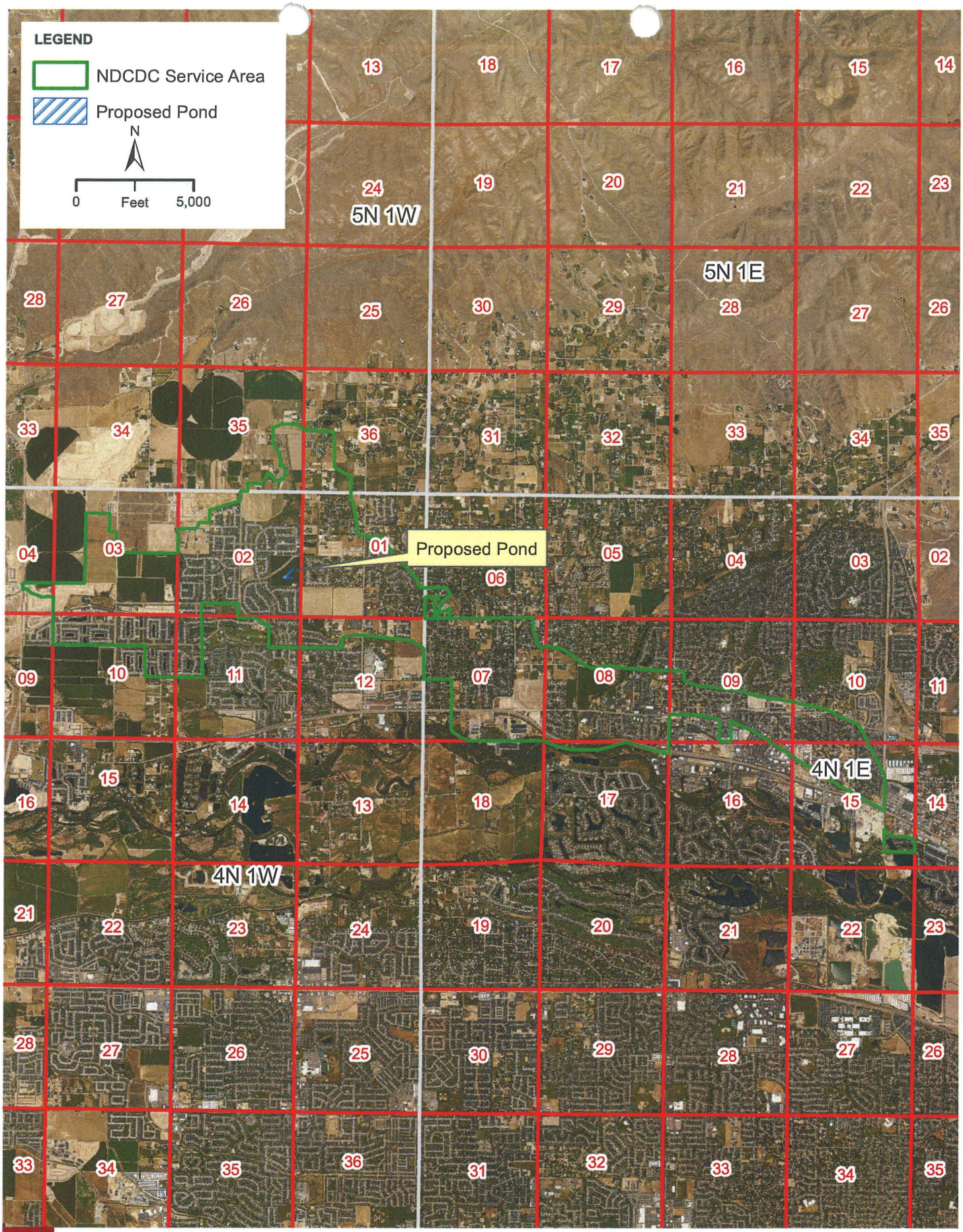
Date created: 10/13/2025

90176

ATTACHMENT 2B & 3C

MAP OF CURRENT & PROPOSED SYSTEM

90170



DATA SOURCE: Ada NAIP 2023

ATTACHMENT 2B & 3C

NEW DRY CREEK DITCH COMPANY

ADA COUNTY

(REPORT NAME)

PATH: S:\PROJECTS\S THRU Z PROJECTS\T PROJECTS\TODD CAMPBELL CONST INC\PROJECT (KINGSWOOD WR)\PROJECT\GIS\ARCMAP_PROJECTS\XFR MAP.MXD - USER: LGRAVES - DATE: 10/15/2025

ATTACHMENT 4C-5

DATA SUPPORTING NO ENLARGEMENT OF USE

B901V6

Transfer Attachment 4C-5

Enlargement is not a concern based on the following application summary:

Water right coverage for 1.4 acres of pond is being proposed by Kingswood HOA. Another tenth of an acre was included to account for three small waterfalls located along the pond edges for aeriation and aesthetic purposes. The source of the water is shallow ground water assumed to be in hydraulic connection with the adjacent Boise River. Mitigation to Boise River flows is required to offset consumptive use resulting from water evaporation from the surface of the pond. The pond is part of a 38.4-acre property purchased by TBC Land Holdings LLC for development with 2.0907 shares of New Dry Creek Ditch Co. (NDCDC) water. Each share is equivalent to 27 acres/inches, which is more than enough water for irrigation of 38.4 acres. NDCDC confirmed the previous property owner (Pardoe) originally owned 1.0907 shares and purchased an extra share to fully cover his 38.4-acre parcel. These shares were combined into Certificate #1196 included in this attachment. These shares have historically been used to irrigate alfalfa where the pond is to be located. NDCDC owns numerous Boise River 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 pond, although the reduction in irrigated acres will be recorded in all the Company rights. Water-bearing zone to be appropriated is from 0 to 15 feet.

Consumptive Use Data & Proposed Mitigation. The consumptive requirement and subsequent depletion rate to river flows required for shallow ponds and alfalfa, which is the typical crop grown within the NDCDC service area, can be calculated based on the ET Idaho ((http://et-idwr.Idaho.gov) precipitation deficit tables for the Emmett 2E 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 shown on the attached Water Balance data sheet demonstrate that 1.5 acres of pond surface area will annually evaporate 2.8 acre-feet, equivalent to the consumptive use associated with 1.04 acres of alfalfa. During the 60% Stewart Decree cut, 0.84 acres of alfalfa can sufficiently satisfy the pond's anticipated peak daily consumptive use requirement of 4.06 mm/day. As a result, 1.5 acres of NDCDC water converted from irrigation to aesthetic use will more than adequately offset the consumptive use resulting from the pond.

Also included are the Department's pond loss calculation spreadsheets for pond seepage, evaporation and storage capacity that further support the adequacy of the amount proposed for change to aesthetic storage.

WATER BALANCE AND CHANGES TO 63-28977

ET IDWR, Emmett 2E (NWS--USC00102942)
Precipitation Deficit Requirements

Alfalfa - 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]	-0.42	0.07	0.53	3.2	4.17	5.03	5.09	4.61	3.3	1.4	-0.18	-0.93	833	-41	791

Open Water - shallow systems (ponds/streams) (Actual ET - Gross)															
	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]	-1.01	-0.35	0.53	1.8	2.41	3.29	4.06	3.55	2.31	0.9	-0.48	-1.47	818	0	818
days / month	31	28	31	30	31	30	31	31	30	31	30	31			365
mm / month			16.4	54.0	74.7	98.7	125.9	110.1	69.3	27.9					577

a	577	mm/yr, Net annual positive-month precipitation-deficit lake consumptive use (from above, open water, annual use)
b	1.89	ft/yr, Net annual precipitation-deficit pond consumptive use (b = a / 304.8)
c	1.5	acres, pond surface area (from pond permit application)
d	2.8	af/yr, total annual pond consumptive use (d = b x c) and **changed to aesthetic storage** by transfer
e	833	mm/yr, net annual precipitation-deficit alfalfa consumptive use (from above, alfalfa, growing season)
f	2.73	ft/yr, Net annual precipitation-deficit grass pasture consumptive use (f = e / 304.8)
g	1.04	acres of alfalfa consumptive use required to offset pond consumptive use (g = d / f)
h	0.020	cfs/acre, the combined duty of water at the field headgate for NDCDC water rights portfolio
i	0.021	cfs, quantity of NDCDC irrigation component dedicated to diversion to storage (i = g x h)
k	4.06	mm/day, peak daily pond Pdef (July)
l	0.0101	cfs, required to meet peak daily pond Pdef at 60% Stewart Decree flow reduction (l = k / 304.8 * c / 1.9835)
m	0.0168	cfs, available when 100% flow delivered (m = l / 0.60)
n	0.84	acres of transfer water right associated with above 100% flow (n = m / h)
p	1.04	acres, greater of n & g, required to offset pond evaporation.
	1.50	acres, actual amount provided per transfer application (1:1 irrigated acre to pond ratio)

Changes to 63-28977			
	Pre-Transfer	Changed by Transfer	Post-Transfer
Irrigation, cfs	0.29	0.03	0.26
Aesthetic Storage, afa	14.10	4.1	18.2
Diversion to Storage, cfs	0.11	0.03	0.14
Acres, combined limit	2958.7	1.5	2957.2
Duty, combined limit, cfs/acre	0.02	0.02	0.02

B90176

Seepage Loss Calculations

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

FILE NUMBER	63-
REVIEWER	HDR
DATE	10/13/2025

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	1.5	AC.
Pond Surface Area (SQ. FT.)	65340	SQ. FT.
I used the following method to obtain my Soil Classification information:	NRCS Web Soil Survey	
My Soil Classification is	GrndWtr	
Suggested Seepage Rate (FT./DAY)	0.0000	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss

Convert to GPD	0	GPD
Total Seepage Loss (AFA)	0.0	AFA

Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:
GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = **0.2 ft per day**
OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = **0.02 ft per day**
SC (clayey sands, sand clay mixtures) = **0.007 ft per day**
CL (Low to medium plasticity clays) = **0.003 ft per day**
MH, OH, PT and CH (high plasticity clays) = **0.0003 ft per day**
LINED PONDS (liners can be chemical, fabric, or bentonite) = **0 ft per day**
Ponds Intercepting Groundwater (excavated ponds filled by ground water) = **0 ft per day**

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at the NRCS Web Soil Survey (Tab #1) , an ArcMap Soil Classification Map (Tab #1.1), or published NRCS Soil Survey (Tab #1.2) . Use "0" if the pond fill relies on the water table.

90176

Emmett 2E (NWS--USC00102942)

Open water -shallow systems (ponds/streams)

Actual Evapotransporation (ET)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Monthly[c]	0.35	0.84	1.84	2.8	3.59	4.02	4.26	3.7	2.7	1.65	0.71	0.32

Gross Precipitation

Monthly[c]	1.36	1.19	1.31	1	1.18	0.73	0.2	0.15	0.39	0.75	1.19	1.79

Precipitation Deficit (Actual ET - Gross)

Monthly[c]	-1.01	-0.35	0.53	1.8	2.41	3.29	4.06	3.55	2.31	0.9	-0.48	-1.47

90176

Evaporation Loss Calculations

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

FILE NUMBE	63-
REVIEWER	HDR
DATE	10/13/2025

User Input
Calculated value
Formula Explanations

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

USING THIS SPREADSHEET

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

Instructions:

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

Found at: http://et-idwr.idaho.gov

Precipitation Deficit

Station: Emmett 2E

Month	mm/day[1]	*Days per month*	mm/Month
Jan	-1.01	31	0.00
Feb	-0.35	28	0.00
March	0.53	31	16.43
April	1.80	30	54.00
May	2.41	31	74.71
June	3.29	30	98.70
July	4.06	31	125.86
August	3.55	31	110.05
September	2.31	30	69.30
October	0.90	31	27.90
November	-0.48	30	0.00
December	-1.47	31	0.00

Total mm/year = 576.95

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

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

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

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

(576.95 ÷ 304.8) X 1.50 = 2.8 AFA

90176

Total Storage Calculations

FILE NUMBER	63-
REVIEWER	HDR
DATE	10/13/2025

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	1.5	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	6.0	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	7.7	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a *from storage* component if the *from storage* component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.0	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	2.8	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	10.5	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

90176

Flow Rate into Pond (CFS)	**0.00**	The "Flow Rate into Pond" depicts the actual flow, either measured or estimated, into the pond. For offstream facilities, this will be equivalent to "diversion to storage" rate.
Highest Daily Evaporation Rate From Evaporation Tab. (mm/Day)	**4.06**	This number is carried over from the "Evaporation Loss" sheet. It is the highest recorded number in the "Precipitation Deficit Table".
Required Daily Maintenance Volume (AF/Day)	**0.02**	"Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year to maintain pond volume. It is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Minimum Maintenance Flow (CFS)	**0.01**	The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determined by dividing the "Maximum Required Daily Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level.
Days Required to Fill the Pond	**-385**	The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed. If this number is *approximately* 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond.
Days Required to Fill the Pond at 13,000 Gallons per Day	**387**	Some water users may want to fill a pond under the 13,000 gallons per day domestic exemption. The "Days Required to Fill the Pond at 13,000 Gallons per Day" is calculated by converting the "Pond Capacity" and the "Required Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Required Daily Maintenance Volume" in gallons to determine the number of days to fill pond. If this number is *approximately* 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond. Negative values indicate that the supply of 13,000 gallons per day is not enough volume to overcome the required daily maintenance volume; the pond will never fill.

90176

New Dry Creek Ditch Co.
P.O. Box 430
Eagle, Idaho 83616
208-250-8810
NewDryCreekDC@gmail.com

Date: June 27, 2024

Name of New Owner(s): TBC Land Holdings LLC
Address: P.O. Box 140298, Boise, ID 83714

Water goes to the property at: N Linder Rd., Eagle, ID 83616 (Parcel S0402417200)
Transferred from: Derk Pardoe

Here is your new Capital Stock Share of New Dry Creek Ditch Co., Ltd. Certificate, #1196 **for 2.0907 Shares.** Please keep this certificate safe with your other documents as it is the title to this water that goes with this property. If there are any changes or sell of property, please notify this office, as this certificate will have to be transferred to the new owners by this company.

Sincerely,

Rosalie Cope

Rosalie Cope
Secretary/Bookkeeper

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO



No. 1196

2.0907 Shares

NEW DRY CREEK DITCH COMPANY

LIMITED

CAPITAL STOCK $10,000.00

THIS CERTIFIES THAT TBC Lund Holdings LLC is the owner of 2.0907 Shares of the Capital Stock of

NEW DRY CREEK DITCH COMPANY, One Hundred Dollars Each.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 27th day of June A.D. 2024

Secretary

President

SHARES 100.00 EACH

© GOES 196 CAPITAL

90176

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

JANUARY 6, 2016

NEW DRY CREEK DITCH CO
C/O BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
BOISE, ID 83702-7067

RE: Transfer No. 90176
Water Right No. 63-28977

Dear Applicant:

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 1/7/2026 and 1/14/2026. 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 protests 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,

Susan C Hobson

Susy Hobson
Technical Records Specialist

CC: Bryce Farris

Hobson, Susy

From: Hobson, Susy
Sent: Friday, January 2, 2026 12:25 PM
To: 'legals@idahostatesman.com'
Cc: Evans, Lynne
Subject: Transfer No. 90176, Water Right No. 63-35772
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Idaho Statesman on the dates indicated (01/07/2016 and 01/14/2026, 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 1/26/2026. Your cooperation is appreciated.

Thanks, and Happy New Year!

Susy

Susy Hobson
Technical Records Specialist

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region
2735 W. Airport Way, Boise ID 83705
(208) 605-4631 susy.hobson@idwr.idaho.gov

The following applications have been filed to appropriate the public waters of the State of Idaho:
63-35772
KINGSWOOD HOMEOWNERS ASSOCIATION INC
C/O RED CLAY MANAGEMENT
6568 S FEDERAL WAY STE 254
BOISE, ID 83716-9277
Point of Diversion: NESE S2 T04N R01W ADA County
Source: GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE
01/01 to 12/31; 10.5 AF
Total Diversion: 10.5 AF
Date Filed: 11-13-2025
Place Of Use: AESTHETIC STORAGE
T04N R01W S2 NESE
Water bearing zone to be appropriated is from 0 to 15 feet.
Mitigation is proposed for consumptive use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 90176

NEW DRY CREEK DITCH CO, C/O BRYCE FARRIS, SAWTOOTH LAW OFFICES PLLC, 1101 W RIVER ST STE 110, BOISE, ID 83702-7067 has filed Application No. 90176 for changes to the following water right within ADA County: Right No. 63-28977. The purpose of the transfer is to change a portion of the above right as follows: change the nature of use of a portion of the proposed water right to provide mitigation for evaporative losses from a proposed pond on water right application 63-35772.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208) 334-2190; or for a full description of the rights, please see, https://idwr.idaho.gov/water-rights/research/. Protests may be submitted based on the criteria of Idaho Code § 42-203A and 42-222. 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 1/26/2026. The protestant must also send a copy of the protest to the applicant.
MATHEW WEAVER, Director

Published on 1/7/2026 and 1/14/2026

RECEIVED
NOV 13 2025
DEPARTMENT OF
WATER RESOURCES

November 13, 2025

RECEIVED
NOV 17 2025
WATER RESOURCES
WESTERN REGION

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

Subject: Application for Permit & Transfer

Dear Scott,

Enclosed on behalf of Kingswood HOA Inc., is an *Application for Permit* proposing year around storage in a pond for aesthetic use. Mitigation for the pond's evaporative losses is provided by New Dry Creek Ditch Co. under the enclosed *Application for Transfer* that proposes conversion of irrigation to aesthetic storage. Additional details are provided in the permit narrative and transfer attachment 4C-5. The filing fees are being paid by credit card upon submittal and consist of $100 for the permit application and $450 for the transfer application.

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

Sincerely,

HDR Engineering, Inc.

Lori Graves

Lori Graves
Sr. Water Rights Specialist

Cc via email: Dean Waite, Bryce Farris

Project #10447722

hdrinc.com

HDR, 412 E Parkcenter Blvd, Suite 100, Boise, ID 83706
(208) 387-7000

90176