# DRY CREEK WATER COMPANY, LLC

February 15, 2025

W052379 SH
$25-

Ms. Ashley Ritter
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
APR 17 2025
DEPT OF WATER RESOURCES

**RE: Permit 63-32423 - Mitigation Planning Report, 2025**

Dear Ms. Ritter,

## Background

Dry Creek Water Company, LLC (DCWC) holds Permit 63-32423 (the Permit), which authorizes diversion of up to 5 cfs of groundwater for municipal use within the Dry Creek Ranch community. Condition 14 of the Permit requires DCWC to annually identify and estimate the projected water use under the Permit. Specifically, DCWC must differentiate between uses that meet the individual domestic limit defined in Idaho Code § 42-111(a) and (b) and those that do not.

To mitigate the projected water use, DCWC must reduce the number of acres irrigated under water rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266 (the Irrigation Rights). This reduction is calculated at one acre for every 4.5 acre-feet for uses within the individual domestic limit and 2.7 acre-feet for uses that exceed it. DCWC has filed annual reports documenting these calculations with the Idaho Department of Water Resources (IDWR) since 2019.

The 2025 report will be the final submission, as the Permit's development period expires on March 1, 2025. DCWC plans to file its proof of beneficial use in the coming weeks. This report provides the final mitigation calculations for the consistent with the projected terms of the forthcoming license for water right 63-32423.

## Licensing of Right 63-32423

As of this report, approximately 575 homes have been built or are under construction in Dry Creek Ranch. An additional 153 lots are developed and ready for residential construction with stubbed in water service lines, bringing the total number of lots to be included in licensing calculations up to 728.

Using IDWR's standard of 1.2 ac-ft for domestic use, the total beneficial use for the 728 lots is 873.6 acre feet. Because the allowable 873.6 acre includes stubbed in lots and exceeds current production (which is approximately 618.5 acre feet), DCWC cannot claim additional beneficial use for municipal purposes beyond the 873.6 acre feet.

## Mitigation for 63-32423 Licensing

Pursuant to Permit Condition 14, mitigation for the 873.6 acre-ft requires dedication of 194.1 acres (873.6 divided by 4.5 acre-feet) to mitigation. Based on usage estimates in the prior mitigation reports, IDWR allocated 215.7 acres of the Irrigation Rights to mitigation and updated the water rights records accordingly. This allocation exceeds the amount required for mitigation under the license by 21.6 acres. As part of the final licensing of right 63-32423, the Irrigation Rights will be adjusted to reallocate the 21.6 excess acres from mitigation back to irrigation. After this adjustment, the allocation of the 404 acres associated with the Irrigation Rights will be as follows:

Mitigation Acres: 194.1
Irrigation Acres: 209.9

Exhibit 1 and Table 1 show the proposed location of the acres from the Irrigation Rights dedicated to mitigation. Table 2 shows the remaining place of use available for irrigation under the Irrigation Rights. Note that 65.3 acres of the Irrigation Rights are currently in the Idaho Water Supply Bank.

**Table 1. Acres Dedicated to Mitgation by Non-use**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| T | R | S | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Total |
| 5N | 1E | 25 | | | | | | | | | 14.4 | 0.4 | 9.0 | 35.7 | | 10.9 | 2.4 | | 72.8 |
| | | 35 | 40.3 | | | | | | | | | | | | | | | | 40.3 |
| | | 36 | | | | | 40.5 | 40.5 | | | | | | | | | | | 81 |
| | | | | | | | | | | | | | | | | | | | 194.1 |

**Table 2. Place of Use for Irrigation at Dry Creek Ranch**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| T | R | S | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 5N | 1E | 25 | | | | | | | | | | | | | | | 27.3 | 32.8 | 60.1 |
| | | 35 | | 37 | 39.2 | 40.3 | | | | | 27.9 | | | 1.9 | 36.4 | 25.7 | 0.4 | 15.8 | 224.6 |
| | | 36 | 40.5 | 40.5 | 34.9 | 20.2 | | | 38.9 | 37.9 | 13 | | | | 1.2 | 8.9 | | | 236 |
| 5N | 2E | 30 | | | | | | | | | | | | 24.2 | | | | | 24.2 |
| | | | | | | | | | | | | | | | | | | | 544.9 |

Please call me at 208-297-9808 with any questions or concerns.

Ann Dickey

Ann Dickey, PE
Water and Sewer Manager

cc: Nick Miller, IDWR Western Region Manager

# Attachment A

# Proposed Mitigation Map
# Water Supply Bank Map

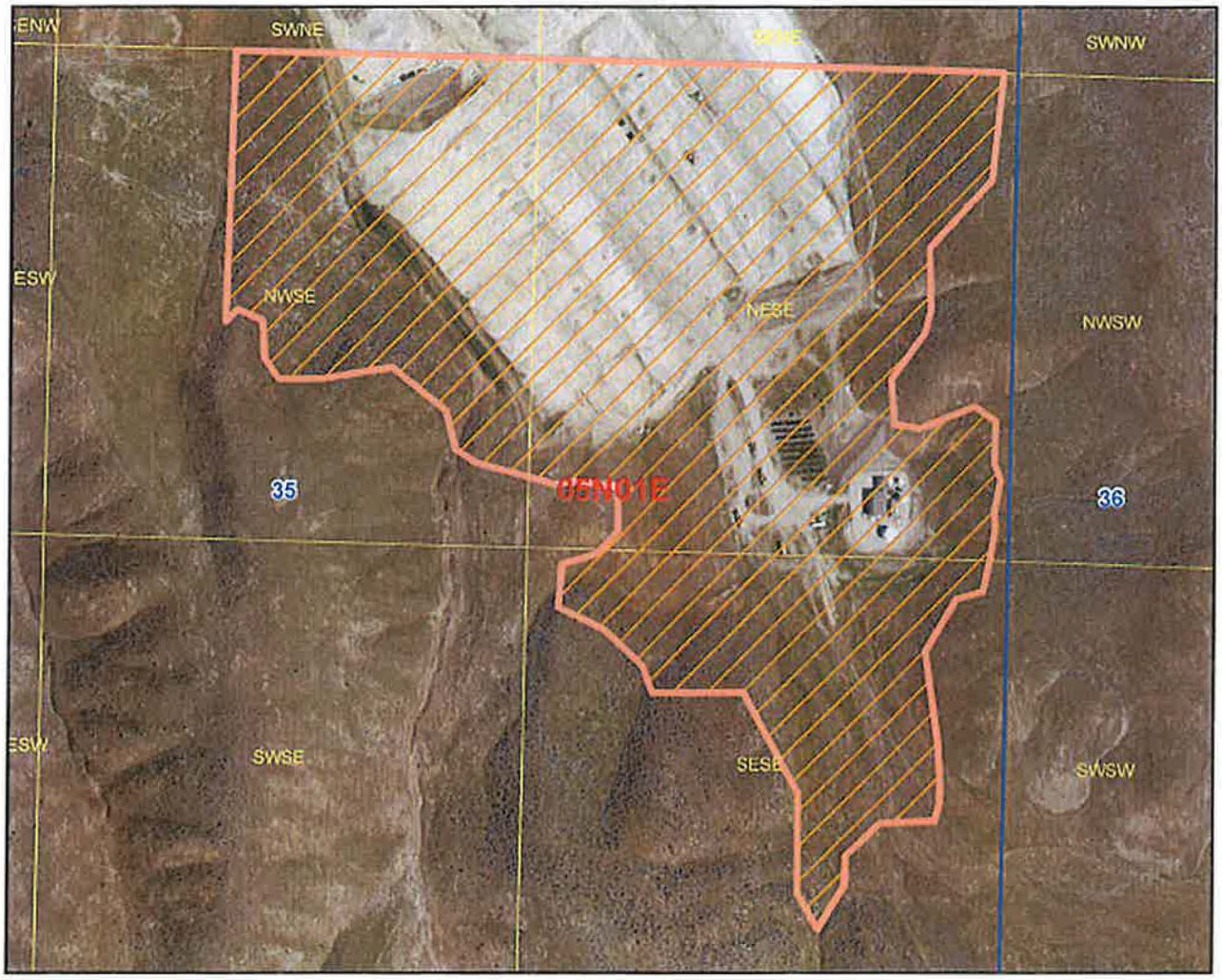
Dry Creek Water Company, LLC
Mitigation Acres - 63-32423
Legend
Mitigation Acres - 63-32423
Place of Use
4000 ft
N
Google Earth
PA
L1
L2
L3
L4
83714

## Idaho Water Resource Board

# Water Supply Bank Lease Contract No. 1793

**63-2535, 63-4023B, 63-4086B, 63-7123, 63-32266, and 63-17454**
**Effective until December 31, 2024**

**This map depicts the place of use to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.**



# Attachment B

**63-32423**
**63-2535**
**63-4023B**
**63-4086B**
**63-7123**
**63-17454**
**63-32266**

State of Idaho
Department of Water Resources

# Permit to Appropriate Water

NO. 63-32423

Priority: August 22, 2006

Maximum Diversion Rate: 5.00 CFS
Maximum Diversion Volume: 1,764.0 AF

This is to certify, that JMM DRY CREEK LLC
C/O LAND BARON INVESTMENTS
5275 S DURANGO DR
LAS VEGAS NV 89113

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

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

| BENEFICIAL USE | PERIOD OF USE | RATE OF DIVERSION | ANNUAL VOLUME |
|---|---|---|---|
| MUNICIPAL | 01/01 to 12/31 | 5.00 CFS | 1,764.0 AF |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NE¼NE¼ Sec. 36, Twp 05N, Rge 01E, B.M. ADA County
GROUND WATER NE¼NE¼ Sec. 36, Twp 05N, Rge 01E, B.M. ADA County

## CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2015.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Place of use is within the area served by the public water supply system of JMM Dry Creek LLC. The place of use is generally located within Sections 1 and 2, Township 4 North, Range 1 East; Sections 25, 35, and 36, Township 5 North, Range 1 East; and Section 30, Township 5 North, Range 2 East; B.M.
6. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
7. Water bearing zone to be appropriated is 100 ft. to 300 ft. below ground surface.
8. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
9. After specific notification by the Department, the right holder shall report to the Department the amount of water diverted annually in connection with this right.
10. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
11. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, 63-32266, and 63-32423 when combined shall not exceed a total diversion rate of 7.84 cfs and a total annual maximum diversion volume of 1764.0 af at the field headgate.
12. The right holder shall carry out the "Dry Creek Ranch Aquifer Monitoring Plan: April 2008." See Exhibit E of the January 14, 2009, Water Rights Agreement between Dry Creek Rural Neighborhood Association and JMM Dry Creek LLC.

State of Idaho
Department of Water Resources

# Permit to Appropriate Water

NO. 63-32423

## CONDITIONS OF APPROVAL CONTINUED

13. To prevent injury to senior water right holders:
    a. Diversion under this right shall be initially limited to 1,234.8 af (70% of 1764.0 af) for a minimum period of three years and until such time that the right holder can demonstrate to the Director that the aquifer can sustain greater diversions under the right. Demonstration shall require (1) a minimum of two years with recorded annual diversions under the right in excess of 1,000 afa, (2) water levels at a well in the NENE, Sec. 36, T05N, R01E, B.M., also known as the Jeker Big Pump well and as USGS well no. 05N01E36AAB1, (or an acceptable replacement well) that recover on an annual basis to at least 60 feet below ground surface, and (3) water-level monitoring for other wells monitored by the right holder in accordance with condition no. 12 does not show water level declines that would injure senior water rights owners.
    b. Upon successful demonstration to the Director of sustainable aquifer capacity to support diversions under this right in excess of 1,234.8 afa, the right holder may increase the annual volume diverted under the right up to a maximum of 1764 afa.
    c. The Director shall have the authority to reduce the annual diversion volume limits under this right at any time upon (1) a showing that diversions under the right are injuring senior water rights and (2) failure of the right holder to adequately mitigate injury to senior water rights to the satisfaction of the Director.
    d. The diversion volume limits under right 63-32423 shall not be reduced or limited due to water-level declines or injury to senior rights resulting from diversions under water rights with priority dates junior to right 63-32423.
    e. This condition is not intended to establish a reasonable pumping level pursuant to Idaho Code § 42-226.
14. For this condition, the term "use" shall be defined as the water delivered to and used on a single parcel of land identified in the county records and served water under this right. No later than February 15 of each calendar year during the authorized development period for this permit, the right holder shall:
    a. Identify and estimate a diversion rate and volume for all uses under the right that will exceed the individual domestic use limits as defined by Idaho Code § 42-111(1)(a) and (b) during the year. Uses under this right that exceed the individual use limits of Idaho Code § 42-111(1)(a) and (b) are to be considered 100% consumptive. Such uses shall be mitigated through reduction of one acre of irrigation use under water rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266 for each 2.7 acre feet of water diverted under this right.
    b. Identify all uses under the right that will meet the individual domestic use limits as defined by Idaho Code § 42-111(1)(a) and (b) during the year and estimate an annual diversion volume for these uses. Such uses shall be mitigated through reduction of one acre of irrigation use under water rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266 for each 4.5 acre feet of water diverted under this right.
    c. Reduce the number of acres to be irrigated under Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266, sufficiently to provide the required mitigation for items "a" and "b" above.
    d. Report to the Department the volume of water to be used for municipal purposes in connection with this permit during the year.
    e. Report the number of acres required to mitigate for the municipal use, along with the water right numbers, diversion rates, and annual diversion volumes associated with those acres.
    f. Report the location of the lands that will be irrigated during the forthcoming irrigation season with water diverted under Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266. The location shall be reported in map, GIS shapefile, and PLS tabular forms.

State of Idaho
Department of Water Resources

# Permit to Appropriate Water

NO. 63-32423

## CONDITIONS OF APPROVAL CONTINUED

15. Once designated in an annual report as mitigation for the use of water for municipal purposes under this right, irrigation of designated lands under Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266 shall not be resumed unless this right is reduced through the appropriate administrative or legal process, as determined by the Department.
16. Upon receiving the right holder's annual report, the Department will change the official records for Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266 to show where diversion and use of water is not authorized because the rights, or portions thereof, are being dedicated to mitigation purposes.
17. The owner of Right 63-32423 shall maintain ownership of the mitigation portions of Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454, and 63-32266.
18. The diversion and use of water described in Right 63-32423 may be subject to additional limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
19. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3rd day of March, 2010.

Shelley W. Keen
for GARY SPACKMAN, Interim Director

## Water Right 63-2535

| Owner Type | Name and Address |
|---|---|
| Current Owner | DRY CREEK WATER COMPANY LLC<br>923 S BRIDGEWAY PL<br>EAGLE, ID 83616-6098<br>(208) 577-5501 |

**Priority Date:** 8/24/1937
**Basis:** Decreed
**Status:** Active

| Source | Tributary |
|---|---|
| GROUND WATER | |

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| IRRIGATION | 03/01 | 11/15 | 0.340 CFS | 75.7 AF |
| DOMESTIC | 01/01 | 12/31 | 0.020 CFS | |
| MITIGATION BY NON-USE | 03/01 | 11/15 | 0.360 CFS | 81.8 AF |
| | **Total Diversion** | | 0.700 CFS | 157.5 AF |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | NENE | Sec. 35, Twp 05N, Rge 01E, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |

**Place Of Use:**

MITIGATION BY NON-USE within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | X | X | X | X | | | X | | |
| 05N | 01E | 35 | X | X | | | | | | | | | | | | | | | |
| 05N | 01E | 36 | | X | | | X | X | X | X | | | | | | | | | |

DOMESTIC within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 35 | X | X | X | | | | | | | | | | | | | | |

IRRIGATION within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | | | | | | 11.0 | 23.0 | 33.0 | 67.0 |
| 05N | 01E | 35 | 6.2 | 22.0 | 39.0 | 40.0 | | | | | 28.0 | | | 1.9 | 36.0 | 26.0 | 0.4 | 16.0 | 215.5 |
| 05N | 01E | 36 | 40.0 | 28.0 | 35.0 | 20.0 | | | 36.0 | 35.0 | 13.0 | | | | 1.2 | 8.9 | | | 217.1 |
| 05N | 02E | 30 | | | | | | | | | | | 24.0 | | | | | | 24.0 |

Right Acre Limit: 16.80
POU Total Acres: 523.6

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 2. | 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. |
| 3. | T19 | Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |
| 4. | 046 | Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. |
| 5. | 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. |
| 6. | X27 | This right is limited to the irrigation of 16.8 acres within the place of use described above in a single irrigation season. |
| 7. | X35 | Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season. |

**Combined Use Limits:**

| Rate | Volume | Acres | Water Rights |
|---|---|---|---|
| 3.530 | 793.0 | 188.3 | 63-17454 ,63-2535 ,63-4086B ,63-7123 ,63-4023B |

## Water Right 63-4023B

| Owner Type | Name and Address |
|---|---|
| Current Owner | DRY CREEK WATER COMPANY LLC<br>923 S BRIDGEWAY PL<br>EAGLE, ID 83616-6098<br>(208) 577-5501 |

**Priority Date:** 7/1/1927
**Basis:** Decreed
**Status:** Active

| Source | Tributary |
|---|---|
| GROUND WATER | |

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| IRRIGATION | 03/01 | 11/15 | 1.440 CFS | 389.0 AF |
| STOCKWATER | 01/01 | 12/31 | 0.040 CFS | |
| MITIGATION BY NON-USE | 03/01 | 11/15 | 1.560 CFS | 421.0 AF |
| | **Total Diversion** | | 3.000 CFS | 810.0 AF |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | NENE | Sec. 35, Twp 05N, Rge 01E, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |

**Place Of Use:**

MITIGATION BY NON-USE within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | X | X | X | X | | | X | | |
| 05N | 01E | 35 | X | X | | | | | | | | | | | | | | | |
| 05N | 01E | 36 | | X | | | X | X | X | X | | | | | | | | | |

STOCKWATER within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 26 | | | | | | | | | | | | | | | X | X | |
| 05N | 01E | 35 | X | X | X | X | | | | | | | | | | | | | |
| 05N | 01E | 36 | | | | | X | X | X | X | | | | | | | | | |

**IDAHO DEPARTMENT OF WATER RESOURCES** **11/2/2023**

**Proof Report**

IRRIGATION within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | | | | | | 11.0 | 23.0 | 33.0 | 67.0 |
| 05N | 01E | 35 | 6.2 | 22.0 | 39.0 | 40.0 | | | | | 28.0 | | | 1.9 | 36.0 | 26.0 | 0.4 | 16.0 | 215.5 |
| 05N | 01E | 36 | 40.0 | 28.0 | 35.0 | 20.0 | | | 36.0 | 35.0 | 13.0 | | | | 1.2 | 8.9 | | | 217.1 |
| 05N | 02E | 30 | | | | | | | | | | | 24.0 | | | | | | 24.0 |

Right Acre Limit: 86.50
POU Total Acres: 523.6

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 2. | 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. |
| 3. | T19 | Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |
| 4. | 046 | Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. |
| 5. | 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. |
| 6. | X27 | This right is limited to the irrigation of 86.5 acres within the place of use described above in a single irrigation season. |
| 7. | N08 | The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use. |
| 8. | N05 | The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day. |
| 9. | X35 | Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season. |

**Combined Use Limits:**

| Rate | Volume | Acres | Water Rights |
|---|---|---|---|
| 3.530 | 793.0 | 188.3 | 63-17454 ,63-2535 ,63-4086B ,63-7123 ,63-4023B |

**IDAHO DEPARTMENT OF WATER RESOURCES** **11/2/2023**
**Proof Report**

## Water Right 63-4086B

| Owner Type | Name and Address |
|---|---|
| Current Owner | DRY CREEK WATER COMPANY LLC<br>923 S BRIDGEWAY PL<br>EAGLE, ID 83616-6098<br>(208) 577-5501 |

**Priority Date:** 7/20/1960
**Basis:** Decreed
**Status:** Active

| Source | Tributary |
|---|---|
| GROUND WATER | |

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| IRRIGATION | 03/01 | 11/15 | 2.400 CFS | 776.0 AF |
| MITIGATION BY NON-USE | 03/01 | 11/15 | 2.600 CFS | 840.0 AF |
| | **Total Diversion** | | 5.000 CFS | 1,615.5 AF |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | NENE | Sec. 35, Twp 05N, Rge 01E, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |

**Place Of Use:**

MITIGATION BY NON-USE within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | X | X | X | X | | | X | | |
| 05N | 01E | 35 | X | X | | | | | | | | | | | | | | | |
| 05N | 01E | 36 | | X | | | X | X | X | X | | | | | | | | | |

IRRIGATION within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | | | | | | 11.0 | 23.0 | 33.0 | 67.0 |
| 05N | 01E | 35 | 6.2 | 22.0 | 39.0 | 40.0 | | | | | 28.0 | | | 1.9 | 36.0 | 26.0 | 0.4 | 16.0 | 215.5 |
| 05N | 01E | 36 | 40.0 | 28.0 | 35.0 | 20.0 | | | 36.0 | 35.0 | 13.0 | | | | 1.2 | 8.9 | | | 217.1 |
| 05N | 02E | 30 | | | | | | | | | | | 24.0 | | | | | | 24.0 |

Right Acre Limit: 172.50
POU Total Acres: 523.6

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 2. | 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. |
| 3. | T19 | Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |
| 4. | 046 | Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. |
| 5. | 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. |
| 6. | X27 | This right is limited to the irrigation of 172.5 acres within the place of use described above in a single irrigation season. |
| 7. | X35 | Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season. |
| 8. | | Rights 63-4086B and 63-7123 when combined shall not exceed a total annual maximum diversion volume of 776 af at the field headgate, and the irrigation of 172.5 acres in a single irrigation season. |

**Combined Use Limits:**

| Rate | Volume | Acres | Water Rights |
|---|---|---|---|
| 3.530 | 793.0 | 188.3 | 63-17454 ,63-2535 ,63-4086B ,63-7123 ,63-4023B |
| | 776.0 | 172.5 | 63-4086B ,63-7123 |

**IDAHO DEPARTMENT OF WATER RESOURCES** **11/2/2023**
**Proof Report**

**Water Right 63-7123**

| **Owner Type** | **Name and Address** |
|---|---|
| Current Owner | DRY CREEK WATER COMPANY LLC<br>923 S BRIDGEWAY PL<br>EAGLE, ID 83616-6098<br>(208) 577-5501 |

**Priority Date:** 7/11/1968
**Basis:** Decreed
**Status:** Active

| **Source** | **Tributary** |
|---|---|
| GROUND WATER | |

| **Beneficial Use** | **From** | **To** | **Diversion Rate** | **Volume** |
|---|---|---|---|---|
| IRRIGATION | 04/01 | 10/31 | 0.380 CFS | 776.0 AF |
| MITIGATION BY NON-USE | 04/01 | 10/31 | 0.410 CFS | 840.0 AF |
| | **Total Diversion** | | 0.790 CFS | 1,615.5 AF |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | NENE | Sec. 35, Twp 05N, Rge 01E, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |

**Place Of Use:**

MITIGATION BY NON-USE within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | X | X | X | X | | | X | | |
| 05N | 01E | 35 | X | X | | | | | | | | | | | | | | | |
| 05N | 01E | 36 | | X | | | X | X | X | X | | | | | | | | | |

IRRIGATION within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | | | | | | 11.0 | 23.0 | 33.0 | 67.0 |
| 05N | 01E | 35 | 6.2 | 22.0 | 39.0 | 40.0 | | | | | 28.0 | | | 1.9 | 36.0 | 26.0 | 0.4 | 16.0 | 215.5 |
| 05N | 01E | 36 | 40.0 | 28.0 | 35.0 | 20.0 | | | 36.0 | 35.0 | 13.0 | | | | 1.2 | 8.9 | | | 217.1 |
| 05N | 02E | 30 | | | | | | | | | | | 24.0 | | | | | | 24.0 |

Right Acre Limit: 168.60
POU Total Acres: 523.6

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 2. | 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. |
| 3. | T19 | Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |
| 4. | 046 | Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department. |
| 5. | 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. |
| 6. | X27 | This right is limited to the irrigation of 168.6 acres within the place of use described above in a single irrigation season. |
| 7. | X35 | Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season. |
| 8. | | Rights 63-4086B and 63-7123 when combined shall not exceed a total annual maximum diversion volume of 776 af at the field headgate, and the irrigation of 172.5 acres in a single irrigation season. |
| 9. | X61 | The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/11/2007. |

**Combined Use Limits:**

| Rate | Volume | Acres | Water Rights |
|---|---|---|---|
| 3.530 | 793.0 | 188.3 | 63-17454 ,63-2535 ,63-4086B ,63-7123 ,63-4023B |
| | 776.0 | 172.5 | 63-4086B ,63-7123 |

**IDAHO DEPARTMENT OF WATER RESOURCES** **11/2/2023**
**Proof Report**

## Water Right 63-17454

| **Owner Type** | **Name and Address** |
|---|---|
| Current Owner | DRY CREEK WATER COMPANY LLC<br>923 S BRIDGEWAY PL<br>EAGLE, ID 83616-6098<br>(208) 577-5501 |

**Priority Date:** 3/20/1938
**Basis:** Decreed
**Status:** Active

| **Source** | **Tributary** |
|---|---|
| DRY CREEK | BOISE RIVER |

| **Beneficial Use** | **From** | **To** | **Diversion Rate** | **Volume** |
|---|---|---|---|---|
| IRRIGATION | 03/01 | 11/15 | 0.820 CFS | |
| MITIGATION BY NON-USE | 03/01 | 11/15 | 0.880 CFS | 199.0 AF |
| | **Total Diversion** | | 1.700 CFS | |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| DRY CREEK | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |

**Place Of Use:**

MITIGATION BY NON-USE within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | X | X | X | X | | | X | | |
| 05N | 01E | 35 | X | X | | | | | | | | | | | | | | | |
| 05N | 01E | 36 | | X | | | X | X | X | X | | | | | | | | | |

IRRIGATION within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | | | | | | 11.0 | 23.0 | 33.0 | 67.0 |
| 05N | 01E | 35 | 6.2 | 22.0 | 39.0 | 40.0 | | | | | 28.0 | | | 1.9 | 36.0 | 26.0 | 0.4 | 16.0 | 215.5 |
| 05N | 01E | 36 | 40.0 | 28.0 | 35.0 | 20.0 | | | 36.0 | 35.0 | 13.0 | | | | 1.2 | 8.9 | | | 217.1 |
| 05N | 02E | 30 | | | | | | | | | | | 24.0 | | | | | | 24.0 |

Right Acre Limit: 40.80
POU Total Acres: 523.6

**Conditions of Approval:**

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

| | | |
|---|---|---|
| 2. | 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. |
| 3. | T19 | Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |
| 4. | R05 | Use of water under this right will 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. |
| 5. | 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(s). |
| 6. | X27 | This right is limited to the irrigation of 40.8 acres within the place of use described above in a single irrigation season. |
| 7. | X35 | Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season. |

**Combined Use Limits:**

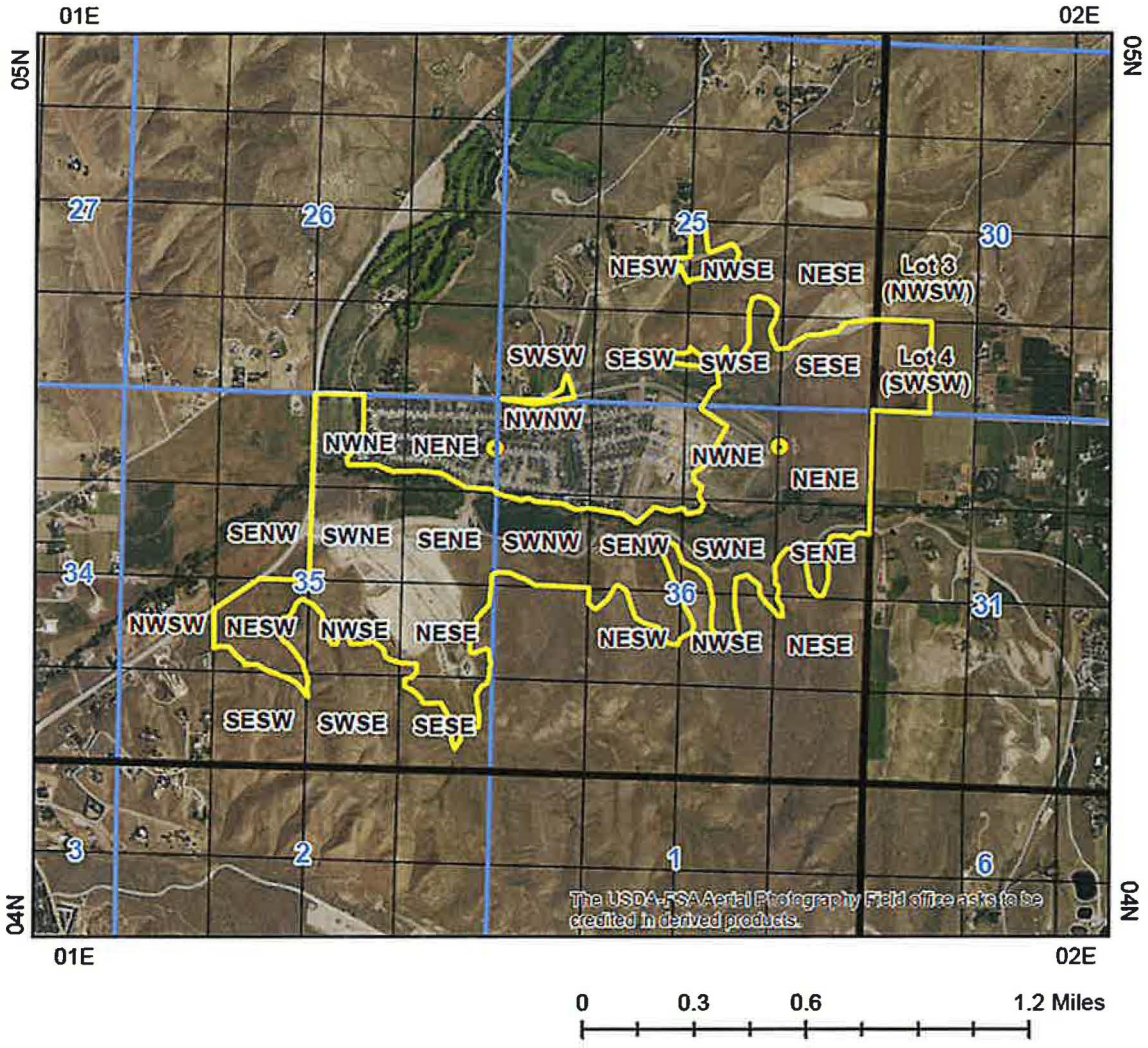
| Rate | Volume | Acres | Water Rights |
|---|---|---|---|
| 3.530 | 793.0 | 188.3 | 63-17454 ,63-2535 ,63-4086B ,63-7123 ,63-4023B |

State of Idaho
Department of Water Resources

# Attachment to Water Right

**63-2535, 63-4023B, 63-4086B, 63-7123, and 63-17454**

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.

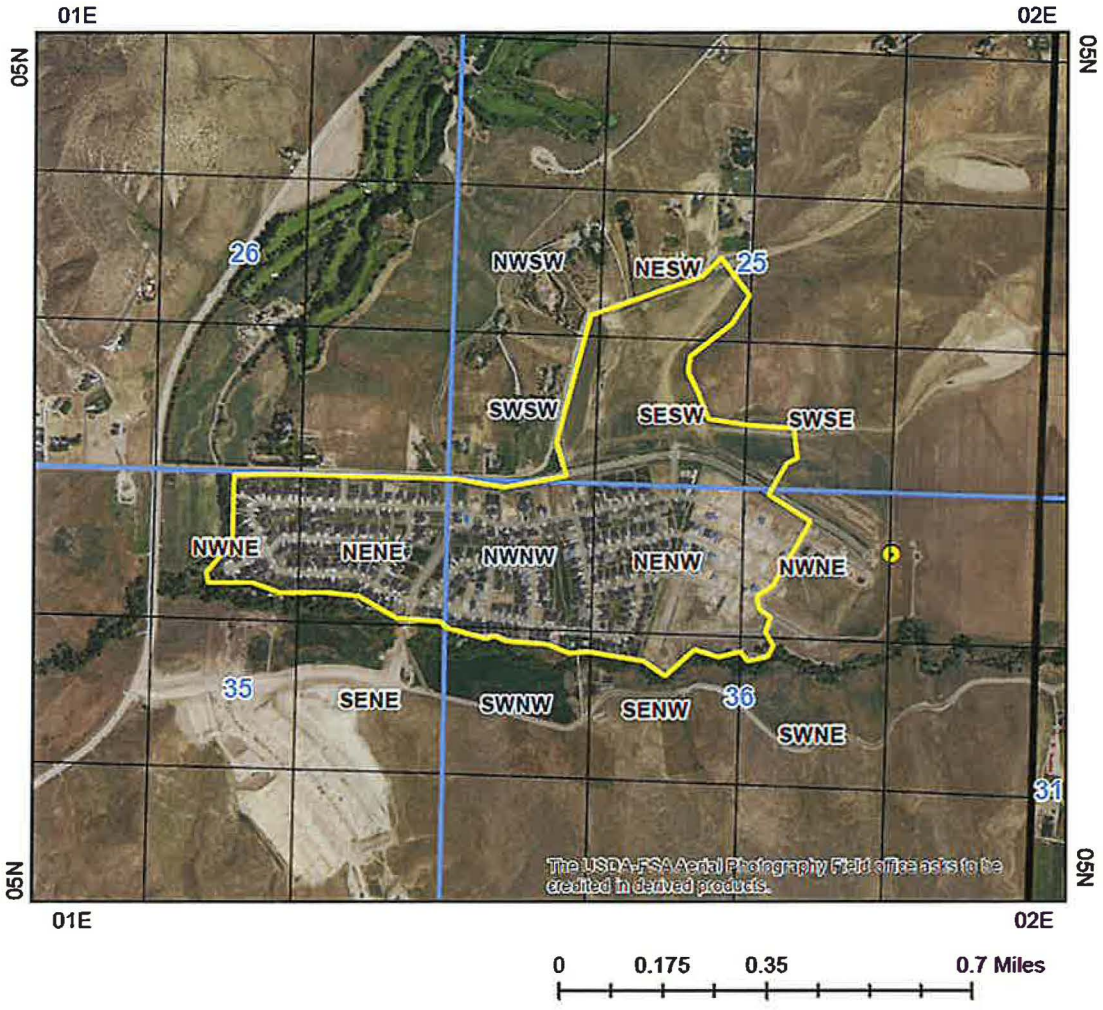


**State of Idaho**
**Department of Water Resources**

# Attachment to Water Right

**63-2535, 63-4023B, 63-4086B, 63-7123, and 63-17454**

This map depicts the MITIGATION BY NON-USE place of use boundary for these water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



## Water Right 63-32266

| Owner Type | Name and Address |
|---|---|
| Current Owner | DRY CREEK WATER COMPANY LLC<br>923 S BRIDGEWAY PL<br>EAGLE, ID 83616-6098<br>(208) 577-5501 |

**Priority Date:** 3/1/1987
**Basis:** Decreed
**Status:** Active

| Source | Tributary |
|---|---|
| GROUND WATER | |

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| MITIGATION BY NON-USE | 03/01 | 11/15 | 0.230 CFS | 54.0 AF |
| | **Total Diversion** | | 0.230 CFS | 54.0 AF |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | NENE | Sec. 35, Twp 05N, Rge 01E, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 05N, Rge 01E, ADA County |

**Place Of Use:**
MITIGATION BY NON-USE within ADA County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 05N | 01E | 25 | | | | | | | | | | | | X | | | | | |

**Conditions of Approval:**

| | | |
|---|---|---|
| 1. | C18 | This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code. |
| 2. | K02 | This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code. |
| 3. | K09 | This right is for an enlargement of 12 acres within the place of use described for this right. |
| 4. | C11 | This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right. |
| 5. | | Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 3.53 cfs, a total annual maximum diversion volume of 793 af at the field headgate, and the irrigation of 188.3 acres in a single irrigation season. |

**Combined Use Limits:**
N/A

State of Idaho
Department of Water Resources

# Attachment to Water Right

63-32266

This map depicts the MITIGATION BY NON-USE 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.




0 0.1 0.2 0.4 Miles

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

N

# Idaho Department of Water Resources Receipt

**Receipt ID: W052379**

| | | | | | |
|---|---|---|---|---|---|
| Payment Amount | $25.00 | Date Received | 2/14/2025 | Region | WESTERN |
| Payment Type | Check | Check Number | 000426 | | |
| Payer | DRY CREEK WATER COMPANY | | | | |
| Comments | MITIGATION PLANNING REPORT<br>63-32423 | | | | |

**Fee Details**

| Amount | Description | PCA | Fund | Fund Detail | Subsidiary | Object |
|---|---|---|---|---|---|---|
| $25.00 | WATER RIGHT FILING SUBSCRIPTION | 51100 | 0229 | 21 | | 1755 |

Signature Line (Department Representative)