Amended Application for Transfer of Water Right

Part 1

Name of applicant: New Union Ditch Company, Limited
Phone: 208-939-2808

Post Office address: c/o George Transtrum, Pres., P.O. Box 31, Eagle, ID 83616 with copies to:
- Michael C. Creamer, Givens Pursley, LLP, P.O. Box 2720, Boise, ID 83701
- Christian R. Petrich, SPF Water Engineering, LLC, 600 East River Park Lane, Ste. 105, Boise, ID 83712

A. PURPOSE OF TRANSFER

1.  
   - Change point of diversion
   - Add diversion point(s)
   - Change place of use
   - Change period of use
   - Other

2.  Describe the reason for the proposed changes:
   (1) Portion of water right associated with 18.1 shares of New Union stock held by Lakeland Village LCC to be used to offset evaporation from excavated ponds intercepting shallow groundwater and (2) 4.7 shares of New Union stock held by Roth Construction Inc. to mitigate for evaporation from an excavated pond intercepting shallow groundwater and for groundwater withdrawals. The combined transfer affects only 0.45 cfs of water right 63-146.

B. DESCRIPTION OF RIGHT(S) OR PORTION HEREOF, AFTER THE REQUESTED CHANGE

<table>
<thead>
<tr>
<th>Right Number</th>
<th>Priority</th>
<th>Amount (cfs/ac-ft)</th>
<th>Nature of Use</th>
<th>Period of Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>63-146</td>
<td>06/01/1865</td>
<td>13.28</td>
<td>Irrigation</td>
<td>3-15 to 11-15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.48</td>
<td>Groundwater Recharge</td>
<td>3-15 to 11-15</td>
</tr>
</tbody>
</table>

2. Total amount of water being transferred: 13.76 cubic feet per second and/or 13.76 acre-feet per annum.

3. Source of water: Boise River
   Tributary to: Snake River

4. Point(s) of Diversion:

<table>
<thead>
<tr>
<th>Lot</th>
<th>¼</th>
<th>¼</th>
<th>¼</th>
<th>Sec</th>
<th>Twp.</th>
<th>Rge.</th>
<th>County</th>
<th>Local name for diversion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>NE</td>
<td>SE</td>
<td>23</td>
<td>4N</td>
<td>1E</td>
<td>Ada</td>
<td></td>
<td>New Union Ditch - Boise River Diversion</td>
</tr>
</tbody>
</table>

5. Lands irrigated or place of use: New Union Ditch Co boundaries

<table>
<thead>
<tr>
<th>Twp.</th>
<th>Rge.</th>
<th>Sec.</th>
<th>NE ¼</th>
<th>NW ¼</th>
<th>SW ¼</th>
<th>SE ¼</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>4N</td>
<td>1E</td>
<td>14</td>
<td>E</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

E = Groundwater Recharge/Mitigation

Total acres: 673.13 acres
PART 1

6. General Information:
   a. Description of diversion system: Water for Lakeland Village, Lakeland Estates, and Ulmer Lane properties is delivered through New Union Canal. No change proposed in point of diversion or means of delivery to place of use.

   b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
      _____ Yes      _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See Remarks.

   c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

   d. Remarks:
      Appurtenant water rights will not be transferred from the New Union Canal Company lands by this transfer. Purpose of transfer is to continue beneficial use of rights on same acres. See Exhibit A (narrative).

 ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. ________________________________

And said application is hereby __________________________, subject to the following limitations and conditions:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Witness my hand this day of __________________________, 20________________________.
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Assign one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

Right evidenced by:

a. Decree No. 63-146 Decreed to New Union Ditch Company, Limited in case of Farmers Coop. Ditch Company vs. Riverside Irrigation District dated 1/18/06 in Boise, ID county of Ada

b. License No. issued by the Idaho Department of Water Resources.

c. Claim No. on file with the Idaho Department of Water Resources.

d. Transfer No. which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed (Exhibit __) ☑ Other Copies of New Union Shares (Exhibits D & E)

3. Source of water: Boise River tributary to Snake River

4. Date or priority: 6-1-1885

5. Water is used for the following purpose:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Purpose</th>
<th>Date</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.73 cfs</td>
<td>Irrigation</td>
<td>3-15 to 11-15</td>
<td>13.76 cubic ft</td>
</tr>
<tr>
<td>0.31 cfs</td>
<td>Groundwater recharge</td>
<td>3-15 to 11-15</td>
<td>0.31 acre-ft</td>
</tr>
</tbody>
</table>

6. Total amount of water under right: 13.76 cubic feet per second and/or 0.31 acre-feet per annum

7. Point(s) of Diversion:

<table>
<thead>
<tr>
<th>Lot</th>
<th>¼</th>
<th>¼</th>
<th>¼</th>
<th>Sec.</th>
<th>Twp.</th>
<th>Rge.</th>
<th>County</th>
<th>Local name for diversion</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>NE</td>
<td>SE</td>
<td>23</td>
<td>4N</td>
<td>1E</td>
<td>Ada</td>
<td>NE SE 4</td>
<td>New Union Ditch - Boise River Diversion</td>
</tr>
</tbody>
</table>

8. Lands irrigated or place of use: New Union Ditch Co boundaries

<table>
<thead>
<tr>
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<th>Rge.</th>
<th>Sec.</th>
<th>NE ¼</th>
<th>NW ¼</th>
<th>SW ¼</th>
<th>SE ¼</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>4N</td>
<td>1E</td>
<td>16</td>
<td>E</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

E = Groundwater recharge

Total acres: 673.3

9. Describe any other water rights used for the same purpose as described above: 63-18785
**PART 2**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

   Yes    No    If yes, describe ________________________________

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

   This does not involve split of right.

   (If the entire right is to be changed by the applicant, omit part B and C.)

1. **Amount** 0.45 cfs for **Irrigation purposes** from 03-15 to 11-15
   
   **Amount** for __________________ purposes from _______ to _______
   
   **Amount** for __________________ purposes from _______ to _______

2. Point(s) of Diversion: No Change

<table>
<thead>
<tr>
<th>Lot</th>
<th>¼</th>
<th>¼</th>
<th>¼</th>
<th>Sec.</th>
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<tbody>
<tr>
<td>4N</td>
<td>1E</td>
<td>14</td>
<td></td>
<td>1.9</td>
<td></td>
<td></td>
<td>1.9</td>
</tr>
<tr>
<td>15</td>
<td></td>
<td></td>
<td></td>
<td>5.2</td>
<td></td>
<td></td>
<td>5.2</td>
</tr>
<tr>
<td>23</td>
<td></td>
<td></td>
<td>2.4</td>
<td>8.6</td>
<td></td>
<td></td>
<td>11.0</td>
</tr>
<tr>
<td>23</td>
<td></td>
<td></td>
<td>4.6</td>
<td></td>
<td></td>
<td></td>
<td>4.6</td>
</tr>
</tbody>
</table>

   Total acres 22.7

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT**

   (omit if there is no change)

1. **Amount** for **Balance of Water Right purposes** from _______ to _______
   
   **Amount** for __________________ purposes from _______ to _______

2. Point(s) of Diversion:

<table>
<thead>
<tr>
<th>Lot</th>
<th>¼</th>
<th>¼</th>
<th>¼</th>
<th>Sec.</th>
<th>Twp.</th>
<th>Rge.</th>
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</table>

   Total acres
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range numbers.

Scale: 1 inch equals 2000 feet
APPLICATION FOR TRANSFER OF WATER RIGHT

MAP 2 (See also Exhibit C)

Scale: 1 inch equals 750 feet
**PART 3**

**B. CHANGES IN NATURE OF USE**

<table>
<thead>
<tr>
<th>New Nature of Use</th>
<th>Amount(cfs / ac-ft)</th>
<th>Hours/days/year</th>
<th>Period of Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Water Recharge</td>
<td>0.45 cfs</td>
<td>3-15 to 11-15</td>
<td></td>
</tr>
</tbody>
</table>

2. **Quantity and quality of return flows and location of discharge:**
   See narrative description attached.

3. **Describe effects on other water uses resulting from the proposed change:**
   See narrative description attached.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

[Signature of Applicant]

Subscribed and sworn to before me this ______ day of ______, ______.

[Notary Public]

My commission expires ______.

---

**FOR DEPARTMENT USE ONLY**

Transfer contains ______ pages and ______ attachments

Received by ______ Date ______ Protest filed by ______

Prelim. check by ______ Fee ______

Received by ______ Date ______

Published in ______ Copies of protest forwarded by ______

Pub. dates ______ Hearing held by ______ Date ______

Watermaster recommendation requested on ______ Recommended for ______

rec'd. by ______

Copy of transfer sent to lien holder ______

* Original 5/16/05

Amended 4/7/05 but still within same use category, additional payment NA.
Lakeland Village Transfer Application – List of Exhibits

Exhibit A: Narrative
Exhibit B: Adjudication Photo, Ulmer Lane Assessments
Exhibit C: Lakeland Village Ponds
Exhibit D: Copies of Lakeland Village Share Certificates
Exhibit E: Copies of Roth Construction, Inc. Share Certificates
Exhibit F: Authorization to File Transfer (Ron Bath)
Exhibit G: Authorization to File Transfer (Steve Roth)
Exhibit A

Narrative Description
Application for Transfer
In the Name of
New Union Ditch Company, Limited
(Lakeland Village and Roth Construction, Inc.)

This Transfer Application proposes to change the nature of use of a 0.45 cfs portion of water right 63-146 from irrigation to ground water recharge. First, the proposed transfer will facilitate the construction of ten aesthetic ponds with a total surface area of 18.1 acres within Sections 14, 15 and 23, T4N, R1E, B.M. (the “Lakeland Village Property”). The portion of the water right proposed for transfer is represented by 18.1 shares of New Union Ditch Company, Limited (“New Union”) stock owned by Lakeland Village, LLC (shareholders of the Applicant). Copies of these shares are attached as Exhibit D. Lakeland Village, LLC has authorized New Union to file this transfer. (See Exhibit F). Second, the proposed transfer will mitigate for (a) evaporative losses from a 0.6-acre excavated pond intersecting shallow groundwater within Section 23, T4N, R1E (the “Ulmer Lane” property) and for (b) ground water withdrawals from this 0.6-acre pond to irrigate 4 acres adjacent to the pond. Roth Construction, Inc., has authorized New Union to file this transfer (Exhibit G).

Exhibit B to the Application, which is a 1987 aerial photograph of the Lakeland Village Property, demonstrates the beneficial use of the water on the Lakeland Village and Ulmer Lane Properties for irrigation. In addition, verification of paid assessments for the Ulmer Lane property is attached to Exhibit B. No precise crop rotation information is available for these lands. They historically have been irrigated for pasture grass. Mitigation for evaporative losses will therefore be accomplished by retiring formerly irrigated acres on a 1:1 basis.

After the Transfer, the affected portion of the water rights will continue to be delivered to the Lakeland Village Property via New Union’s existing delivery system where the shareholders will distribute the water into the Lakeland Village ponds to recharge ground water as described in two associated permit applications. First, Lakeland Village, LLC has submitted an application for permit with respect to the Lakeland Village ponds (the “Proposed Permit”). This permit application proposes using water delivered pursuant to 18.1 New Union shares owned by the applicants to offset the evaporative losses from the ponds and thereby mitigate potential impacts of ponds on the ground water source and the Boise River. Second, an Application for Permit is being submitted under separate cover by Roth Construction, Inc. to draw groundwater from the 0.6 acre pond for evaporative pond losses and irrigation of 4 acres adjacent to the pond. This Transfer is intended to facilitate processing and approval of both of these permits.
Exhibit A

Because the Lakeland Village and Ulmer Lane ponds will be excavated (some already have been constructed) on lands formerly irrigated with water delivered pursuant to water right 63-146, no change in the place of use is sought.

Maintaining the historical diversion of the water under Water Right 63-146 into the New Union system, and delivery to the existing appurtenant acres, ensures that there will be no potential for enlargement of the transferred portion of the Water Right due to delivery to different lands, and maintains the timing and location of historical return flows from the canal and the shareholder’s property. Because there will be no net effect on the shallow ground water source, there also will be no net appreciable effect on the timing, extent, location or quality of historical return flows or discharges of shallow ground water to the Boise River associated with the historical use of Water Right 63-146. The transfer will allow Lakeland Village, the Ulmer Lane Townhomes, and New Union to continue the beneficial use of the Water Right on appurtenant lands within New Union’s service area.

Based on the above discussion and assumptions, this transfer will not result in an enlargement of the water right or cause injury to other water rights because the number of acres to which the water right will be applied, and the consumptive use of water, will not increase.

The transfer proposes to apply water under Water Right 63-146 to recognized beneficial uses within the New Union's service area for its shareholders. The transfer also will facilitate the use of ground water without depleting the resource or reducing the amount of water available to fill other water rights. For these reasons, the transfer is in the public interest.
Exhibit B: 1987 SRBA Infrared Photo

Scale: 1 inch equals 2000 feet
This Certificate is the registered holder of 6.00 Shares in The New Union Ditch Company, Limited.

The Certificate is 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 12th day of February 2004.

[Signatures]

No Par Value

Secretary

President
The New Union Ditch Company, Limited

This Certificate is hereby registered in the name of Michael Eddy as the registered holder. The number of shares held by this certificate is 2.27.

The New Union Ditch Company, Limited

Transfers on the books of the Corporation may be made only 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 2nd day of Feb. 1928.

[Signature]

Secretary

[Signature]

President

No Par Value
EXHIBIT F

AUTHORIZATION TO FILE TRANSFER

1. Lakeland has filed an application for permit to authorize diversion of ground water into several aesthetic ponds on property Lakeland owns. To mitigate for evaporative loss associated with the permit, Lakeland is proposing to convert irrigation rights on its property to ground water recharge. These irrigation rights are represented by shares held in the New Union Ditch Company.

2. Based on all of the above, Lakeland hereby authorizes New Union Ditch Company, Limited to file an Application for Transfer with the Idaho Department of Water Resources affecting lands owned by Lakeland that will convert a portion of New Union’s water right, represented by shares owned by Lakeland, from irrigation to groundwater recharge.

Ron Bath
President, Lakeland Village, LLC
EXHIBIT G

AUTHORIZED TO FILE WATER APPLICATION

Roth Construction, Inc., was created on April 22nd, 1999, as evidenced by a copy of the Secretary of State filing attached hereto.

Roth Construction, Inc., is developing a new subdivision ("Ulmer Lane Townhomes") within the boundaries of the New Union Ditch Company, Limited. Roth Construction, Inc., hereby authorizes the New Union Ditch Company, Limited to file a transfer affecting lands in the Ulmer Lane Townhomes subdivision that will convert a portion of New Union's water right, represented by shares owned by Roth Construction, LLC, from irrigation to groundwater recharge/mitigation.

[Signature]

2-28-2005

Steve Roth, President
Roth Construction, Inc.