

10/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-243E

NAME AND ADDRESS: UNITED WATER IDAHO INC
8248 W VICTORY RD
PO BOX 190420
BOISE ID 83719-0420

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 3.300 CFS
682.000 AFY

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the 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 proceeding 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 proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:

T03N R02E S14 SENE Lot 7 Within ADA County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	03/01 11/15	3.300 CFS 682.00 AFY

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 Reservoirs 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.

PLACE OF USE:

Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

10/10/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is also designated as Right No. 110 in the Boise River Stewart Decree and Boise River Water Distribution Report.

Draft

09/07/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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PO BOX 190420
BOISE ID 83719-0420

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This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the 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 proceeding 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 proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 05/01/1889

POINT OF DIVERSION:

T03N R02E S14 SENE Lot 7 Within ADA County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	3/15 11/15	3.300 CFS 682.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before March 15 and after November 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

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 Reservoirs 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.

PLACE OF USE:

Water Right 63-243E

09/07/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is also designated as Right No. 110 in the Boise River Stewart Decree and Boise River Water Distribution Report.

STATE OF IDAHO

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES

AUG 26 1998

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
incomplete forms will be returned.

1. Water Right Number(s) 63-00243E, 63-00169F, 63-00243H, 63-00165L
Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Boise Water Corporation
Owner/claimant(s) _____

4. New Owner/Claimant(s) United Water Idaho
Name connector (check): [] AND, [] OR, [] AND/OR

New Mailing Address 8248 West Victory Road
City, State and ZIP Code Boise, ID 83709

New Telephone Number (208) 362-7332

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies describe in detail you portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS 3.30, 0.81, 0.93, 0.68 Number of Homes _____ Other uses Municipal

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Benjamin M. Hepler, VICE PRES. Date 8/26/98
Owner/ Claimant(s) _____ Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

SCANNED
JAN 05 2004

SCANNED

AUG 14 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-243E
Date Received: 11/8/1989
Receipt No:
Received By: AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

UNITED WATER IDAHO INC Phone: (208)362-7332
8248 W VICTORY RD
PO BOX 7488
BOISE ID USA 83707-1488

2. Date of Priority: 05/01/1889

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02E	14	SE NE 7	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
MUNICIPAL	3/15	11/15	3.3	682

7. Total Quantity Appropriated is:
3.3 C.F.S. and/or 682 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A SPLIT OF A63-243C BY APPROVED TRANSFER 4232

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

_____, and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-243E

WATER RIGHT NUMBER: 63-243E

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SOUTH BOISE MUTUAL IRRIGATION CO LTD
	, ID
Current Owner	UNITED WATER IDAHO INC
	8248 W VICTORY RD
	PO BOX 7488
	BOISE, ID 83707-1488
	(208)362-7332

Priority Date: 05/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	3/15 to 11/15	3.300 CFS	682.00 AF
	<u>Total Diversion:</u>	3.300 CFS	682.00 AF

Location of Point(s) of Diversion

BOISE RIVER	L7 (SE1/4NE1/4)	Sec. 14, Twp 03N, Rge 02E, B.M.
ADA County		

Place of UseConditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. 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.
4. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-243E

1. General
Prior to diversion and use of water under Transfer No. 4232, a totalizing flow measuring device and lockable controlling works acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
Place of use is located within the city limits of Boise and the surrounding service area.
Four points of diversion are located within Lot 7, SENE, S14, T03N, R02E.
Transfer No. 4232 adds a point of diversion identified as the Warm Springs Water Treatment Plant River Intake to the three existing points of diversion known as Ranney collector diversions. Construction of diversion works is subject to the application of best management practices in accordance with standards utilized in the State of Idaho Stream Protection Program. Specific requirements include the following:
a. Turbid water pumped from the construction site shall not be returned directly to the stream (Alternatives are: settling pond, sump hole, irrigation ditch, etc.). Any discharge to a natural waterway shall be in compliance with Idaho Water Quality Standards and Wastewater Treatment Requirements and EPS NPDES permit requirements.
b. Fuel, oil, and other hazardous materials shall be stored, and equipment refueled, away from the stream to ensure that a spill cannot enter the stream channel.
c. All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.
d. Any structure(s) placed within the stream channel of the Boise River shall be constructed in such a manner as to allow float boat traffic to pass over or around the structure(s) except at very low flows. The IDWR and the Idaho Department of Fish and Game will evaluate the structure(s) as constructed.
e. Stream bank vegetation shall be protected to the extent practicable during construction. Care shall be taken to select locations for ingress and egress from the stream that will minimize bank and riparian vegetation damage. Disturbed and eroded areas shall be revegetated with perennial shrubs, grasses, and forbs as recommended by Idaho Department of Fish and Game and/or the local office of the Soil Conservation Service, to reduce erosion, restore bank cover and habitat and inhibit the invasion of noxious weeds.
f. All temporary cofferdams shall be constructed of either jersey barriers, sandbags, sheet pilings, or other materials reviewed and approved by this Department prior to construction of the cofferdams.

Comments:

1. CURTIS 1/29/1993 Trans. #3756

Comment: Trans. #3756 was filed to change the nature of use, point of diversion and place of use of a portion of right 63-00243.

2. SKAGGS 11/8/1993 TRANSFER NO. 4232

Comment: Transfer No. 4232 was filed to add a point of diversion to Right Nos. 63-001651/00169F/00243E and H. The new point of diversion is identified as Warm Springs Water Treatment Plant River Intake.

16W 24 1994

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Region 10

TRANSFER OF WATER RIGHT

***AMENDED**

AMENDED

TRANSFER NO. 4232

WATER RIGHT NO(S). 63-00165L/63-00169F/63-00243E/63-00243H

This is to certify that: **BOISE WATER CORP**
PO BOX 7488
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-00165L : MUNICIPAL Priority: 06/01/1866	03/15 to 11/15	0.68 CFS	167.0 AF
Right No. 63-00169F : MUNICIPAL Priority: 06/01/1868	03/15 to 11/15	0.81 CFS	199.0 AF
Right No. 63-00243E : MUNICIPAL Priority: 05/01/1889	03/15 to 11/15	3.30 CFS	682.0 AF
Right No. 63-00243H : MUNICIPAL Priority: 05/01/1889	03/15 to 11/15	0.93 CFS	172.0 AF

SOURCE

TRIBUTARY OF

BOISE RIVER

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SENE), Sec. 14, Township 03N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

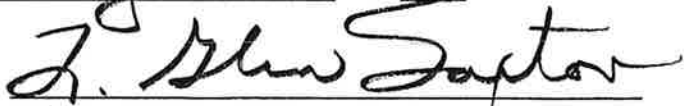
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

AMENDED TRANSFER NO. 4232 *AMENDED*
WATER RIGHT NO(S). 63-00165L/63-00169F/63-00243E/63-00243H

CONDITIONS/REMARKS:

5. Prior to diversion and use of water under Transfer No. 4232, a totalizing flow measuring device and lockable controlling works acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
6. Construction of diversion works is subject to the application of best management practices in accordance with standards utilized in the State of Idaho Stream Protection Program. Specific requirements include the following:
 - a. Turbid water pumped from the construction site shall not be returned directly to the stream (Alternatives are: settling pond, sump hole, irrigation ditch, etc.). Any discharge to a natural waterway shall be in compliance with Idaho Water Quality Standards and Wastewater Treatment Requirements and EPS NPDES permit requirements.
 - b. Fuel, oil, and other hazardous materials shall be stored, and equipment refueled, away from the stream to ensure that a spill cannot enter the stream channel.
 - c. All construction activities shall be conducted in such a manner as to minimize turbidity and other water quality impacts.
 - d. Any structure(s) placed within the stream channel of the Boise River shall be constructed in such a manner as to allow float boat traffic to pass over or around the structure(s) except at very low flows. The IDWR and the Idaho Department of Fish and Game will evaluate the structure(s) as constructed.
 - e. Stream bank vegetation shall be protected to the extent practicable during construction. Care shall be taken to select locations for ingress and egress from the stream that will minimize bank and riparian vegetation damage. Disturbed and eroded areas shall be revegetated with perennial shrubs, grasses, and forbs as recommended by Idaho Department of Fish and Game and/or the local office of the Soil Conservation Service, to reduce erosion, restore bank cover and habitat and inhibit the invasion of noxious weeds.
 - f. All temporary cofferdams shall be constructed of either jersey barriers, sandbags, sheet pilings, or other materials reviewed and approved by this Department prior to construction of the cofferdams.
7. Place of use is located within the city limits of Boise and the surrounding service area.
8. Four points of diversion are located within Lot 7, SENE, S14, T03N, R02E.
9. Transfer No. 4232 adds a point of diversion identified as the Warm Springs Water Treatment Plant River Intake to the three existing points of diversion known as Ranney collector diversions.

Dated this 14th day of January, 1994.


Chief, Water Alloc. Bureau

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NOV 29

PART 1

WATER
WESTERN

WESTERN
Name of applicant Boise Water Corporation Phone (208) 362-1704

Post Office address P.O. Box 7488, Boise, ID 83707

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant owns certain water rights to operate its
three existing Ranney collectors near the Boise River. Applicant wishes to add an
additional alternative point of diversion for three of these water rights to enable the
diversion of water as well as from a new river intake structure which will be operated in
conjunction with the Ranney collectors.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use | |
|--|--------------|-----------------------|------------------------------|---------------|----------------------|
| 63-0169F | June 1, 1868 | 0.814 cfs | Municipal | Mar. 15 | to Nov. 15* |
| 63-00165L | June 1, 1866 | 0.68 cfs | Municipal | Mar. 15 | to Nov. 15 |
| 63-00243C | May 1, 1889 | 3.300 cfs | Municipal | Mar. 15 | to Nov. 15* |
| 63-00243H | May 1, 1889 | 0.93 cfs | Municipal | Mar. 15 | to Nov. 15* |
| 2. Total amount of water being transferred | | 5.724 | cubic feet per second and/or | 1,220 | acre-feet per annum. |
| 3. Source of water | | Boise River | tributary to | Snake River | |
| 4. Point(s) of Diversion: | | | | | |

[illegible]

5. Lands irrigated or place of use: Current and future service area in and near the City of Boise, Idaho

[illegible]

*Adjusted per Appendix II, IDWR, Idaho Water Law Handbook

Total acres 1000

PART 1

6. General Information:

- a. Description of diversion system Existing system consists of three Ranney collectors. New federal water quality requirements mandate the construction of a treatment plant for this service. In connection with that treatment plant, applicant intends to construct a raw water intake structure that would divert water directly from the Boise River to be used in conjunction with the existing Ranney collectors.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

See Attachment A.

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 _____

FEB 23 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-0169F issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3373 ("Thurman Mill transfer") 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: Not applicable

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority June 1, 1868

5. Water is used for the following purpose:

amount 0.814 cfs for Municipal purposes from April to Oct. 31
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 0.814 cubic feet per second and/or 199 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	14	3N	2E	Ada	Marden Ranney collectors

8. Lands irrigated or place of use: Current and future service area in and near the City of Boise, Idaho

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above See Attachment A

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-00169F

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
MUNICIPAL	04/01 to 10/31	0.81 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BOISE RIVER	SNAKE RIVER

Priority: 06/01/1868

LOCATION OF POINT(S) OF DIVERSION:NWSENE , Sec. 14, Township 03N, Range 02E
ADA CountyPLACE OF USE: See RemarksCONDITIONS/REMARKS:

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
2. TRANS. 3373.
3. DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO A MAX. TOTAL VOLUME OF 199 AFA AT A MAX. RATE OF FLOW OF .81 CFS.
4. PLACE OF USE WITHIN THE CITY LIMITS OF BOISE.

RECORDED

FEB 23 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 63-00165L issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3559 ("BCCC transfer") 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: Not applicable.

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority June 1, 1866

5. Water is used for the following purpose:

amount 2.025 cfs for Municipal purposes from Mar. 15 to Nov. 15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

6. Total amount of water under right 0.68 cubic feet per second and/or 167 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	14	3N	2E	Ada	Marden Ranney collectors

8. Lands irrigated or place of use: Current and future service area in and near the City of Boise, Idaho

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above See Attachment A.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____
 If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-00243C issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3756 ("SMBIC transfer") 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: Not applicable.

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 3.30 cfs for Municipal purposes from April to Oct. 31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.30 cfs cubic feet per second and/or 682 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	14	3N	2E	Ada	Marden Ranney collectors

8. Lands irrigated or place of use: Current and future service area in and near the City of Boise, Idaho

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____
Attachment A.

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

FEB 23 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-00243H issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4048 ("SBMIC transfer") 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: Not applicable.

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 0.93 cfs for Municipal purposes from Apr. 1 to Oct. 31
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 0.93 cubic feet per second and/or 172 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	14	3N	2E	Ada	Marden Ranney collectors

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above See Attachment A.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

FEB 23 1994

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 63-00243H

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	03/15 to 11/15	0.93 CFS	172.0 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BOISE RIVER	SNAKE RIVER

Priority: 05/01/1889

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SENE), Sec. 14, Township 03N, Range 02E
ADA County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
5. The amount of water transferred to the Ranney collectors is 172 afa, diverted at a rate not in excess of 0.93 cfs with a priority of 5/1/1889.
6. Place of use is within the city limits of Boise.

FEB 23 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

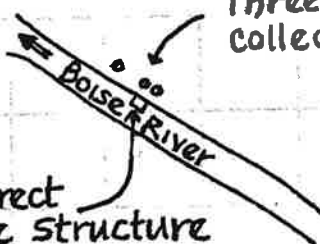
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

T. 3 N., R. 2 E., B.M.

10 11
15 14

11 12
14 13

Three existing Ranney
collector systems



Proposed direct
river intake structure

15 14
22 23

14 13
23 24

RECORDED

FEB 23 1994

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	Unchanged			_____ to _____
				_____ to _____
2.	Quantity and quality of return flows and location of discharge: Unchanged			
3.	Describe effects on other water uses resulting from the proposed change: Unchanged			

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.

Subscribed and sworn to before me this 20th day of September, 19 93.

Benjamin M. Kepler (Signature of Applicant) Manager

[Signature] (Notary Public)

My commission expires 7-7-93

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 7 attachments

Received by DRT Date 9/20/1993 Protest filed by _____

Prelim. check by DRT Fee 50 W016755 _____

Receipted by ST Date 9/20/93 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DRT

Copy of transfer sent to lien holder _____

FEB 23 1994

ATTACHMENT A

**Boise Water Corporation
Application for Transfer of Water Rights
Filed: September 20, 1993**

On September 8, 1993, Boise Water Corporation (the "Applicant") filed with the Department of Water Resources (the "Department") two separate applications: (1) an application for transfer of three water rights and (2) an application for permit to appropriate. Based on subsequent conversations with David R. Tuthill of the Department, the Applicant is withdrawing its September 8, 1993 water right transfer application, and substituting the attached application for the transfer of four water rights. No changes (other than notations made by the Department) are being made to the Applicant's September 8, 1993 permit application which seeks a 1993 water right to allow the Applicant to utilize surface flows when water is available in the river in excess of demand by senior diverters.

The Applicant has operated a system of three Ranney collector infiltration systems ("Ranney collectors") at the Marden Street site along the north side of the Boise River since their installation in the 1950s. The Marden Street Ranney collectors operate under a License and Certificate of Water Right for groundwater issued on June 17, 1957 for 15.00 cfs with a priority date of February 7, 1952 (water right number 63-2892, originally number G-22594).

On October 30, 1981, BWC filed a transfer application, No. 2605, seeking to add an additional point of diversion known as the Veterans Ranney collector. The purpose of the transfer was "to increase distribution system efficiency due to changing daily and seasonal demand of customers." On January 5, 1982, the Department granted the application. The transfer added the Veterans facility as an additional point of diversion, but did not change the diversion rate allowed under the Applicant's water right, which remained at 15.00 cfs, total, from all four Ranney collectors. The maximum diversion rate allowed on the Veterans Ranney collector was set at 5.00 cfs.

FEB 23 1994

Recently adopted federal water quality requirements will soon require the installation of a water treatment plant for water taken from the Marden Street site. The Applicant intends to construct a new treatment plant to be known as the Warm Springs water treatment plant which will use the existing three Marden Street Ranney collectors as well as a new direct river intake ("river intake"). The river intake will be constructed into the north bank of the Boise River at the site of the Marden Street Ranney collectors. It will have a trash rack and slide gate. Applicant has applied to the U.S. Army Corps of Engineers for a Section 404 Permit, and to the Department of Water Resources for a Stream Channel Alteration Permit, in connection with the river intake.

Each of the existing three Marden Street Ranney collectors is equipped with a flow meter. Likewise, the new Warm Springs water treatment plant will be equipped with a flow meter measuring inflows to the plant. By subtracting the quantity of flow measured at each Ranney collector from the quantity of flow measured at the Warm Springs Treatment Plant, it will be possible to determine the quantity of water, if any, being diverted through the river intake.

The 1982 Veterans transfer described above was made subject to certain conditions set out in the Director's Memorandum Decision and Order of January 5, 1982. Among them was a requirement that the Applicant conduct a study of the interconnection between its Ranney collectors and the Boise River. Such a study was conducted and submitted to the Department. At the Department's invitation, the Applicant voluntarily participated in discussions regarding the management of the Ranney collectors. After study and discussion, the Applicant and the Department entered into a formal agreement ("the 1985 agreement") whereby a portion of the water pumped from the Ranney collectors is attributed to surface flow. As a consequence of the 1985 agreement, the Applicant was required to obtain and make available water rights to provide augmentation or mitigation water to offset depletions from the Ranney collectors according to a formula set out in the 1985 agreement. Water to meet this requirement was secured by the Applicant by a October 16, 1986 contract with the U.S. Bureau of Reclamation for the purchase of 1,000 acre-feet of storage space in Anderson Ranch. Water stored under this right is released annually during the irrigation season in an amount determined by the formula specified in the 1985 agreement. The Applicant continues to operate under this arrangement. No change in this 1952 water right, the 1982 transfer, or the 1985 agreement is sought by the transfer application filed today or the September 8, 1993 permit application.

RECEIVED

FEB 23 1994

In addition to the 1952 water right and associated Anderson Ranch storage rights described above, the Applicant has purchased and transferred the following four additional water rights to the Ranney collectors.

First, the Applicant purchased 46½ shares of stock in the Thurman Mill Ditch Company, Ltd. reflecting a partial interest in water right number 63-0169D, which holds a June 1, 1868 priority date. The Applicant transferred the nature of use, place of use, and point of diversion for its interest in this surface water right to the Applicant's Ranney collectors for municipal use in Boise, Idaho. This transfer (No. 3373), creating water right number 63-0169F, was approved by the Department on February 25, 1988, for a maximum flow of 0.814 c.f.s. and a maximum volume of 199 acre-feet per year.

Second, the Applicant purchased 135 shares of stock in the Boise City Canal Company reflecting a partial interest in water right number 63-00165, which holds a June 1, 1866 priority date. The Applicant, through the Boise City Canal Company, transferred the nature of use, place of use, and point of diversion for its interest in this surface water right to the Applicant's Ranney collectors for municipal use in Boise, Idaho. This transfer (No. 3559), creating water right number 63-00165L,¹ was approved by the Department on June 2, 1989, for a maximum flow of 0.68 c.f.s. and a maximum volume of 167 acre-feet per year.

Third, the Applicant purchased 128 shares of stock in the South Boise Mutual Irrigation Company, Ltd. reflecting a partial interest in water right number 63-00243, which holds a May 1, 1889 priority date. The Applicant transferred the nature of use, place of use, and point of diversion for its interest in this surface water right to the Applicant's Ranney collectors for municipal use in Boise, Idaho. This transfer (No. 3756), creating water right number 63-00243C, was approved by the Department on October 15, 1990, for a maximum flow of 3.30 c.f.s. and a maximum volume of 682 acre-feet per year.

Fourth, the Applicant obtained an additional interest in the water rights of the South Boise Mutual Irrigation Company, Ltd. reflecting a partial interest in 63-00243A, which holds a May 1, 1989 priority date. The Applicant, through the South Boise Mutual Irrigation Company, Ltd., transferred the nature of use, place of use, and point of diversion for its interest in this surface water right to the Applicant's Ranney collectors for municipal use in Boise, Idaho. This transfer (No.

¹The application refers to water right number 63-00165L, however the Order Approving Transfer with Conditions refers to original water right number 63-00165J.

FEB 23 1994

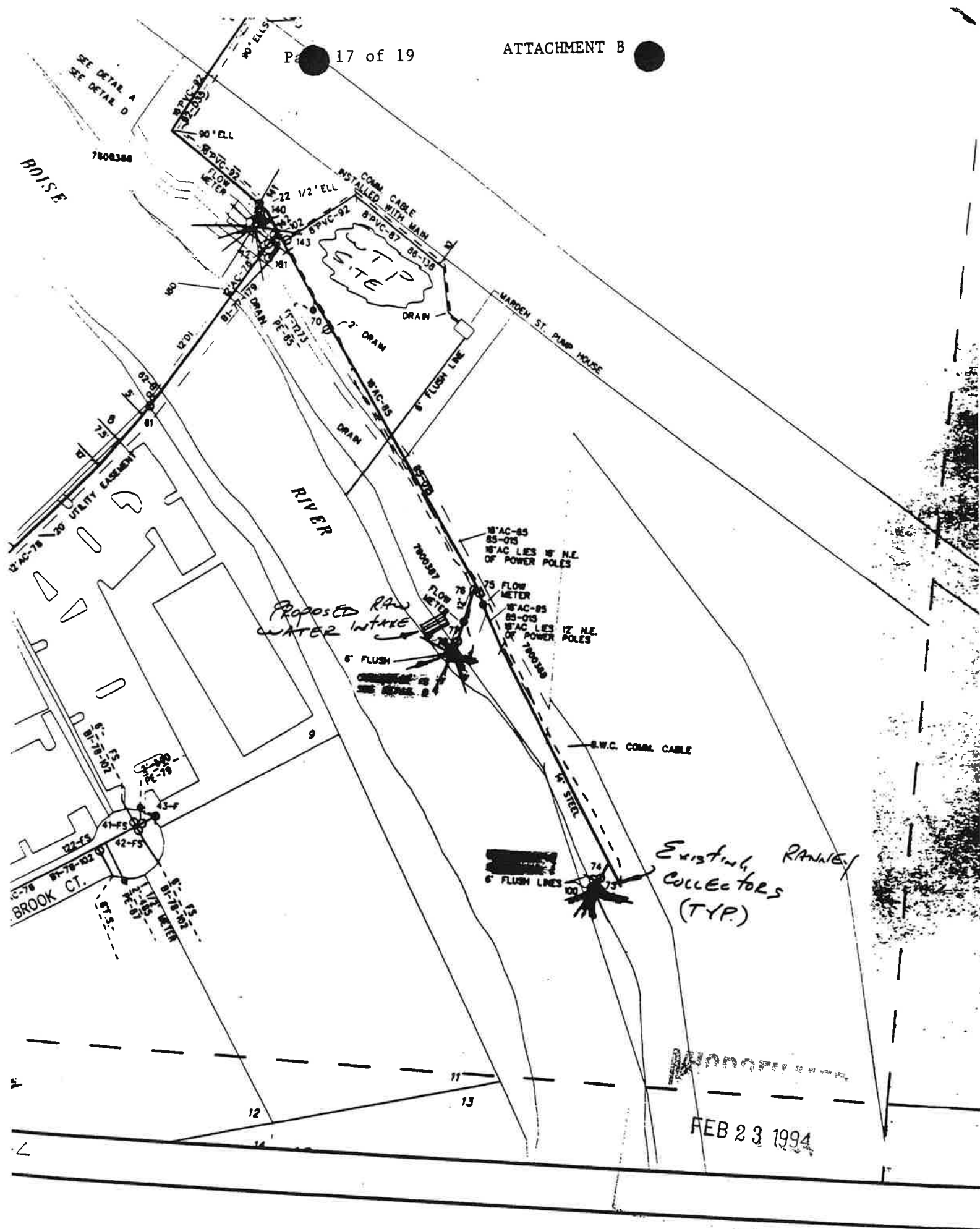
30131ATTACH-A.A03

4048), creating water right number 63-00243H, was approved by the Department on February 16, 1993, for a maximum flow of 0.93 c.f.s. and a maximum volume of 172 acre-feet per year.

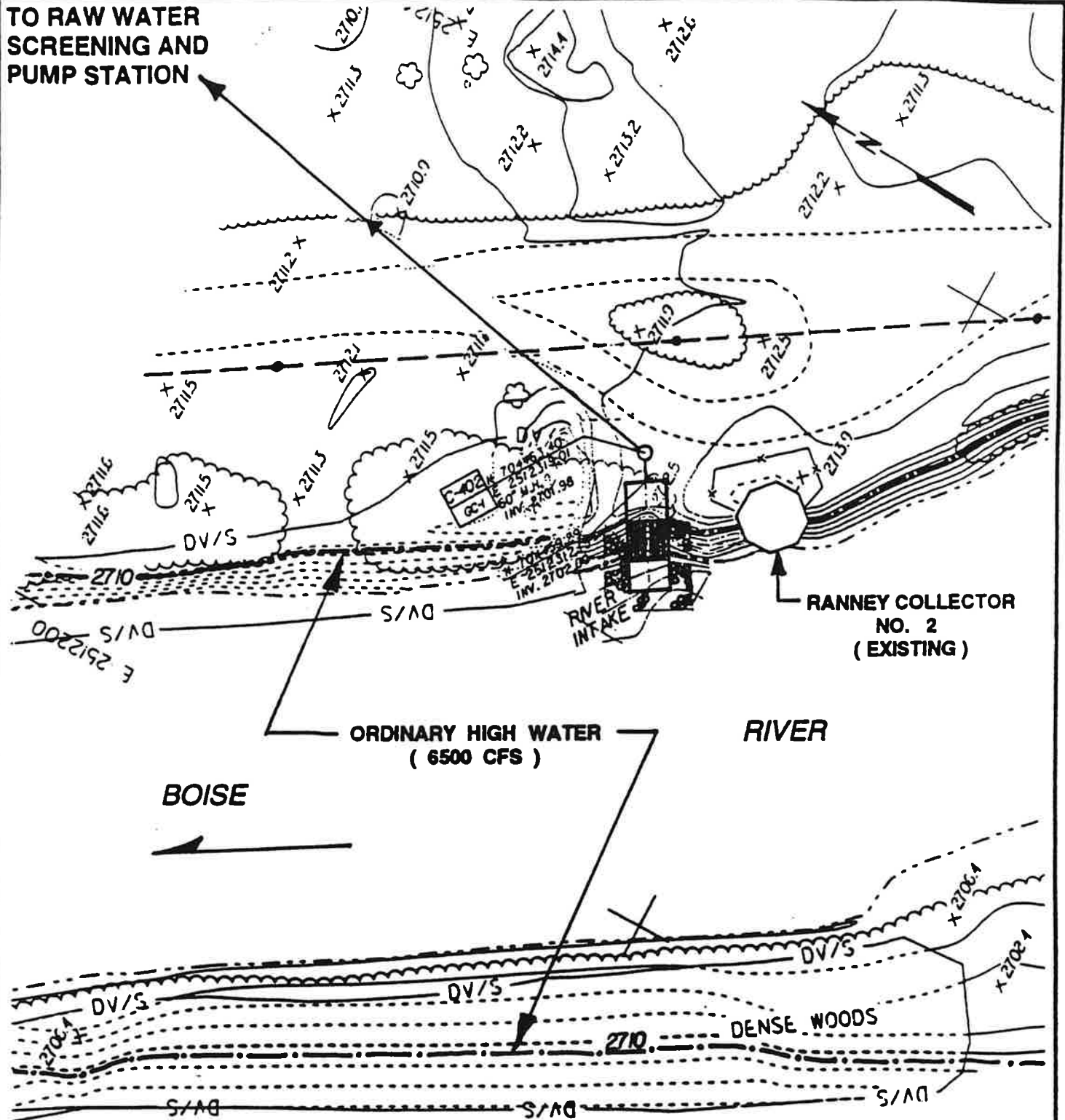
The purpose of this transfer application is to allow the four above described surface water rights now associated with the Ranney collectors to be diverted, as necessary, from the river intake, to the extent that the Marden Street Ranney collectors are partly or completely unavailable for any physical, regulatory or economic reason. This transfer application does not contemplate or request any expansion, enlargement or other change in the four water rights, except to add the river intake as an alternate point of diversion.

FEB 23 1994

30\31\ATTACH-A.A03



**TO RAW WATER
SCREENING AND
PUMP STATION**



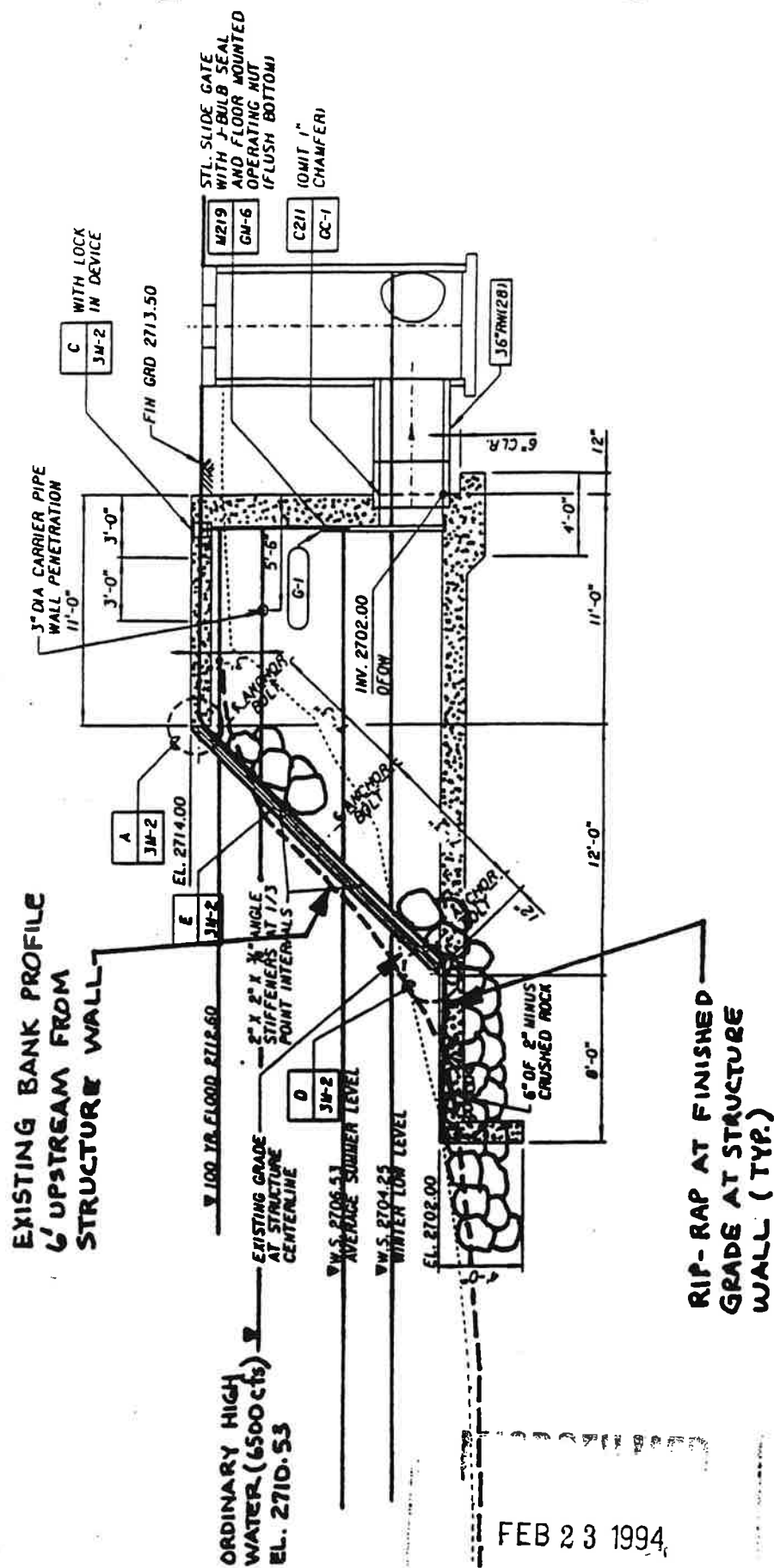
**RAW WATER INTAKE
SITE PLAN**

SCALE: 1" = 40'

FEB 23 1994

**Construction Of Raw Water Intake
Marden Water Treatment Plant**

IN BOISE RIVER
IN CITY OF BOISE
ADA COUNTY, IDAHO
DATE: 11-10-02 SHEET 3 OF 10
APPLICATION BY: BOISE WATER CORP.



RAW WATER INTAKE STRUCTURE SECTION

1

4 OF 10

Construction Of Raw Water Intake Marden Water Treatment Plant

IN BOISE RIVER
IN CITY OF BOISE
ADA COUNTY, IDAHO
DATE: 11-10-92 SH
APPLICATION BY: BO

SCALE: 1/8" = 1'-0"

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 3756

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

GHT
APPROVED

Name of applicant Boise Water Corporation Phone 362-1300
Post Office address P. O. Box 7488, Boise, Idaho 83707

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes. To change the nature of use, place of use and point of diversion for 3.30 cfs currently diverted through the South Boise Mutual Irrigation Company's system. This transfer will make these waters available for diversion by Boise Water Corporation ("BWC") through BWC's three Marden Street Ranney Collectors, each as an alternate point of diversion for the others.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-00243 ^C _B	5/1/1889	5.3ucfs	municipal	April 1 to October 31
				to
				to
				to

2. Total amount of water being transferred 3.50 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: Poise Water Corporation Service area including substantial amounts of lawn and garden irrigation during the period when these rights are

[illegible]

Total acres _____

in priority.

PART 1

6. General Information:

- a. Description of diversion system The Marden Street Ranney Collectors Nos. 1-3 draw groundwater from the alluvium at points near the north bank of the Boise River in East Boise.
The system consists of three collectors with pumps, lines and distribution facilities.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A 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.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
The lands historically irrigated by this portion of right no. 63-00243 are being, or have been, developed for subdivisions and other non-agricultural purposes. No further irrigation is occurring on these lands except for lawn and shrub sprinkling with water from the municipal supply system.
- d. Remarks:
This application is related to Application for Transfer No. , filed by South Boise Mutual Irrigation Co. ("SBMIC"). SBMIC's application seeks to secure an "internal transfer" of rights delivered through the SPMIC canal whereby the more senior rights will be moved to the subdivision lands from which this application seeks a transfer.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0243C
 And said application is hereby APPROVED, subject to the following limitations and conditions:
See attached sheet for conditions of approval.

Witness my hand this

15th day of

October

19 90

J. M. Saylor
 Chief, Water Alloc. Bureau

CONDITIONS OF APPROVAL

Transfer of Water Right No. 63-0243C

1. Prior to diversion and use of water under this transfer, a lockable controlling device and totalizing flow measuring device acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Diversion of water under this right is limited to a maximum total volume of 682 acre-feet per annum at a maximum flow of 3.30 cfs.
3. Use of water under this right is subject to control by the watermaster of State Water District 63, Boise River.
4. Any rights to irrigate the lands from which the water is to be removed shall immediately cease and irrigation shall not resume without a separate water right approval from the Department of Water Resources.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 15th of October, 1990.

J. Glen Saxton
Chief, Water Alloc. Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED AFTER TRANS. NO. _____ filed on 3/3/89 is approved.

1. Right evidenced by:

- a. Decree No. 63-00243B Decreed to South Boise Mutual Irrigation Co., Ltd.
in case of Farmers Cooperative Ditch Co. vs. Riverside Irrigation District
dated May 11, 1925 in 7th Judicial District county of Canyon
- 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 ☒ Other See Attachment A.

3. Source of water Boise River tributary to Snake River4. Date or priority May 1, 1889

5. Water is used for the following purpose:

amount 3.50 cfs for irrigation purposes from March 15 to November 15
(cfs/ac-ft) April 1 to October 31 *per ROW - irrigation standards 9/1/80*
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 3.50 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NW	30	3N	3E	Ada	Bubb Canal (South Boise Mutual Irrigation Co., Ltd.)

8. Lands irrigated or place of use: Right No. 63-243B

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	3E	19																	5
		30						1.4	1.3										22
								21	1										
3N	2E	24									2.3	26			1.4	1.5		1.4	115
		25	6												1	23	3	20	6

Total acres 1489. Describe any other water rights used for the same purpose as described above 63-00243A, 63-00280, 63-00282, 63-00283, 63-00284

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED See Attachment B

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

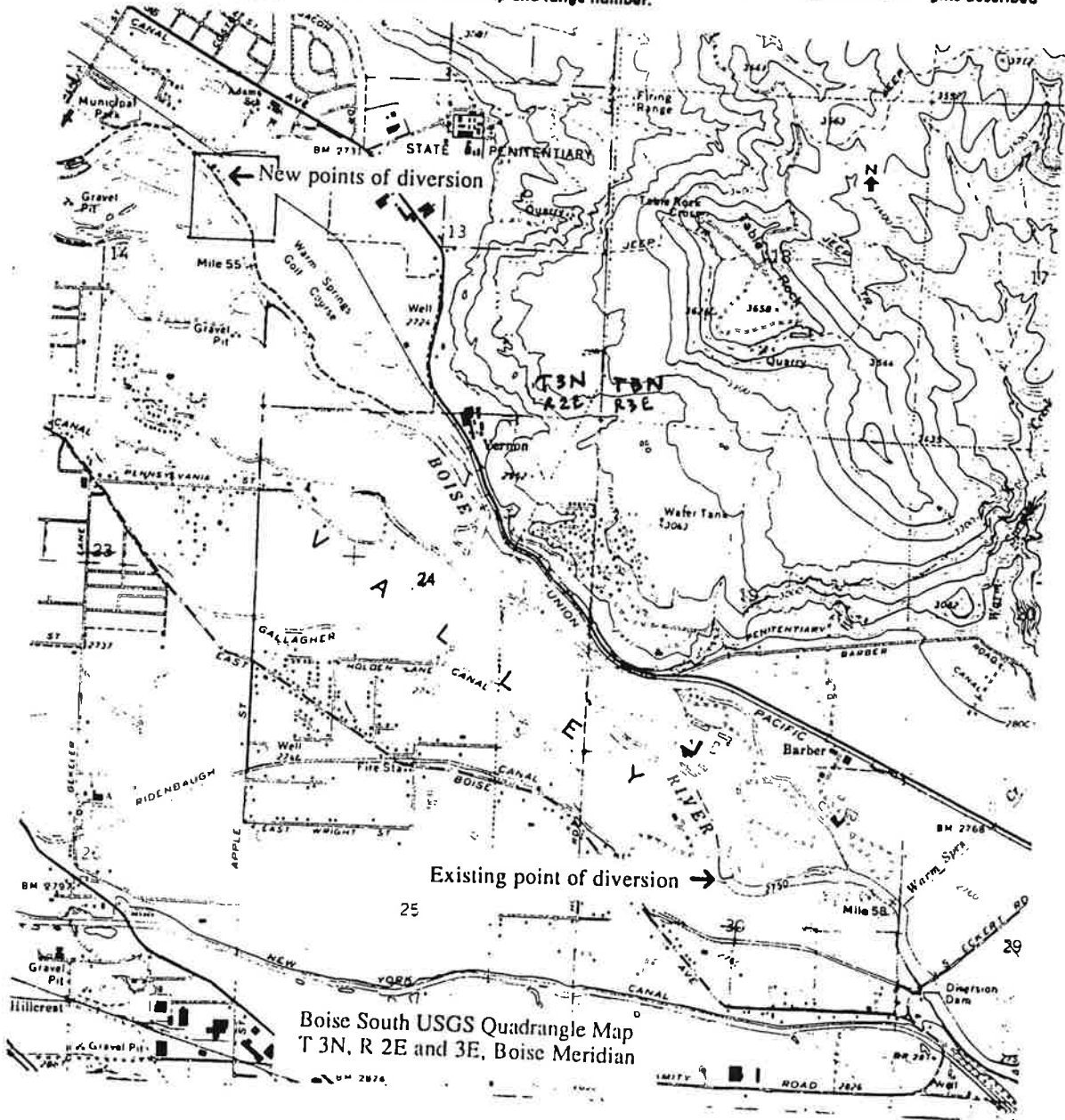
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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 number.



PART 3

8. CHANGES IN NATURE OF USE

1.

New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
Municipal (including domestic, irrigation, commercial & industrial)	3.30 cfs	24 hours/day	April 1 to October 31
2. Quantity and quality of return flows and location of discharge:
Approximately 65% of the diversions will return to the Boise River in relatively good quality, primarily as treated effluent discharged from the Boise City sewage treatment plants.
3. Describe effects on other water uses resulting from the proposed change:
None anticipated. This transfer should not increase, and may lessen, the consumptive use under this water right. This transfer also has been designed to leave ample carriage water in the South Boise Mutual system.

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.

BOISE WATER CORPORATION

Date:

Benjamin M. Hepler
Benjamin M. Hepler, (Signature of Applicant) Vice President

Subscribed and sworn to before me this 20th day of March, 1990.

Charles Eaton
(Notary Public)

My commission expires 8/12/91

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by ORT (?) Date 3/28/90 Protest filed by _____

Prelim. check by SL Fee \$50

Received by LH Date 3/28/90 W011758

Published in IDAHO STATESMAN Copies of protest forwarded by _____

Pub. dates 5/3 & 5/10/1990 Hearing held by _____ Date _____

Watermaster recommendation requested on 5/27/90 Recommended for ☒ approval ☐ denial

_____ rec'd. 4/27/90 by Dar Borg

Copy of transfer sent to lien holder _____

ATTACHMENT B

(Transfer Application of Boise Water Corporation)

This transfer concerns 3.30 cfs of water right no. 63-00243B. Simultaneously with this transfer, a separate transfer by Gerald D. Herrick seeks to transfer the remaining .20 cfs. Since between these two applications the entire right is being transferred, applicant has not completed parts 2B and 2C of this application.

*

63-00243B

T. 3756

3.30 cfs to
Boise H2O Corp

63-00243C

agreed for 3.30 cfs

T. 3757

.20 cfs to

Herrick

63-00243D

agreed for .18 cfs

* PGL T. 3755

63-00243 6.00 cfs

00243 A 2.37 cfs

00243 B 3.50 cfs

00243 C .23 cfs amount forfeited to
Herrick (S22)

6.00

ATTACHMENT B (Application of Boise Water Corporation)

Added to Attach. B by
DET dated 3/10/83

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00243A
Date Received: 11/08/1989
Receipt No: W006754
Received By: Drew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SOUTH BOISE MUTUAL IRRIGATION CO., LTD. 208-344-9492
Address: C/O RICHARD D. HARLAND
1507 GARFIELD
BOISE, ID 83706

2. Date of Priority: MAY 01, 1889

3. Source: BOISE RIVER Trib. to: SNAKE RIVE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	03E	29		NW	SW	6	ADA
		30		SE	NW		ADA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.270		

7. Total Quantity Appropriated is:
2.270 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	23	NE	NW		IRR	16.0
			NW	NW		IRR	20.0

A63-00243A

Page 1

Date: 11/08/89

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AUG 17 1989

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	23	SW	NW		IRR	30.0
			SE	NW		IRR	25.0
						Section Acres	91.0
						Total Acres	91.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

WATER CARRIED IN THE BUBB CANAL. P/D INCOMPLETE IN DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.

Decree Plaintiff

vs

RIVERSIDE IRR. DIST.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

SOUTH BOISE MUTUAL TR. CO. INC. that I have signed the foregoing Organization

document in the space below as President of Title

SBMIC and that the statements contained in the Organization foregoing document are true and correct.

Richard A. Harland
Signature of Authorized Agent

President SBMIC
Title and Organization

11/20/89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of Nov 19 89

David R. Tuttle
Notary Public

Seal

Residing at Boix Id

My Commission Expires 9/15/1994

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company (a corporation)
Plaintiff,

vs.

D E C R E E

Riverside Irrigating District, Limited, (a corporation), The Sie-
benberg Cooperative Ditch Company, Limited (a corporation), Frank
Gilbert, T. W. Doone, Prior Burnett, Thomas Andrews, H. Ray Boudinot,
I. H. Tucker, C. E. J. Peterson, William McKnett, Fred J. Kiesel,
Neil McGarren, Michael Gilbride, Lower Boise Ditch Company, (a corpora-
tion), R. H. Stockton, H. F. Vanderpool, D. D. Campbell, William
Foss, Smith Stockton, John Atkins, Ben Ross, John Foss, D. F. McCon-
nel, John Lemm, John Hammon, Bird Bowman, (substituted for M. B.
Bowman Jr.), D. Mumford, T. T. Johnson, H. Carlyle, Charles Allen,
J. Peckman, Robert McGuire, Frederick Ode, Eureka Ditch Company, (a
corporation), J. Poland, Thomas J. Palmer and Noah W. Palmer (substi-
tuted for Lillian Potter, Administratrix of the Estate of L. D. Potter,
deceased, Susan E. Potter, Thad. S. Potter, Elisha Potter, Lillian
Potter, Ida Potter, James Baker), C. W. Cooper, Pioneer Dixie Ditch
Company (a corporation), William C. Young, Lizzie Young, Estella C.
Young, E. M. Kirkpatrick, S. H. Mitchell, L. F. Cook, Triphenia Jobe,
administratrix of the estate of J. H. Jobe, deceased, Triphenia Jobe,
Charlotte Coonrod, _____ Coonrod, her husband, Minta Lund and Frank
Lund, her husband, William Jobe and Alice Jobe, Edith Jobe and Cor-
rinna Jobe, minors, A. Holcomb, George Milner, George Hess, John Thom-
as, H. H. Whitney, Emma S. Lee, Edwin Curtis, Eureka Water Company,
(a corporation), William Simpson, William Lewis, Huston Frost, Elijah
Frost, George Goodrich, R. M. Brannan, William Frost, Adam Schindler,
Pioneer Irrigation District, (a corporation), Franklin Ditch Company,
(a corporation), Canyon County Water Company, (an association),
Francis A. Phelps and Frances Phelps husband and wife, John D. Rut-
ledge, James Hartley, Joseph Wilson, Daniel Mastersen, Perry Stoffle,
H. McGill, C. C. Foote, J. E. Smith, John Lemm, M. B. Bowman, Thomas

MICROFILMED

OCT 19 1990

LXXXVIII.

That the defendant LOOMIS L. HOSELEY be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon one acre of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;
 63 0241
 1 inch, from May 1, 1889, hereby designated as Right No. 108.
 and be adjudged to pay \$0.07 costs in addition to the costs incurred by him.

LXXXIX.

That the defendants STEVE UTTER, JOHN UTTER and C. B. TAYLOR be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river, near where said bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the SE 1/4 of NE 1/4, and NE 1/4 of SE 1/4, Sec. 23, and S. 1/2 of NW 1/4 and lots 7 and 8 in sec. 24, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;
 63 0242
 120 inches, from May 1, 1889, hereby designated as Right No. 109.
 and be adjudged to pay \$8.40 costs in addition to the costs incurred by them.

XC.

That the defendant the SOUTH BOISE MUTUAL IRRIGATION COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east, and township 3 north, range 3 east, through what is known as the Bubb canal, for use upon the NE 1/4 of SW 1/4 and lots 5 and 6 in Sec. 24, also all that portion of the SE 1/4 of sec. 15 lying south of what is known as the Ridenbaugh Mill Ditch, and all that portion of the NE 1/4 of Sec. 22 lying north of what is known as the Big Bluff or Ridenbaugh canal, all in T. 3 N. R. 2 E. B. M., in the following amount and from the following date;
 300 inches, from May 1, 1889; hereby designated as Right No. 110.
 and be adjudged to pay \$21.00 costs in addition to the costs incurred by it.

63 0243

MICROFILMED

OCT 19 1990

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company (a corporation)

Plaintiff,

vs.

DECREE

Riverside Irrigating District, Limited, (a corporation), The Siebenberg Cooperative Ditch Company, Limited (a corporation), Frank Gilbert, T. W. Doone, Prior Burnett, Thomas Andrews, H. Ray Boudinot, I. H. Tucker, C. F. J. Peterson, William McKnett, Fred J. Kiesel, Neil McCarron, Michael Gilbride, Lower Boise Ditch Company, (a corporation), R. H. Stockton, H. F. Vanderpool, D. D. Campbell, William Foss, Smith Stockton, John Atkins, Pen Ross, John Foss, D. F. McConnell, John Lemm, John Hammon, Bird Rowman, (substituted for M. B. Rowman Jr.), D. Mumford, T. T. Johnson, E. Carlyle, Charles Allen, J. Rowman, Robert McGuire, Frederick Ode, Eureka Ditch Company, (a corporation), J. Poland, Thomas J. Palmer and Noah W. Palmer (substituted for Lillian Potter, Administratrix of the Estate of L. D. Potter, deceased, Susan E. Potter, Thad. S. Potter, Elisha Potter, Lillian Potter, Ida Potter, James Baker), C. W. Cooper, Pioneer Dike Ditch Company (a corporation), William C. Young, Lizzie Young, Estella C. Young, E. C. Kirkpatrick, S. H. Mitchell, L. F. Cook, Triphenia Jobe, administratrix of the estate of J. H. Jobe, deceased, Triphenia Jobe, Charlotte Connrod, Connrod, her husband, Minta Lund and Frank Lund, her husband, William Jobe and Alice Jobe, Edith Jobe and Corinna Jobe, minors, A. Holcomb, George Milner, George Hess, John Thomas, H. H. Whitney, Emma S. Lee, Edwin Curtis, Eureka Water Company, (a corporation), William Simpson, William Lewis, Huston Frost, Elijah Frost, George Goorich, R. E. Brannan, William Frost, Adam Schindler, Pioneer Irrigation District, (a corporation), Franklin Ditch Company, (a corporation), Canyon County Water Company, (an association), Francis A. Phelps and Frances Phelps husband and wife, John D. Rutledge, James Hartley, Joseph Wilcox, Daniel Masterson, Perry Stoffle, H. McGill, C. C. Foote, J. E. Smith, John Lemm, N. C. McGallister, Thomas

RECORDED
INDEXED

OCT 19 1990

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