

10/10/2006

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

RIGHT NUMBER: 63-243H

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: 0.930 CFS
172.000 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	0.930 CFS 172.00 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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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	0.930 CFS 172.00 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.

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.

PLACE OF USE:

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.

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 63-243H
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	0.93	172

7. Total Quantity Appropriated is:
0.93 C.F.S. and/or 172 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? Yes

13. Other Water Rights Used:

14. Remarks:

THIS CLAIM IS A RESULT OF A SPLIT OF A63-243A BY APPROVED TRANSFER 4048

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 63-243H

WATER RIGHT NUMBER: 63-243H

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED WATER IDAHO INC 8248 W VICTORY RD PO BOX 7488 BOISE, ID 83707-1488 (208)362-7332
Original Owner	SOUTH BOISE MUTUAL IRRIGATION CO LTD C/O DALE MILTON 1120 CHAMBERLAIN BOISE, ID 83706 (208)344-3062

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	0.930 CFS	172.00 AF
<u>Total Diversion:</u>		0.930 CFS	172.00 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 63-243H

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. #4048

Comment: Trans. #4048 was filed to change the place of use under this right and other SBMIC rights to allow junior rights to be conveyed to Boise Water Corp. for municipal use.

2. SKAGGS 11/5/1993 TRANSFER NO. 4232

Comment: Transfer No. 4232 was filed to add a point of diversion to Right Nos. 63-00165L/00169F/00243E and H.

16N 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 ofJanuary, 1994.


Chief, Water Alloc. Bureau

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

NOV 29

WATER
WESTERN

WATER WEST
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* |
| | | 5.724 | | 1,220 | |
| 2. Total amount of water being transferred _____ cubic feet per second and/or _____ acre-feet per annum. | | | | | |
| 3. Source of water <u>Boise River</u> tributary to <u>Snake River</u> | | | | | |
| 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 no. of

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

PART 2

Transfer No. 4232

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	

FEB 23 1994

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 _____

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

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

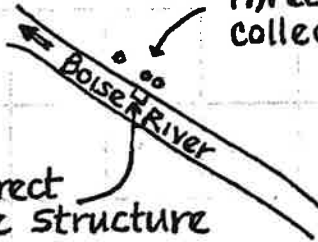
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

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

10 11
15 14

11 12
14 13

Three existing Ranney
collector systems



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</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Unchanged</u>	_____	_____	_____ 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 Manager
(Signature of Applicant)

Margaret M. [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

3031VATTACH-A.A03

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.

RECEIVED
FEB 23 1994

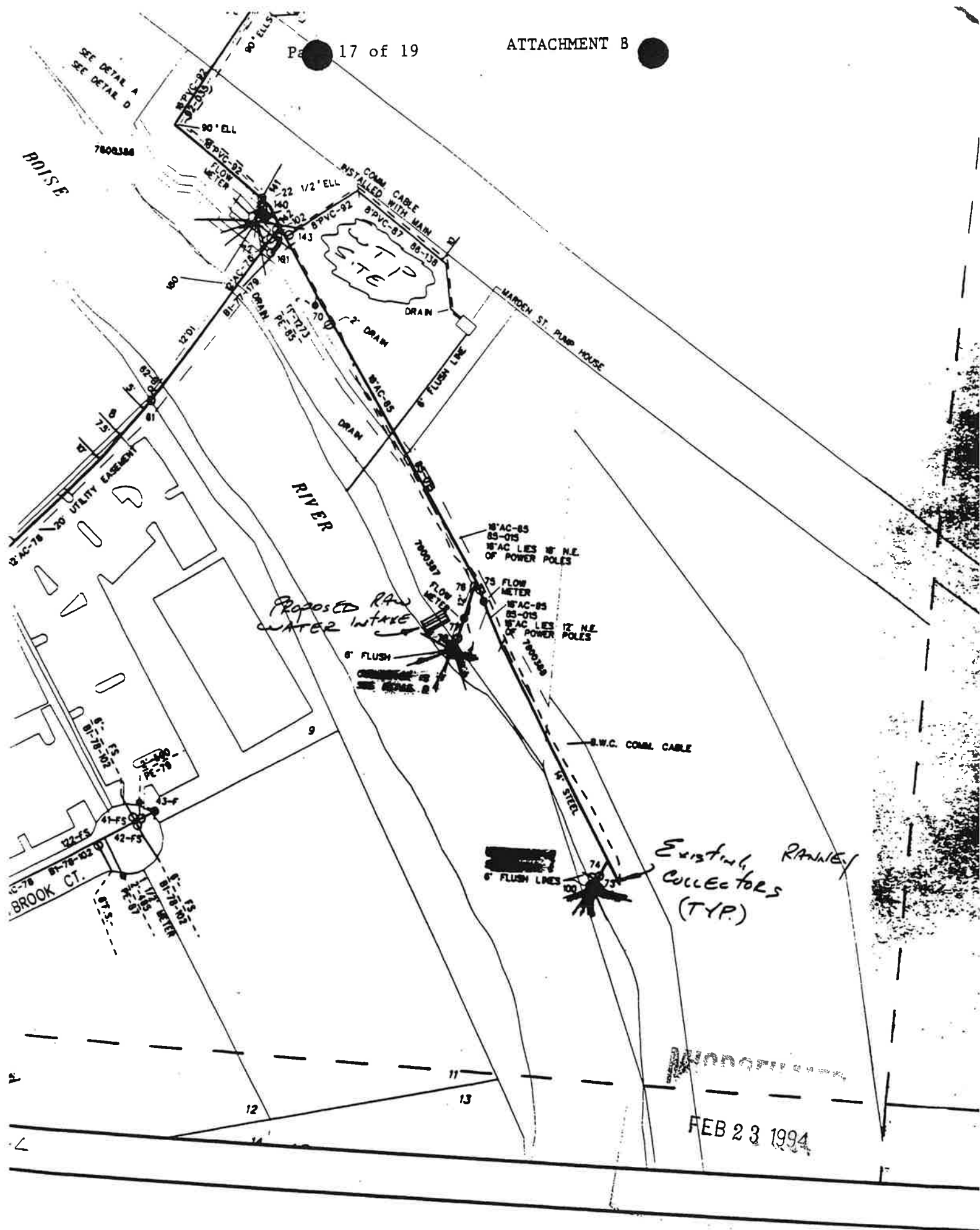
30/31 ATTACH-A.A03

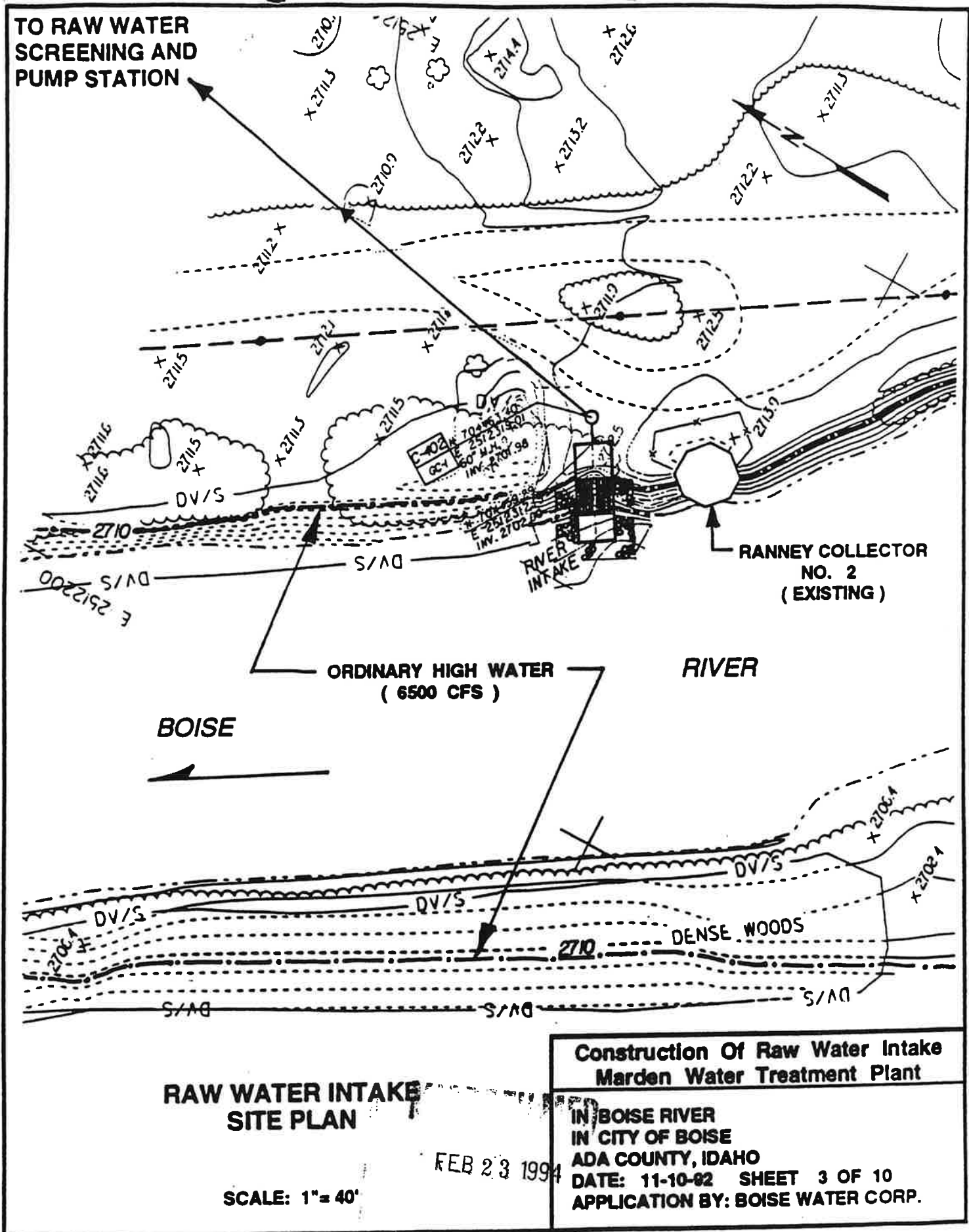
4048), creating water right number 63-00243H, was approved by the Department on February 16, 1993, for a maximum flow of 0.93 c.f.s. and a maximum volume of 172 acre-feet per year.

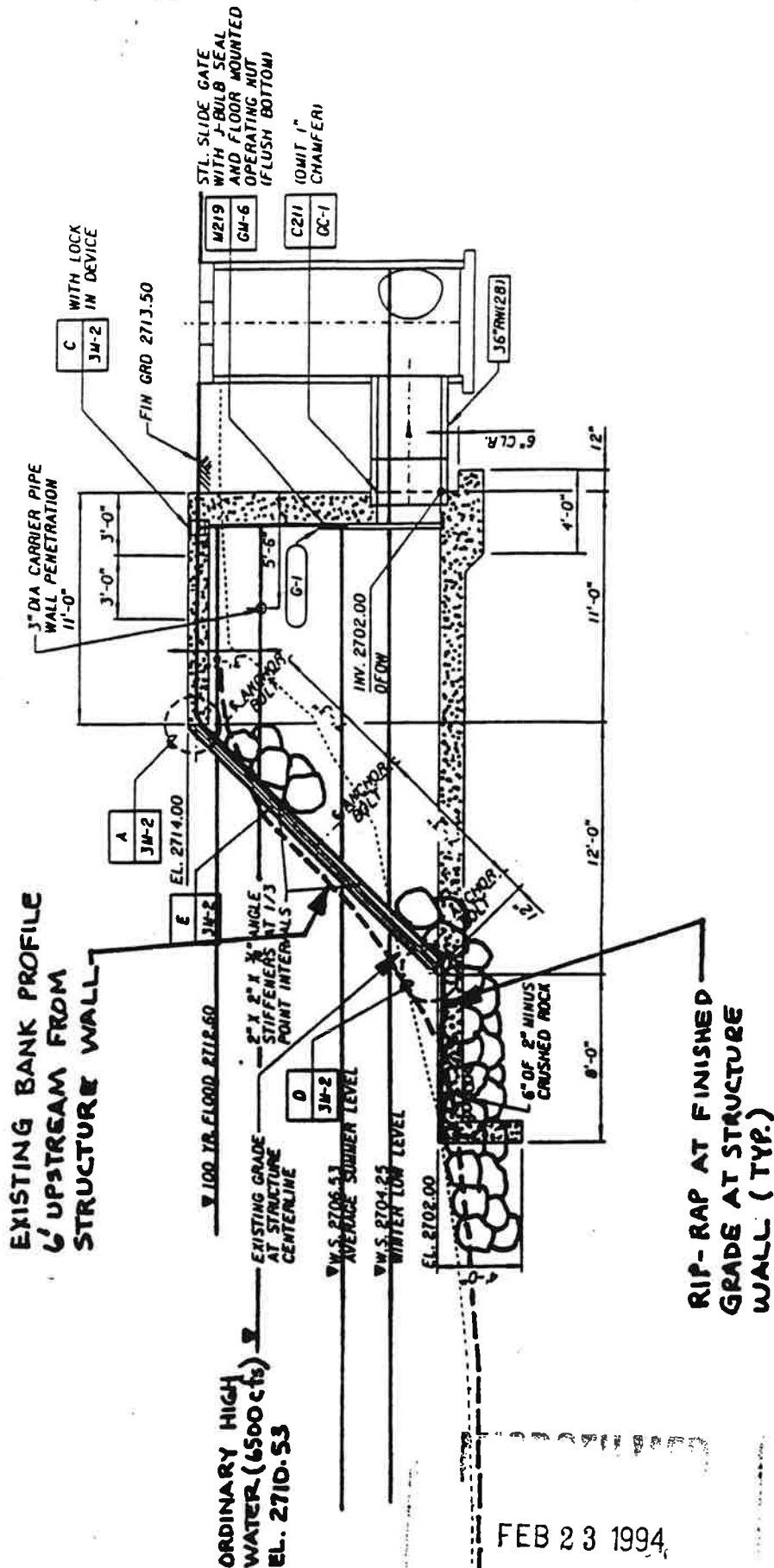
The purpose of this transfer application is to allow the four above described surface water rights now associated with the Ranney collectors to be diverted, as necessary, from the river intake, to the extent that the Marden Street Ranney collectors are partly or completely unavailable for any physical, 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

30031ATTACH-A.A03







FEB 23 1994

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 SHEET 5 OF 10
APPLICATION BY: BOISE WATER CORP.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

WATER RIGHT NOS. 63-00242B/00243G/00243H/00280/00281/00282/00283/00284

Trans. #4048

This is to certify that: **SOUTH BOISE MUTUAL IRRIGATION CO LTD**
% DALE MILTON
1120 CHAMBERLAIN
BOISE ID 83706

has requested a change to the above captioned water rights. 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>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
Right No. 63-00242B: IRRIGATION Priority: 05/01/1889	03/15 - 11/15	0.86 CFS	193.5 AF
Right No. 63-00243G: IRRIGATION Priority: 05/01/1889	03/15 - 11/15	1.34 CFS	241.2 AF
Right No. 63-00243H: MUNICIPAL Priority: 05/01/1889	03/15 - 11/15	0.93 CFS	172.0 AF
Right No. 63-00280: IRRIGATION Priority: 04/01/1865	03/15 - 11/15	1.80 CFS	279.0 AF
Right No. 63-00281: IRRIGATION Priority: 04/01/1865	03/15 - 11/15	0.50 CFS	117.0 AF
Right No. 63-00282: IRRIGATION Priority: 04/01/1870	03/15 - 11/15	0.30 CFS	63.0 AF
Right No. 63-00283: IRRIGATION Priority: 04/01/1870	03/15 - 11/15	0.70 CFS	157.5 AF
Right No. 63-00284: IRRIGATION Priority: 03/01/1889	03/15 - 11/15	0.84 CFS	58.5 AF

Source: BOISE RIVER

Tributary to: SNAKE RIVER

TRANSFER OF WATER RIGHT
WATER RIGHT NOS. 63-00242B/00243G/00243H/00280/00282/00283/00284

Trans. #4048

LOCATION OF POINT(S) OF DIVERSION: (Right Nos. 63-00242B/00243G/00280/00281/00282/00283/00284)

Lot 6 (NWSW), Section 29, Township 03N, Range 03E, ADA County

SENE, Section 30, Township 03N, Range 03E, ADA County

LOCATION OF POINT(S) OF DIVERSION: (Right No. 63-00243H)

Lot 7 (SENE), Section 14, Township 03N, Range 02E, ADA County

PLACE OF USE: IRRIGATION (Right Nos. 63-00242B)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	23	SENE 20.0	NWNW 5.0	NESE 18.0

Total number of acres irrigated: 43.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00243G)

TWN	RGE	SEC	ACRES	ACRES	ACRES	ACRES
03N	02E	23	NENW 4.0	NWNW 0.6	SWNW 26.0	SENE 23.0

Total number of acres irrigated: 53.6

PLACE OF USE: IRRIGATION (Right Nos. 63-00280)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	15	NWSE 15.0	SWSE 24.9	SESE 14.9
03N	02E	22	NENE 6.5		
03N	02E	23	NENW 0.7		

Total number of acres irrigated: 62.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00281)

TWN	RGE	SEC	ACRES	ACRES
03N	02E	22	NENE 17.5	NWNE 7.9
03N	02E	23	NENW 1.1	

Total number of acres irrigated: 26.0

TRANSFER OF WATER RIGHT
WATER RIGHT NOS. 63-00242B/00243G/00243H/00280/00282/00283/00284

Trans. #4048

PLACE OF USE: IRRIGATION (Right Nos. 63-00282)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	23	NENW 9.5		
03N	02E	24	NESW 0.5	NWSE 3.0	SWSE 1.0

Total number of acres irrigated: 14.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00283)

TWN	RGE	SEC	ACRES	ACRES	ACRES
03N	02E	22	NWNE 6.9	SWNE 12.0	SENE 11.0
03N	02E	23	NENW 0.7	NWNW 0.4	SWNW 4.0

Total number of acres irrigated: 35.0

PLACE OF USE: IRRIGATION (Right Nos. 63-00284)

TWN	RGE	SEC	ACRES	ACRES
03N	02E	22	SENE 6.3	
03N	02E	23	NENW 4.0	NWNW 2.7

Total number of acres irrigated: 13.0

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. These water rights when combined with all other water rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre for the lands above.
6. The amount of water transferred to the ranney collectors is 172 acre feet per annum, diverted at a rate not in excess of 0.93 cfs with a priority of 5/1/1889.

Dated this 16th day of February, 1993.


Chief, Water Allocation Bureau

Page 1 of 11STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4048APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant South Boise Mutual Irrigation Co., Ltd. Phone 344-3062Post Office address c/o Dale Milton, 1120 Chamberlain, Boise, ID 83706

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 Senior & Junior rights will be switched on some lands
Senior rights will be maximized for irrigation use. Junior rights will be made
available per Quitclaim Deeds to convey to Boise Water Corp. for municipal use.
Approximately 38 acres will be retired from irrigation.

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	Continued Page 3
63-00280	4-1-1865	1.80 cfs	Irrigation	3/15 to 11/15	
63-00281	4-1-1865	.50	Irrigation	3/15 to 11/15	
63-00282	3-15-1870	.30	Irrigation	3/15 to 11/15	
63-00283	3-15-1870	.70	Irrigation	3/15 to 11/15	

2. Total amount of water being transferred 7.27 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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
7	NW	SE	NE	14	3N	2E	Ada	63-00243E- BWC - Marden Street
								Ranney Collectors
6		NW	SW	29	3N	3E	Ada	Ridenbaugh Canal - SBMIC for all
		SE	NW	30	3N	3E	Ada	Bubb Canal other rights.

5. Lands irrigated or place of use: Rounding may cause some discrepancies in item 5.

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	
3N	2E	15													1.5	24.9	14.9		54.8
		22	6.5																6.5
		23					.7												.7
		22	17	7.9															24.9
		23					1.1												1.1
		23					9.5												9.5
		24								.5					3	1			4.5
															1.5				

Continued on Page 4

Total acres 246.6

PART 1

6. General Information:

a. Description of diversion system Canals for gravity irrigation; ranney collectors for
Municipal 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 X 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:
37.4 Acres will not be irrigated within SBMIC area per Quitclaim Deeds.

d. Remarks:

This transfer will be limited by the acres and amounts of water defined in transfer
#3755 and related analysis in transfer #3756, 3757.

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 _____, 19 _____

MISSOURI
FEB 17 1993

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	
<u>63-00284</u>	<u>3-1-1889</u>	<u>.84 cfs</u>	<u>Irrigation</u>	<u>3/15</u>	to <u>11/15</u>
<u>63-00242A</u>	<u>5-1-1889</u>	<u>.86 cfs</u>	<u>Irrigation</u>	<u>3/15</u>	to <u>11/15</u>
<u>63-00243A</u>	<u>5-1-1889</u>	<u>1.34 cfs</u>	<u>Irrigation</u>	<u>3/15</u>	to <u>11/15</u>
<u>63-00243E</u>	<u>5-1-1889</u>	<u>.93</u>	<u>Municipal</u>	<u>3/15</u>	to <u>11/15</u>

63-00243E to be conveyed to Boise Water Corporation per Quitclaim Deeds and contract between SBMIC and BWC.

Per transfer 3755: 63-0243A 2.27 cfs/ 91 acres = .024945 cfs/acre

In proposed split: Irrigation 53.6 acres x .024945 cfs/acre = 1.34 cfs

Municipal 37.4 acres x .024945 cfs/acre = .93 cfs

Total 2.27 cfs

Per transfer 3756: BWC received 148 acres with 682 afa, conditions of approval.

It follows: 682 afa/148 acres = 4.6 afa/acre.

For 63-0243E: 37.4 acres x 4.6 afa/acre = 172 afa.

For full verification of acres, rates, volumes, transfer 3755-3757.

^
see

RECEIVED

FEB 17 1993

FEB 17 1991

APPLICATION FOR TRANSFER
OF WATER RIGHT

from

3755
Transfer No. 3750

RECEIVED
OCT 23 1993
APPLICATION

PART 2
Pgs 5-7 display rights as
currently recorded per approval
of transfer No. 3755

TER RIGHT

APPROVED

Name of applicant South Boise Mutual Irrigation Company, Ltd. Phone 344-9492
Post Office address c/o Richard D. Harland, Pres., 1507 Garfield, Boise, ID 83706

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 The company proposes to transfer senior right to lands currently holding junior rights and vice versa. The junior right will then be available to be sold or conveyed to another water user. In addition, S.B. Mutual may begin to divert via the Ridenbaugh Canal and/or continue to use the Bubb Canal diversion.

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
<u>63-00280</u>	<u>April 1, 1865</u>	<u>1.8 cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>63-00281</u>	<u>April 1, 1865</u>	<u>.50 cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>63-00282</u>	<u>March 15, 1870</u>	<u>.30 cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>
<u>63-00283</u>	<u>March 15, 1870</u>	<u>.70 cfs</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>

CONTINUED
ON pg 6

2. Total amount of water being transferred 7.27 cfs 3.50 (Per Addendum to Attachment B 03/22/90) 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:

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 Ir
06		NW	SW	29	3N	3E	Ada	Ridenbaugh Canal Co.

5. Lands irrigated or place of use: CONTINUED ON pg. 7

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	
30	3N	2E	15													15	25	15	55
		22	7																7
10	281	22	18	8															26
10	282	24									10					L35	1		14
10	283	22		7	12	16													35
10	284	22				9													9
		23					4												4

(see attachment A for remainder of land)

B. Description of right(s) or portion thereof, after the requested change

1. Right No.	Priority	Amount	Nature of Use	Period of Use
63-00284	March 1, 1889	.84 cfs	Irrigation	3/15 to 11/15
63-00242A	May 1, 1889	.86 cfs	Irrigation	3/15 to 11/15
63-00243A	May 1, 1889	2.27 cfs 3.50	Irrigation	3/15 to 11/15
63-00243B	May 1, 1889	~~3.03~~ cfs	Irrigation	3/15 to 11/15

Subsequently transferred
to Boise Hwy Corp 3.30 cfs T. 3756 63-00243C
Hennick .20 cfs T. 3757 63-00243D
(reduced to .18 cfs)

FEB 17 1993

LAND LIST ATTACHMENT

Description and location of place of use:

Sub
Total
for
Water
Right

TWP.	RANGE	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		
63-00	242	A																		
3N	2E	23				25									18				43 ✓	
63-00	243A	*																		
3N	2E	23					16	20	30	25									91	134
63-00280 to 63-00243A →																				284
63-00	243B																			
3N	3E	19											L. 6 5						5	
		30					L. 4 21	L. 3 1											22	
3N	2E	24								23	26			L. 4 1	L. 5 (23)		L. 4 3	28	115* 104	
		25	6																6	148* 137
→ 34																				

*Per Addendum to Attachment B

FEB 17 1993

* See pg 8 & 9 for traditional display
of this right. Pgs 8 & 9 prepared
to show how right will be split.

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

PART 2

(Attach one copy for each right) Continued from page 7.

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00243A Decreed to _____
in case of _____ vs. _____
dated SEE in _____ county of _____
- 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. 3755 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 Quitclaim Deeds

3. Source of water Boise River tributary to Snake River

4. Date or priority 5-1-1889

5. Water is used for the following purpose:

amount 2.27 cfs for Irrigation purposes from 3/15 to 11/15
(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 2.27 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
6		NW	SW	29	3N	3E	Ada	Ridenbaugh Canal
		SE	NW	30	3N	3E	Ada	Bubb Canal

8. 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	
3N	2E	23					16	20	30	25									91

Total acres 91

9. Describe any other water rights used for the same purpose as described above None

FEB 17 1993

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 .93 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as item A7 pg. 8.

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	
3N	2E	23					12	19.4	4	2									37.4

Shows Jr. Water to be conveyed to BWC for Municipal

Total acres 37.4

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

1. amount 1.34 cfs for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
2. Point(s) of Diversion: Same as above.

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	
3N	2E	23					4	.6	26	23									53.6

FEB 17 1993

Shows Jr. water to be retained for irrigation

Total acres 53.6

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.**

SEE ATTACHMENT C FOR MAP LOCATIONS OF LANDS WHERE IRRIGATION WILL CEASE.

SEE MAPS IN TRANSFER FILES 3755 & 3756 FOR CONFIRMATION OF DIVERSION POINTS AND IRRIGATED ACRES.

RECORDED

FEB 17 1993

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>
	<u>Municipal</u>	<u>.93 cfs</u>	<u>24 hrs/day</u>	<u>3/15</u> to <u>11/15</u>
				to _____

2. Quantity and quality of return flows and location of discharge:

Approximately 65% of the diversion will return to the river in relatively good quality,
primarily as treated effluent discharged from 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.

Above information extracted from previous BWC transfer 3756 (for 63-00143C).

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 28 day of October, 19 92.

(Notary Public)

My commission expires 12-8-94

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and 45 attachments

Received by FL Date 10/28/92

Protest filed by _____

Prelim. check by _____ Fee \$50

Received by ORT Date 7/6/92 #W015019

Published in Idaho Statesman

Copies of protest forwarded by _____

Pub. dates 11/19 & 11/26/92 AL

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd. _____

by DET

Copy of transfer sent to lien holder _____

Application by FL per applicant's request.

MICROFILMED

FEB 17 1993

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: Dm

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

MICROFILMED

AUG 17 1992

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 (SBMIC) South Boise Mutual Irr. Co. Inc. that I have signed the foregoing document in the space below as President of SBMIC and that the statements contained in the foregoing document are true and correct.

Richard D. Holland
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 Boise Id
My Commission Expires 9/15/1994