

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82960

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Canyon County Water Co. LTD.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

SEP 24 2019

WATER RESOURCES
WESTERN REGIONName of Applicant(s) Canyon County Water Co. LTD.Phone 208-456-1725Mailing address PO Box 11, Star, ID 83669Email irr.water.3@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

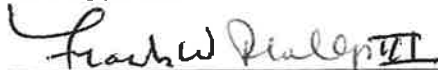
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Bryce Farris, Sawtooth Law Offices, PLLCPhone 208-629-7447Mailing address 1101 W. River St., Ste. 110, Boise, ID 83707Email bryce@sawtoothlaw.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR**
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR**
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Frank Phillips, President

Print Name and Title if applicable

SEP 20 2019

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
 Applicant proposes changing the nature of use of a 0.64 cfs portion of the identified water right from Irrigation to
 Water Quality Improvement for use in a water quality improvement project the City of Middleton has proposed under
 permit application 63-34370.

82960

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-21761	75.54	Irrigation	3/1 to 11/15	Boise R/Snake R
☐ ☐		0.59/87.9	Groundwater Recharge	3/1 to 11/15	
☐ ☐		0.64	Water Quality	3/1 to 11/15	
☐ ☐			Improvement	to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 76.77 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.64 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												L4	L4,7	L3,8					
4N	2W	7										X	X	X					
															L1			L1	
4N	3W	12													X			X	

Total Acres (for irrigation use) _____

X = Water Quality Improvement place of use to be added to the Company right
 No change in the Company service area boundary proposed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Company water will be delivered to Mill Slough to provide Water Quality Improvement water for the City of Middleton's proposed water quality improvement project proposed under permit application 63-34370. The Company's existing diversion and infrastructure are not proposed for change.
- b. Who owns the property at the point(s) of diversion? n/a
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

 It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
 If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
n/a - lands proposed for water quality improvement are currently assessed company water. Change in nature of use will not result in water right expansion as shown in Attachment 8a. See information included with permit application 63-34370 for additional information.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Associated application for permit 63-34370 for water quality improvement uses.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?
 If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-21761

Current Owner: CANYON COUNTY WATER CO LTD

Priority Date: 6/1/1867

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

03/01 to 11/15

76.18 CFS

GROUND WATER

03/01 to 11/15

0.59 CFS

87.9 AF

RECHARGE

Total Diversion

76.77 CFS

Location of Point(s) of Diversion

BOISE RIVER

L4(SW1/4SW1/4)

Sec. 17, Twp 04N, Rge 01W B.M.

ADA County

BOISE RIVER

L1(NE1/4SE1/4)

Sec. 15, Twp 04N, Rge 02W B.M.

CANYON County

Place of UseIRRIGATION Within CANYON County

T04N R01W S18	Lot 2	SWNW
T04N R02W S5		SWSW
T04N R02W S5		SWSE
T04N R02W S7		NWNE
T04N R02W S7	Lot 1	SENE
T04N R02W S7	Lot 6	NWNW
T04N R02W S7		SENW
T04N R02W S7	Lot 4	NWSW
T04N R02W S7	Lot 8	SESW
T04N R02W S8		NENE
T04N R02W S8		SWNE
T04N R02W S8		NENW
T04N R02W S8		SWNW
T04N R02W S8	Lot 3	NESW
T04N R02W S8	Lot 6	SESW
T04N R02W S8	Lot 2	NWSE
T04N R02W S9		NENE
T04N R02W S9		SWNE
T04N R02W S9		NENW

T04N R01W S18	Lot 3	NWSW
T04N R02W S5		SESW
T04N R02W S7		NENE
T04N R02W S7		SWNE
T04N R02W S7		NENW
T04N R02W S7	Lot 5	SWNW
T04N R02W S7	Lot 3	NESW
T04N R02W S7	Lot 7	SWSW
T04N R02W S7	Lot 2	NWSE
T04N R02W S8		NWNE
T04N R02W S8		SENE
T04N R02W S8		NWNW
T04N R02W S8		SENW
T04N R02W S8	Lot 4	NWSW
T04N R02W S8		NESE
T04N R02W S8	Lot 1	SESE
T04N R02W S9		NWNE
T04N R02W S9		SENE
T04N R02W S9		NWNW

Page _____ of _____

T04N R02W S9		SWNW
T04N R02W S9		NESW
T04N R02W S9		SWSW
T04N R02W S9		NESE
T04N R02W S9		SWSE
T04N R02W S10		SWNW
T04N R02W S10		NESW
T04N R02W S10		SWSW
T04N R02W S10		NESE
T04N R02W S10		SWSE
T04N R02W S11		NESW
T04N R02W S11		SWSW
T04N R02W S11		NESE
T04N R02W S11		SWSE
T04N R02W S12		NWSW
T04N R02W S12		SESW
T04N R02W S13		NWNE
T04N R02W S13		SENE
T04N R02W S13		NWNW
T04N R02W S13		SENW
T04N R02W S13	Lot 4	NWSW
T04N R02W S13	Lot 1	NESE
T04N R02W S13	Lot 7	SWSE
T04N R02W S14		NWNE
T04N R02W S14		SENE
T04N R02W S14		NWNW
T04N R02W S14	Lot 3	SENW
T04N R02W S14	Lot 5	SWSW
T04N R02W S14	Lot 1	NESE
T04N R02W S14	Lot 7	SWSE
T04N R02W S15		NWNE
T04N R02W S15		SENE
T04N R02W S15		NWNW
T04N R02W S15	Lot 6	NESW
T04N R02W S15		SWSW
T04N R02W S15	Lot 1	NESE
T04N R02W S15	Lot 8	SESE
T04N R02W S16		NWNE
T04N R02W S16	Lot 1	SENE
T04N R02W S16	Lot 4	NWNW
T04N R02W S16	Lot 6	NESW
T04N R02W S17	Lot 1	NENE
T04N R02W S17		SWNE
T04N R02W S17		NENW
T04N R02W S18	Lot 1	NWNW
T04N R03W S1		SESW
T04N R03W S2		SWSE
T04N R03W S10		NENE

T04N R02W S9		SENW
T04N R02W S9		NWSW
T04N R02W S9		SESW
T04N R02W S9		NWSE
T04N R02W S9		SESE
T04N R02W S10		SENW
T04N R02W S10		NWSW
T04N R02W S10		SESW
T04N R02W S10		NWSE
T04N R02W S10		SESE
T04N R02W S11		NWSW
T04N R02W S11		SESW
T04N R02W S11		NWSE
T04N R02W S11		SESE
T04N R02W S12		SWSW
T04N R02W S13		NENE
T04N R02W S13		SWNE
T04N R02W S13		NENW
T04N R02W S13		SWNW
T04N R02W S13	Lot 3	NESW
T04N R02W S13	Lot 6	SESW
T04N R02W S13	Lot 2	NWSE
T04N R02W S14		NENE
T04N R02W S14		SWNE
T04N R02W S14		NENW
T04N R02W S14		SWNW
T04N R02W S14	Lot 4	NWSW
T04N R02W S14	Lot 6	SESW
T04N R02W S14	Lot 2	NWSE
T04N R02W S15		NENE
T04N R02W S15	Lot 2	SWNE
T04N R02W S15	Lot 3	NENW
T04N R02W S15	Lot 4	SWNW
T04N R02W S15	Lot 5	NWSW
T04N R02W S15		SESW
T04N R02W S15	Lot 7	SWSE
T04N R02W S16		NENE
T04N R02W S16	Lot 2	SWNE
T04N R02W S16		NENW
T04N R02W S16	Lot 3	SENW
T04N R02W S16	Lot 8	NESE
T04N R02W S17	Lot 2	NWNE
T04N R02W S17	Lot 3	SENE
T04N R02W S18		NENW
T04N R03W S1		SWSW
T04N R03W S2		NESE
T04N R03W S2		SESE
T04N R03W S10		SWNE

Page _____ of _____

T04N R03W S10		SENE	T04N R03W S10		SENW
T04N R03W S10	Lot 3	NESW	T04N R03W S10	Lot 1	NESE
T04N R03W S10	Lot 2	NWSE	T04N R03W S10	Lot 6	SWSE
T04N R03W S10	Lot 7	SESE	T04N R03W S11		NENE
T04N R03W S11		NWNE	T04N R03W S11		SWNE
T04N R03W S11		SENE	T04N R03W S11		NENW
T04N R03W S11		NWNW	T04N R03W S11		SWNW
T04N R03W S11		SENW	T04N R03W S11	Lot 3	NESW
T04N R03W S11	Lot 4	NWSW	T04N R03W S11	Lot 5	SWSW
T04N R03W S11	Lot 1	NESE	T04N R03W S11	Lot 2	NWSE
T04N R03W S12		NENE	T04N R03W S12		NWNE
T04N R03W S12		SWNE	T04N R03W S12		SENE
T04N R03W S12		NENW	T04N R03W S12		NWNW
T04N R03W S12		SWNW	T04N R03W S12		SENW
T04N R03W S12	Lot 3	NESW	T04N R03W S12	Lot 4	NWSW
T04N R03W S12	Lot 1	NESE	T04N R03W S12	Lot 2	NWSE
T04N R03W S12	Lot 6	SESE			

Total Acres: 3839

GROUND WATER RECHARGE Within CANYON County

T04N R02W S13	SWNE	T04N R02W S13	SENW
T04N R02W S13	NESW	T04N R02W S13	NWSE

Conditions of Approval:

1. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. This right when combined with Right Nos. 63-163 & 63-179B can be used to irrigate up to 3839 acres within the boundary of the Canyon County Water Company, LTD.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands above.

5. 155 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.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. Transfer 72109 authorizes the diversion of water for ground water recharge in the amount of 50.4 af to be used for replacement of losses caused by evaporation from the 16.8 acre total surface area of three (3) aesthetic ponds and the diversion of an additional 37.5 af of water for ground water recharge to mitigate for the diversion and use of 37.5 af of water for supplemental irrigation on 75 acres authorized for irrigation use under Right 63-32142.
8. 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.
9. F06 The following rights are diverted through point(s) of diversion described above: 63-163, 63-179B and 63-21761. Right 63-12550 is also diverted through the point of diversion described above in Section 15.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. SD1 This right originated as all or part of right no. 35 and 35-A in the Stewart Decree and the historic Boise River Water Masters records.
12. Whenever requested by the Department, the right holder shall report the total volume of water diverted into the pond for ground water recharge purposes during the year.
13. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
14. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
15. The diversion rate from the point of diversion in Section 15 is limited to 0.47 cfs.

Decreed Date: 1/14/2009

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

32960

Attachment 8A

Remarks for Application for Transfer to Change Nature of Use of Canyon County Water Company Water Right 63-21761 from Irrigation to Water Quality Improvement for City of Middleton Water Quality Improvement Project

Proposed Change in Nature of Use. The transfer application proposes changing the nature of use for a 0.64 cfs of right 63-21761 from Irrigation to Water Quality Improvement.

Diversion Volume. The application does not propose a change or quantification of the diversion volume. The right has historically been fully diverted when available at times when the canal is operating. No change to canal operation schedule is proposed. The volume diverted varies from year to year, but in all years the right is fully diverted when the canal is operating. Canyon County Water Company (CCWC) typically diverts 5.6 acre feet per acre (1998-2017 average) from the Boise River, plus drainage water from Lawrence Kennedy Drain and Unnamed Drains. With drain water, total diversions exceed 6 acre feet per acre.

Year	Diversion Volume (af)	Volume Per Irrigated Acre
2017	19620	5.11
2016	21524	5.61
2015	21126	5.50
2014	20953	5.46
2013	20266	5.28
2012	21345	5.56
2011	19188	5.00
2010	18627	4.85
2009	22744	5.92
2008	25153	6.55
2007	19842	5.17
2006	21932	5.71
2005	20870	5.44
2004	23990	6.25
2003	22983	5.99
2002	22640	5.90
2001	19865	5.17
2000	21876	5.70
1999	23734	6.18
1998	21071	5.49
1998-2017 average		5.59

note: 2018 volume not used because of missing data

Right 63-21761, with a priority date of 1867, is never cut below 60%, delivers in excess of 4.5 acre feet every year, and delivers in excess of 5 acre feet per acre in most years.

Consumptive Use. The transfer application does not increase or significantly change consumptive volume on a per acre basis. Annual mean growing season precipitation deficits (ET Idaho Caldwell NWS) are listed below and demonstrate that the City of Middleton's water quality improvement project will have a similar consumptive use as the agricultural crops grown within the service area of Canyon County Water Company.

		Annual Mean Precipitation Deficit		
	% of area	mm	inches	feet
Canyon County Water Company Service Area				
Grass pasture – high management	20	1047	41.2	3.4
Field corn – moderate season length	40	755	29.7	2.5
Alfalfa – frequent cuttings	30	1064	41.9	3.5
Sugar beets	10	988	38.9	3.2
		929	36.6	3.0
City of Middleton Water Quality Improvement				
Wetlands – large stands	60	1050	41.3	3.4
Open water – shallow systems	40	723	28.5	2.4
Average		919	36.2	3.0

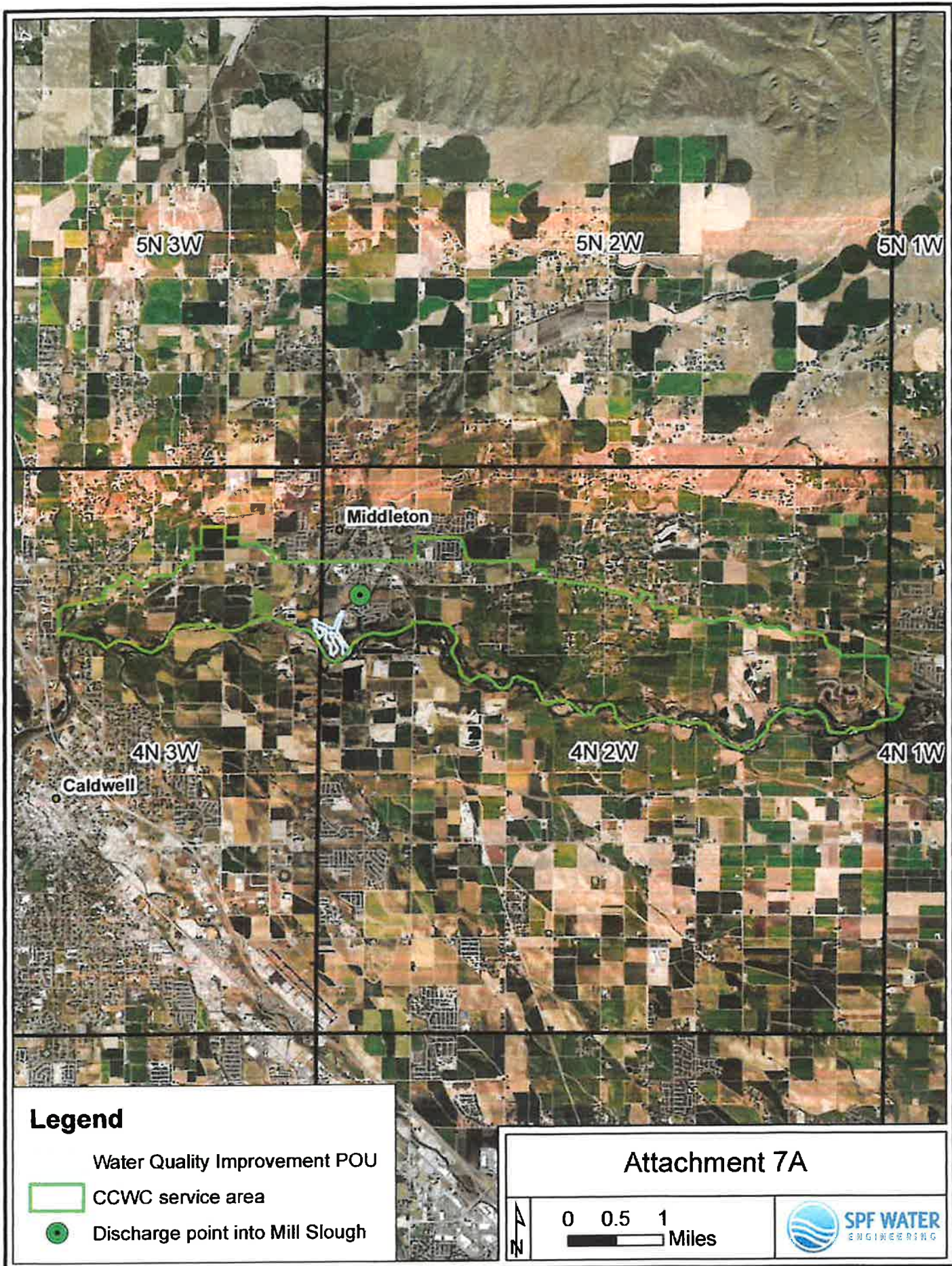
Headgate Volume. The application does not propose an increase in headgate volume. CCWC will deliver the same volume as historically delivered. Assuming an average consumptive use of 3.0 acre feet per acre, and an irrigation efficiency of 60%, the historical headgate volume is 5.0 acre feet per acre. Applicant is willing to accept a 4.5 acre foot headgate volume condition for water quality improvement uses.

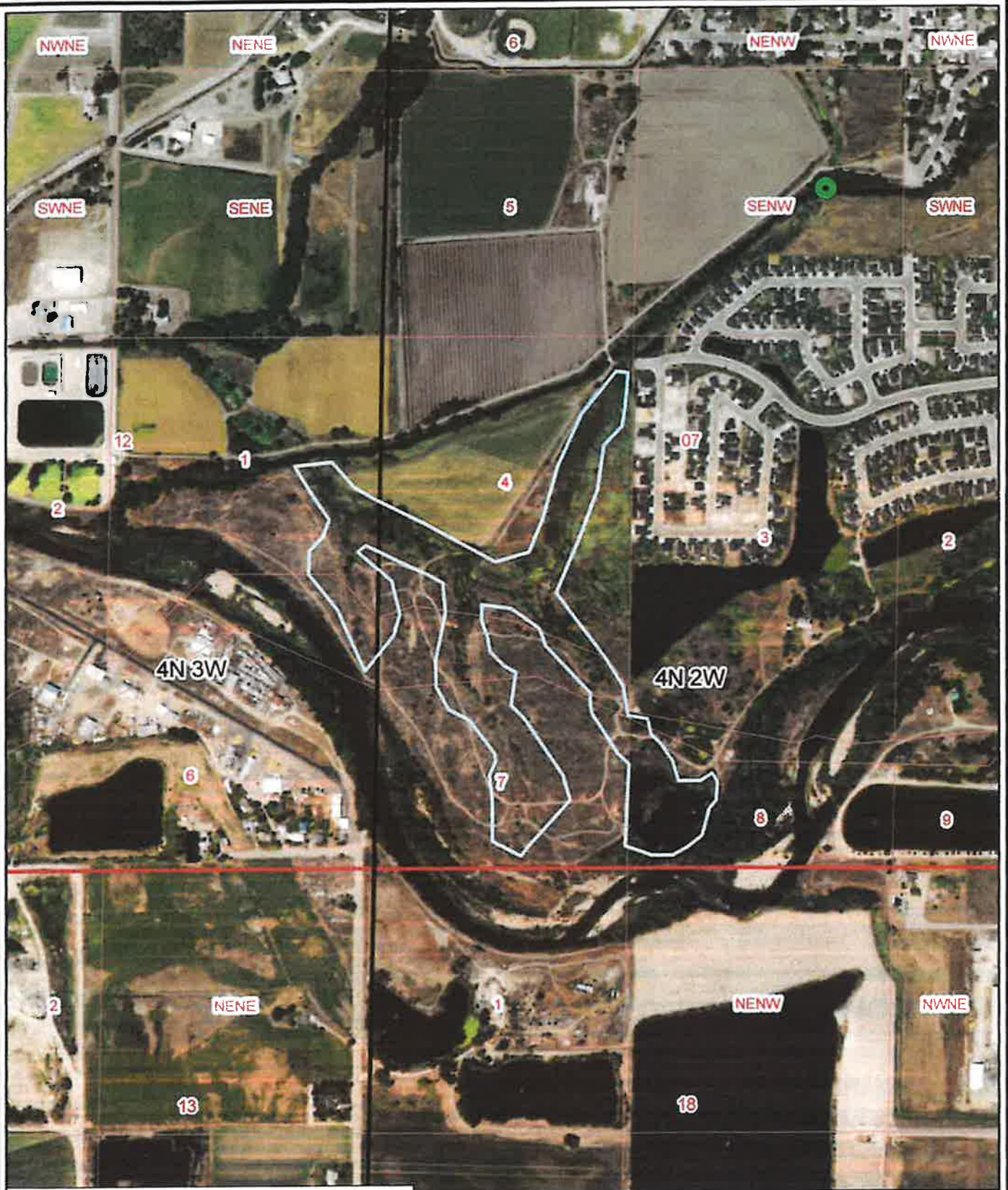
Proposed Change in Nature of Use. Transferred portion of right 63-21761 will change to the following

- Water Quality Improvement 0.64 cfs

Proposed Transfer Conditions. The following conditions are proposed to prevent enlargement of this water right.

1. The 0.64 cfs Water Quality Improvement portion of this right is not to exceed a field headgate volume of 144 acre feet (4.5 acre feet x 32 acres) and consumptive use of 96 acre feet (3.0 acre feet x 32 acres). The field headgate is the measurement point for delivery of the water into the City of Middleton Water Quality Improvement project.
2. The 0.64 cfs Water Quality Improvement portion of this right is for flow through the City of Middleton Water Quality Improvement Project. Storage of water in the City of Middleton Water Quality Improvement Project is provided under permit 63-34370.





Legend

-  Discharge point into Mill Slough
-  Water Quality Improvement POU

Attachment 7B



0 375 750 Feet

