

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82960**

This is to certify that: CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR, ID 83669

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-21761	WR/DECREED	6/1/1867	76.770 cfs	N/A	N/A	3839.0	BOISE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-21761	NO	NO	NO	NO	NO	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-21761	63-21761	76.770 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		76.770 cfs	N/A	N/A	3807.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 20th day of May, 2021.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-21761**As Modified by Transfer No. 82960**

In accordance with the approval of Transfer No. 82960, Water Right No. 63-21761 is now described as follows:

Right Holder: CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR, ID 83669

Priority Date: 6/1/1867

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
GROUND WATER RECHARGE	03/01	to 11/15	0.590 cfs	87.9 af
IRRIGATION	03/01	to 11/15	75.540 cfs	
WATER QUALITY IMPROVEMENT	03/01	to 11/15	0.640 cfs	
			76.770 cfs	

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L4 (SWSW)	Sec 17 Twp 04N Rge 01W ADA County
BOISE RIVER	L1 (NESE)	Sec 15 Twp 04N Rge 02W CANYON County

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02W	13			X					X	X					X			

PLACE OF USE: WATER QUALITY IMPROVEMENT

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02W	7										X	X	X					
														L 8					
04N	02W	7										X	X						
												L 4	L 4						
04N	02W	7											X						
													L 7						
04N	03W	12													X			X	
04N	03W	12													X				
															L 1				

CONDITIONS OF APPROVAL

1. Rights 63-163, 63-179B and 63-21761 when combined shall not exceed a total irrigation of 3,807 acres.

Transfer No. 82960

WATER RIGHT NO. 63-21761

As Modified by Transfer No. 82960

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of 3,807 of the 3,839 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 82960 changed the nature of use of 32 acres to accommodate a 0.64 cfs water quality improvement use.
3. 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.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. Use of water under this right may 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.
6. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
7. 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.
8. Diversion 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.

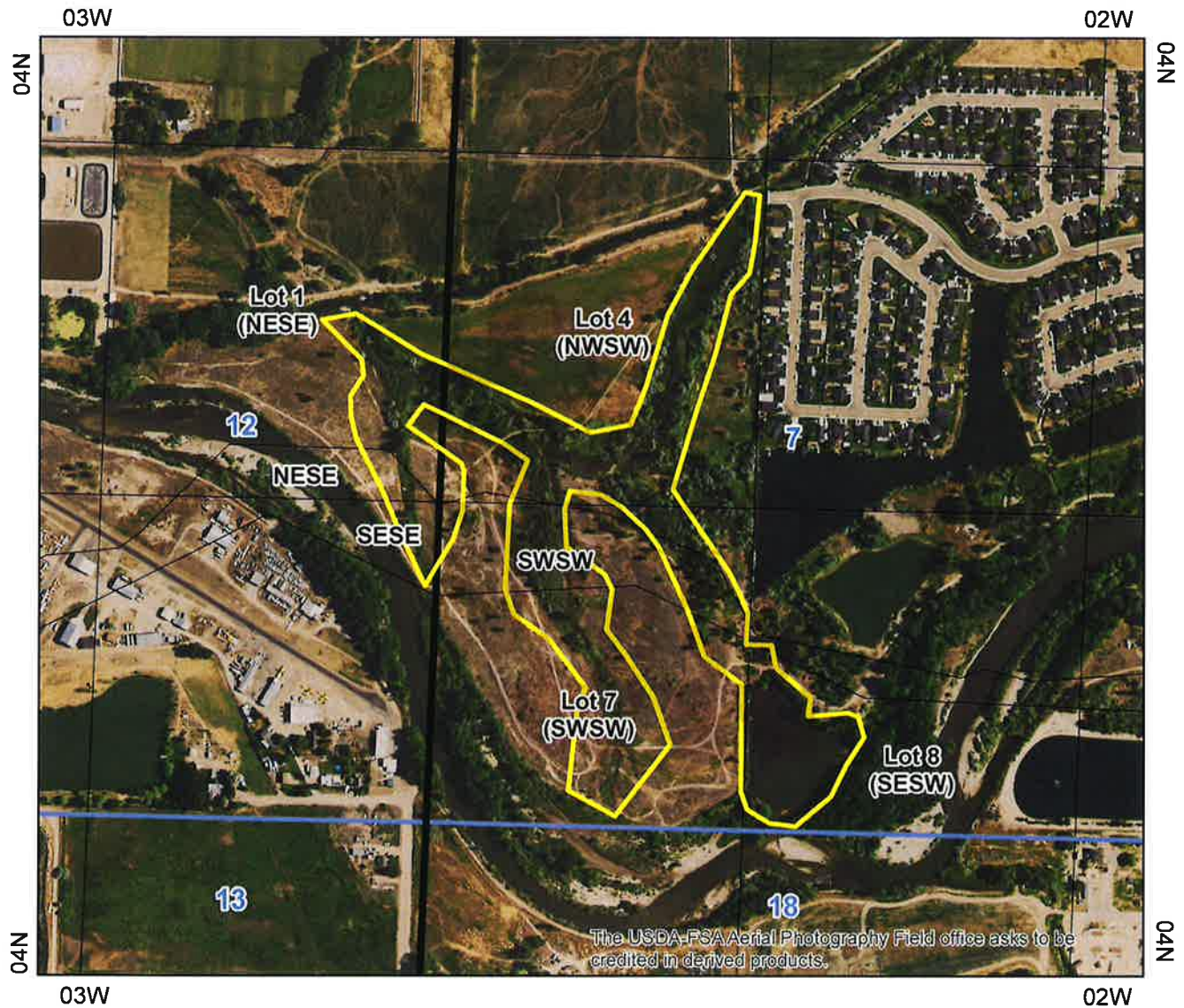
WATER RIGHT NO. 63-21761

As Modified by Transfer No. 82960

CONDITIONS OF APPROVAL

9. 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.
10. Transfer 82960 authorizes the diversion and delivery of 0.64 cfs for water quality improvement purposes associated with Right 63-34370.
11. 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.
12. The diversion rate from the point of diversion in Section 15 is limited to 0.47 cfs.
13. 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.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Application For Water Right Transfer 82960
63-21761

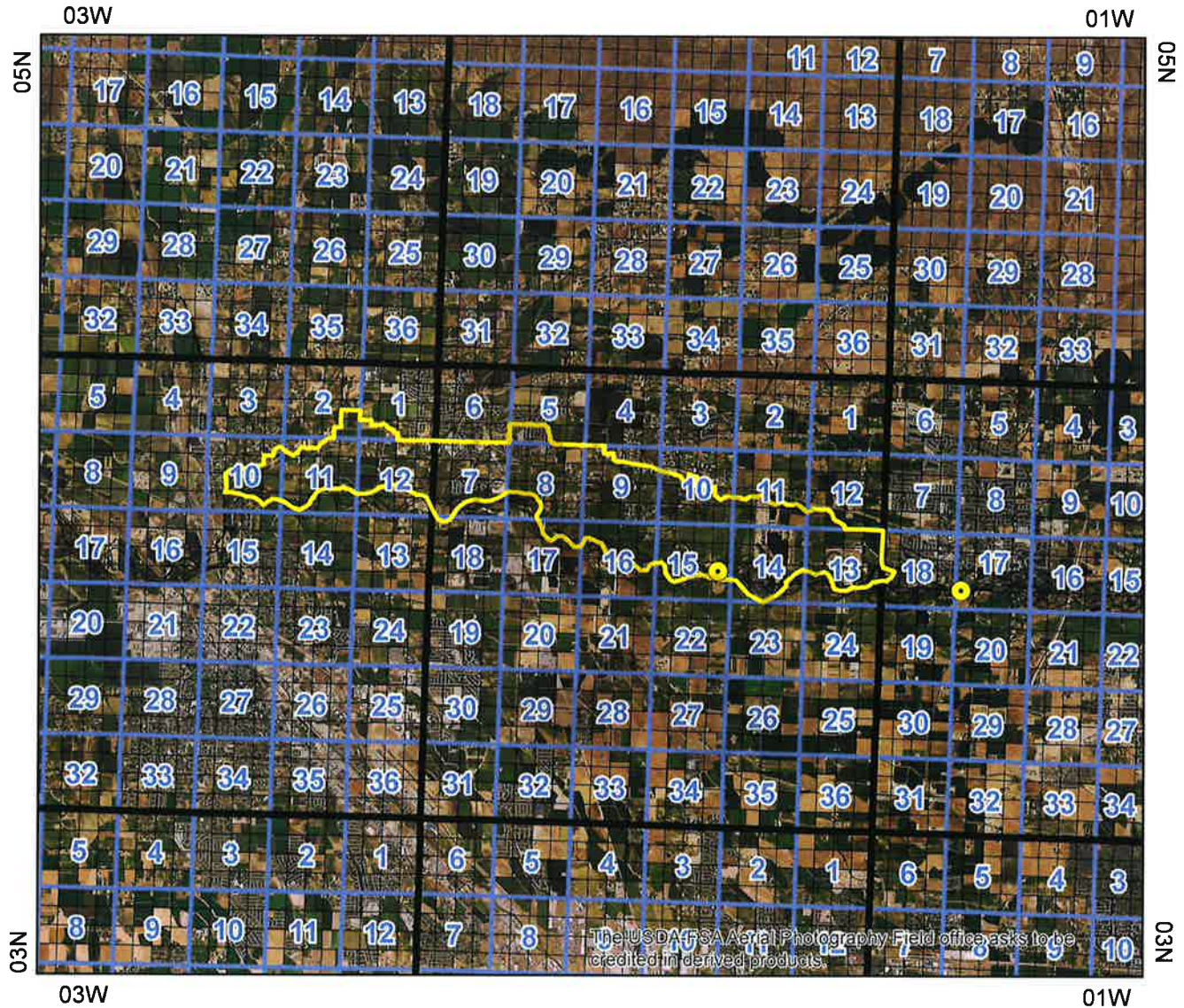


-  Water Quality Improvement POU
-  Townships
-  PLS Sections
-  Quarter Quarters

Attachment to Water Right Transfer

63-21761

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



03W

01W



Point of Diversion



Place Of Use Boundary



Townships



PLS Sections



Quarter Quarters

0 1.5 3 6 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 20, 2021

CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR ID 83669

RE: Transfer No: 82960
Water Right No.: 63-21761

Transfer Approval Notice

Dear Water Right Holders and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUDERMAN
for Nick Miller
Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
300 E MALLARD DR STE 350
BOISE ID 83706

BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE ID 83707

RINGERT CLARK CHARTERED
C/O S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE ID 83701

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

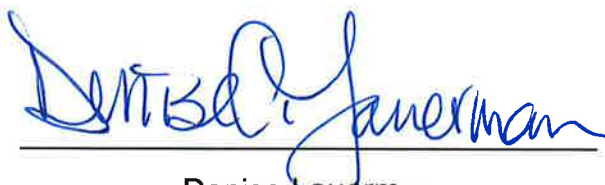
Re: Transfer No.: 82960
Water Right No.: 63-21761

CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR ID 83669

SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
300 E MALLARD DR STE 350
BOISE ID 83706-6660

BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE ID 83707

RINGERT CLARK CHARTERED
C/O S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE ID 83701



Denise Lauerman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

JUN 20 2019

29512 1907293

1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO)

WATER RESOURCES
WESTERN REGION

)SS.
County of Canyon)

Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
06/06/2019 06/13/2019

Sharon Jessen

STATE OF IDAHO)

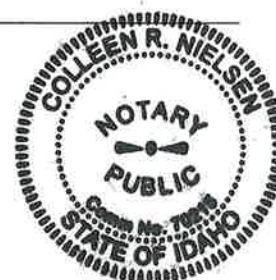
County of Canyon)

On this 13th day of June in the year of
2019 before me a Notary Public, personally appeared.
Sharon Jessen, known or identified
to me to be the person whose name is subscribed
to the within instrument, and being by me first
duly sworn, declared that the statements therein
are true, and acknowledge to me that he/she
executed the same.

Colleen R. Nielsen

Notary Public for Idaho

Residing at Canyon County
My Commission expires 06/28/2023



LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34731

PING RICH

KEVIN RICH

22843 BUSKIRK DR

MIDDLETON, ID 83644-5656

Point of Diversion SENE S32 T05N R04W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/15 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 5/16/2019

Place Of Use: IRRIGATION

T05N R04W S32 L8(SENE)

Total Acres: 3

63-34734

JARED HOEKSEMA

3505 DYNAMITE DR

NAMPA, ID 83686-8486

Point of Diversion SESE S4 T05N R03W CANYON County
Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.08 CFS

Total Diversion: 0.12 CFS

Date Filed: 5/21/2019

Place Of Use: DOMESTIC, IRRIGATION

T05N R03W S4 SESE

Total Acres: 2.5

Water bearing zone to be appropriated is from 100 to 300 feet.

63-34370

CITY OF MIDDLETON

6 NORTH DEWEY AVE

MIDDLETON, ID 83644

Point of Diversion L1(NESE) S12 T04N R03W CANYON
County Source MILL SLOUGH Tributary BOISE RIVER

Point of Diversion L4(NWSW) S7 T04N R02W CANYON
County Source MILL SLOUGH Tributary BOISE RIVER

Use: WATER QUALITY IMPROVEMENT 01/01 to 12/31
150 CFS

Use: WATER QUALITY IMPROVEMENT STORAGE 01/01
to 12/31 78.8 AF

Total Diversion: 150 CFS 78.8 AF

Date Filed: 4/27/2017

Place Of Use: WATER QUALITY IMPROVEMENT,
WATER QUALITY IMPROVEMENT STORAGE

T04N R02W S7 L4(NWSW) L4(SWSW) L8(SESW)

T04N R03W S12 L1(NESE) SESE

The following application(s) have been filed to amend
Permit to Appropriate Water:

63-34079

CHRIS EMMERT

7180 BOWMONT RD

NAMPA, ID 83686

Point of Diversion SENE S35 T02N R02W CANYON
County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 1.9 CFS

Total Diversion: 1.9 CFS

Date Filed: 4/17/2019

Place Of Use: IRRIGATION

T02N R02W S35 NENE SWNE SENE

Total Acres: 95

Chris Emmert of 7180 Bowmont Rd Nampa, ID 83686 filed application no. 83235 on 4/17/2019 to amend a water permit no. 63-34079 with a 5/8/2018 priority to divert groundwater totaling 1.90 cfs for irrigation purposes. The permit provides irrigation water for property located on Southside Blvd between Bennett and Bowmont Rd, 5 miles west of Kuna. The applicant proposes to amend the permit to replace the current point of diversion to a new well located on the applicants property. The new well is proposed within SENE of Section 35 of Twp 02N Rge 02W.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82960

CANYON COUNTY WATER CO LTD, C/O BETHA FOSTER PO BOX 11, STAR, ID 83669; has filed Application No. 82960 for changes to the following water rights within ADA, CANYON County(s): Right No(s). 63-21761; to see a full description of these rights and the proposed transfer, please see: www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx.

The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to change 0.64 cfs from the applicants' water right from irrigation use to water quality improvement. The water quality improvement use is proposed within the Canyon County Water Co service boundary three quarters of a mile SW of Middleton where Mill Slough enters the Boise River.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A, 42-222 and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 6/24/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

June 6, 13, 2019

1907293

