

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84105**

This is to certify that: **THURMAN MILL DITCH CO LTD**
10611 W TREELINE CT
BOISE, ID 83713

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>
63-135	WR/DECREED	6/1/1864	3.300 cfs	N/A	N/A	1699.8	BOISE RIVER
63-176	WR/DECREED	6/1/1869	1.600 cfs	N/A	N/A	1699.8	BOISE RIVER
63-193	WR/DECREED	6/1/1876	0.440 cfs	N/A	N/A	1699.8	BOISE RIVER
63-210	WR/DECREED	6/1/1880	2.400 cfs	N/A	N/A	1699.8	BOISE RIVER
63-211	WR/DECREED	10/20/1880	0.900 cfs	N/A	N/A	1699.8	BOISE RIVER
63-221	WR/DECREED	6/1/1883	0.900 cfs	N/A	N/A	1699.8	BOISE RIVER
63-250	WR/DECREED	7/1/1895	0.660 cfs	N/A	N/A	1699.8	BOISE RIVER
63-30125	WR/DECREED	6/1/1865	1.860 cfs	N/A	N/A	1699.8	BOISE RIVER
63-30129	WR/DECREED	6/1/1872	2.100 cfs	N/A	N/A	1699.8	BOISE RIVER
63-30130	WR/DECREED	6/1/1868	15.480 cfs	N/A	N/A	1699.8	BOISE RIVER
63-30131	WR/DECREED	6/1/1882	6.000 cfs	N/A	N/A	1699.8	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>
63-135	NO	NO	YES	NO	NO	NO
63-176	NO	NO	YES	NO	NO	NO
63-193	NO	NO	YES	NO	NO	NO
63-210	NO	NO	YES	NO	NO	NO
63-211	NO	NO	YES	NO	NO	NO
63-221	NO	NO	YES	NO	NO	NO
63-250	NO	NO	YES	NO	NO	NO
63-30125	NO	NO	YES	NO	NO	NO
63-30129	NO	NO	YES	NO	NO	NO
63-30130	NO	NO	YES	NO	NO	YES
63-30131	NO	NO	YES	NO	NO	NO

SUPPORT DATA

Summary Of Water Rights After the Approved Change

IN FILE # 63-135

<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>
63-135	63-135	3.300 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
63-176	63-176	1.600 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
63-193	63-193	0.440 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A

Transfer No. 84105

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84105**

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>
63-210	63-210	2.400 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
63-211	63-211	0.900 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
63-221	63-221	0.900 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
63-250	63-250	0.660 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
63-30125	63-30125	1.860 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
63-30129	63-30129	2.100 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
63-30130	63-30130	15.480 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
63-30131	63-30131	6.000 cfs	N/A	N/A	1683.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		35.640 cfs	N/A	N/A	1683.8		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 18th day of February, 2021.

for Patricia Wiley
Chief, Water Allocation/Bureau

WATER RIGHT NO. 63-30130

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-30130 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 6/1/1868

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	13.680 cfs	
MITIGATION BY NON-USE	03/01	to 11/15	1.480 cfs	
DIVERSION TO STORAGE	03/01	to 11/15	0.320 cfs	
MUNICIPAL STORAGE	01/01	to 12/31	15.480 cfs	46.7 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L11 (NESE)	Sec 5 Twp 03N Rge 02E ADA County
BOISE RIVER	L11 (NESE)	Sec 5 Twp 03N Rge 02E ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.

WATER RIGHT NO. 63-30130

As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

4. This right mitigates for the depletion of water resulting from the diversion and use of water under the rights listed below. To prevent injury to other water right holders, the right holder shall cease diverting 1.48 cfs of this right from the Boise River. If the mitigation portion of this right is used for any purpose, then water shall not be diverted under the rights listed below. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of the rights listed below that are being mitigated shall be reduced by the same proportion as the reduction to this right. The rights being mitigated are as follows: 63-34713, 63-34714, 63-34659, 63-34666, 63-34722, and 63-34869.
5. 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.
6. 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 diversion(s).
7. This right does not grant any right-of-way or easement across the land of another.
8. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
9. 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.
10. This right is a combination of Rights 63-169E and 63-170B.
11. Transfer 84105 authorizes the diversion of water in the amount of 0.32 cfs and 46.7 af to be used for replacement losses caused by evaporation from three (3) ponds associated with Rights 63-32350, 63-32351, and 63-32532.
12. The municipal storage place of use for this right is located at Bernadine Quinn Riverside Park and Esther Simplot Park.

WATER RIGHT NO. 63-30130

As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

13. 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 Reservoir 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.
14. This right originated as all or part of right no. 36 and 37 in the Stewart Decree and the historic Boise River Water Masters records.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. 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.

WATER RIGHT NO. 63-30129

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-30129 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 6/1/1872

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
2.100 cfs
2.100 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

Transfer No. 84105

WATER RIGHT NO. 63-30129

As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.
7. 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.
8. 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 diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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 Reservoir 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.
12. 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.
13. This right is a combination of Rights 63-142 and 63-143.
14. This right originated as all or part of right no. 55 and 56 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-30131

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-30131 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 6/1/1882

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
6.000 cfs
6.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

WATER RIGHT NO. 63-30131

As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.
7. 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.
8. 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 diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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 Reservoir 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.
12. 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.
13. This right is a combination of Rights 63-140, 63-212, 63-214B and 63-219 (part).
14. This right originated as all or part of right no. 78, 79, 81 and 84 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-135

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-135 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 6/1/1864

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
3.300 cfs
3.300 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.

Transfer No. 84105

WATER RIGHT NO. 63-135

As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

7. 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.
8. 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 diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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 Reservoir 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.
12. 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.
13. This right originated as all or part of right no. 7 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-176

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-176 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 6/1/1869

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

1.600 cfs

1.600 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER
BOISE RIVER

L11 (NESE)
L11 (NESE)

Sec 5 Twp 03N Rge 02E ADA County
Sec 5 Twp 03N Rge 02E ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.

Transfer No. 84105

WATER RIGHT NO. 63-176

As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

7. 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.
8. 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 diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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 Reservoir 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.
12. 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.
13. This right originated as all or part of right no. 42 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-193
As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-193 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 6/1/1876

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
0.440 cfs
0.440 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER
BOISE RIVER

L11 (NESE)
L11 (NESE)

Sec 5 Twp 03N Rge 02E ADA County
Sec 5 Twp 03N Rge 02E ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.

Transfer No. 84105

WATER RIGHT NO. 63-193
As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

7. 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.
8. 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 diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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 Reservoir 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.
12. 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.
13. This right originated as all or part of right no. 62 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-210

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-210 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 6/1/1880

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 to **To** 11/15

Diversion Rate
2.400 cfs
2.400 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L11 (NESE)	Sec 5 Twp 03N Rge 02E ADA County
BOISE RIVER	L11 (NESE)	Sec 5 Twp 03N Rge 02E ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.

Transfer No. 84105

WATER RIGHT NO. 63-210
As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

7. 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.
8. 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 diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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 Reservoir 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.
12. 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.
13. This right originated as all or part of right no. 75 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-211

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-211 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 10/20/1880

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
0.900 cfs
0.900 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.

Transfer No. 84105

WATER RIGHT NO. 63-211

As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

7. 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.
8. 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 diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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 Reservoir 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.
12. 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.
13. This right originated as all or part of right no. 76 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-221

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-221 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 6/1/1883

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 to **To** 11/15

Diversion Rate
0.900 cfs
0.900 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.

Transfer No. 84105

WATER RIGHT NO. 63-221

As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

7. 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.
8. 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 diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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 Reservoir 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.
12. 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.
13. This right originated as all or part of right no. 87 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-250

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-250 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 7/1/1895

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

AESTHETIC STORAGE
DIVERSION TO STORAGE
IRRIGATION

From

01/01
03/01
03/01

to 12/31
to 11/15
to 11/15

Diversion Rate

0.160 cfs
0.500 cfs
0.660 cfs

Diversion Volume

23.9 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

WATER RIGHT NO. 63-250
As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.
7. 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.
8. 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 diversion(s).
9. Pursuant to a call in times of scarcity, this right is senior to Bryan decreed Right No. 63-297 and any future splits of this right.
10. This right does not grant any right-of-way or easement across the land of another.
11. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
12. 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 Reservoir 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.
13. 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.
14. This right originated as all or part of right no. 128 in the Stewart Decree and the historic Boise River Water Masters records.

Transfer No. 84105

WATER RIGHT NO. 63-250
As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

15. Aesthetic storage is for amenity ponds in Lakemoor Subdivision.



WATER RIGHT NO. 63-30125

As Modified by Transfer No. 84105

In accordance with the approval of Transfer No. 84105, Water Right No. 63-30125 is now described as follows:

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE, ID 83713

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 to **To** 11/15

Diversion Rate
1.860 cfs
1.860 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec 5	Twp 03N Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

WATER RIGHT NO. 63-30125

As Modified by Transfer No. 84105

CONDITIONS OF APPROVAL

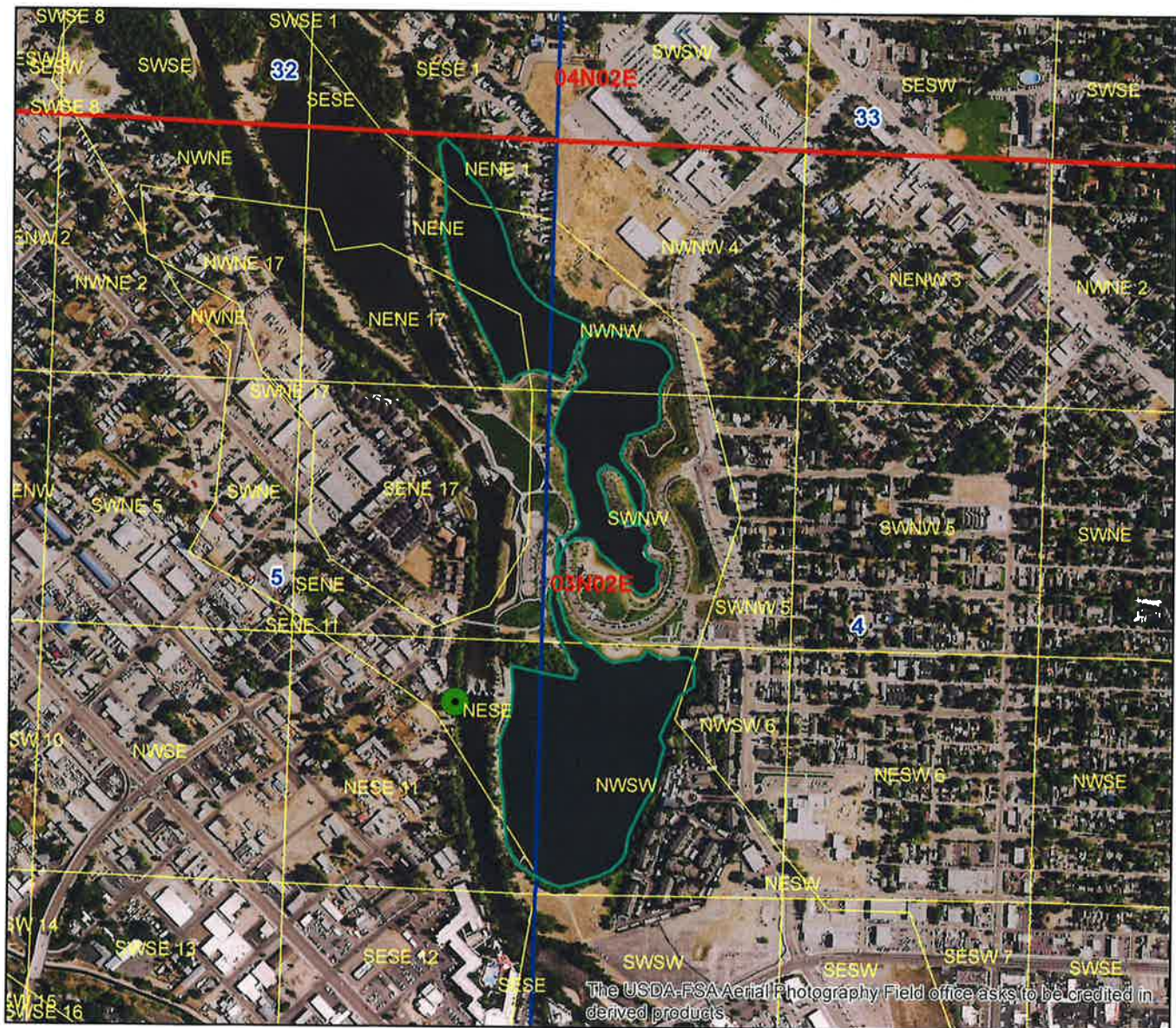
6. This right is limited to the irrigation of 1683.8 of the 1782 acres decreed for this right within the authorized place of use in a single irrigation season. Transfer 73900 changed the nature of use of 8.2 acres to diversion to storage and aesthetic storage. Transfer 84105 changed the nature of use of 16 acres to diversion to storage and municipal storage. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5.0 acres have been dedicated to mitigate right 63-34713, 3.0 acres have been dedicated to mitigate right 63-34714, 4.0 acres have been dedicated to mitigate right no. 63-34722, 31 acres have been dedicated to mitigate right no. 63-34666, and 4.0 acres have been dedicated to mitigate right no. 63-34869.
7. 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.
8. 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 diversion(s).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
11. 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 Reservoir 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.
12. 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.
13. This right is a combination of Rights 63-139 and 63-141.
14. This right originated as all or part of right no. 10 and 11 in the Stewart Decree and the historic Boise River Water Masters records.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 84105

Water Right: 63-30130

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



- 63-30130 Diversion to Storage POD
- 63-30130 Municipal Storage POU
- Township/Range
- Sections
- QQ

0 0.1 0.2 0.4 Miles

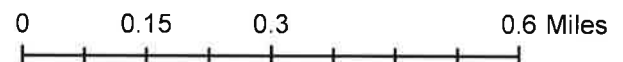
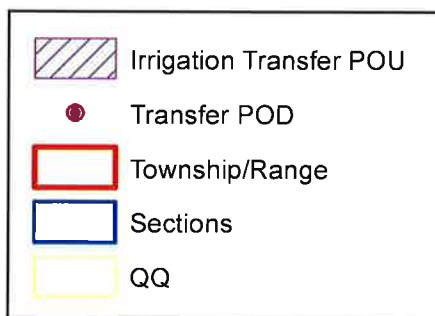
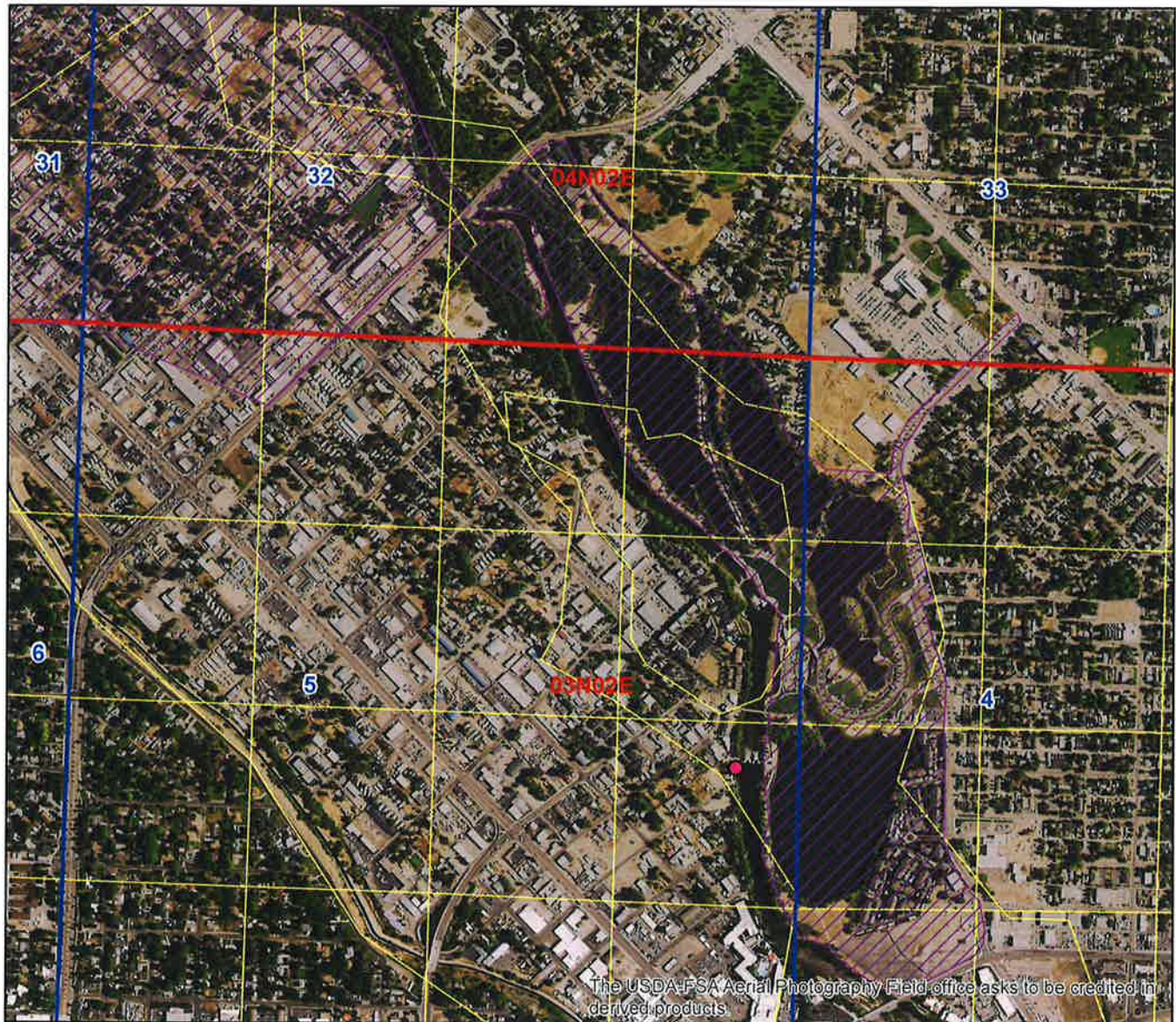


State of Idaho
Department of Water Resources

Attachment to Transfer No. 84105

Water Right(s): 63-135, 63-176, 63-193, 63-210, 63-221,
63-250, 63-30125, 63-30129, 63-30130, 63-30131

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





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

February 18, 2021

THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

RE: Transfer No: 84105
Water Right No(s): 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131

Transfer Approval Notice

Dear Water Right Holder(s) 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 LAUERMAN
for Nick Miller
Western Regional Manager

Enclosure(s)

CC:

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

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

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84105

Water Right No(s): 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250,
63-30125, 63-30129, 63-30130, 63-30131

THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

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

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



Denise Lauerman
Administrative Assistant 1

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.

MEMORANDUM

TO: Transfer No. 84105
FROM: Justin Shearer
DATE: 2/16/2021
RE: Evaluation of Application

The transfer proposes to change the place of use and nature of use for 0.48 cfs (but approved for less), from irrigation to municipal storage under water right 63-30130 to cover evaporative losses from water storage for three ponds at Esther Simplot Park and Bernadine Quinn Riverside Park in Boise, ID.

Contact person for the applicant is representative S. Bryce Farris of Sawtooth Law Offices PLLC located at 1101 W. River St., Ste. 110 Boise, ID 83707, (208)-629-7447 and Terry Scanlan of SPF Water Engineering located at 300 E Malad Dr., Ste. 350, Boise, ID, 83706, (208) 383-4140.

The table below represents the full suite of rights owned by Thurman Mill Irrigation District. Changes authorized post-transfer show 0.32 cfs, 46.7 af and 16 acres from irrigation to municipal storage and diversion to storage for WR 63-30130.

<u>Authorized Use Pre-Transfer</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	34.000 CFS	
AESTHETIC STORAGE	01/01	12/31		23.90 AF
DIVERSION TO STORAGE	03/01	11/15	0.160 CFS	
MITIGATION BY NON-USE	03/01	11/15	1.480 CFS	

Total Diversion: 35.640 CFS

<u>Authorized Use Post-Transfer</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	33.680 CFS	
AESTHETIC STORAGE	01/01	12/31		23.90 AF
MUNICIPAL STORAGE	01/01	12/31		46.70 AF
DIVERSION TO STORAGE	03/01	11/15	0.480 CFS	
MITIGATION BY NON-USE	03/01	11/15	1.480 CFS	

Total Diversion: 35.64 CFS

Summary of Information Submitted

Authority to File: The transfer application is filed in the name of Thurman Mill Ditch Company (TMDC). TMDC is the current owner of water rights 63-135, 63-176, 63-193, 63-210, 63-221, 63-250, 63-30125, 63-30129, 63-30130, and 63-30131. The transfer application is signed by Kelly Martin. Idaho Secretary of State registry lists Mr. Martin as president of TMDC. \$500.00 was paid for the transfer of 0.48 cfs and an additional \$250.00 was received as the change in nature of use fee for a total of \$750.00.

Water Right Validity: Water right no. 63-135, 63-176, 63-193, 63-210, 63-221, 63-250, 63-30125, 63-30129, 63-30130, and 63-30131 are presumed to be valid. Partial decrees were issued on 03/24/2009 and TMDC has continued to deliver water to users within the service boundary annually.

Injury to Other Water Rights: Transfer 84105 will not injure other water rights and in fact are proposed to take the place of existing uses that occur out of priority under existing City of Boise water rights. Consumptive loss due to pond evaporation will be offset by the nature of use transfer. The proposed changes are within TMDC's place of use boundary. Partial overlap exists with Boise City Canal Co. and they were sought for comment. Representative Bryce Farris wrote via e-mail on 2/11/21 that while their boundary and POU may overlap they have no current or anticipated deliveries to these lands and thus, they had no comment opposing the transfer.

Enlargement of Use: Enlargement should not occur due to transfer 84105. Water right 63-30130 currently allows for 14.00 cfs of irrigation, and 1.48 cfs for mitigation by non-use, totaling 15.48 cfs. The transfer will decrease irrigation usage to 13.68 cfs and add diversion to storage usage of 0.32 cfs maintaining a total diversion rate of 15.48 cfs. Additionally, the same portion of water for right 63-30130 is being converted to a municipal storage volume of 46.7 AF to account for the consumptive losses due to evaporation. The transfer also proposes expanding the service area by legal description however, the total irrigated acres allowed within TMDC's place of use boundary will be reduced by 16 acres of irrigation to accommodate the nature of use change. Total consumptive loss for crop irrigation exceeds total consumptive loss from pond evaporation. Therefore, transfer 84105 should decrease total consumptive use of water right 63-30130. Period of use for irrigation and diversion to storage will remain 3/1 – 11/15. Right 63-30130 prior to the approval of this transfer is authorized to irrigate 1699.8 acres out of the decreed 1782 acres with 82.2 acres dedicated to non-irrigation/mitigation plans. The proposed transfer would further reduce the authorized acres by 16 acres allowing for 1683.8 acres to be irrigated out of the decreed 1782 acres.

Local Public Interest: No information suggesting this application proposes a change inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

Water Right Overlap: The proposed municipal storage will overlap with existing City of Boise municipal storage water rights 63-32350, 63-32351, and 63-32352. Because the proposed municipal storage will be to provide water to refill the ponds to replace consumptive losses due to evaporation of said ponds that are covered by City of Boise's existing storage rights, water right overlap should not be a concern as a result of this transfer. No other rights should be considered.

Mitigation: The proposed application for transfer does not directly propose any mitigation. However, the proposed nature of use change to adjust a portion of right 63-30130's irrigation to diversion of storage and municipal storage provides storage refill that otherwise would be diverted out of priority under existing city water rights for evaporative losses of the ponds. That being said, the amount of water TMDC has proposed to undergo a nature of use change is sufficient to provide refills for ponds due to the evaporative losses resulting from the ponds in the summer months and preclude the out of priority diversion under existing rights. Please see attached consumptive use comparison chart for reference. The 44 acre storage use for the ponds evaporates a total of 46.7 af annually using the 'Open Water-Deep System' dataset. An average historical beneficial use consumption within the service area is calculated to 3.03 af/ac according

to the transfer application. If we stopped here and said that $46.7 \text{ af} \div 3.03 \text{ af/ac} = 15.4$ acres are needed to mitigate the consumptive use of the ponds, the proposed Nature of Use change would exceed the evaporation from the ponds. Because TMDC does not utilize storage water and makes a full beneficial use when cut to 60%, all historical consumptive use should be attributed directly from the right. By diverting 0.32 cfs the historical consumptive use of the right is maintained, and enlargement will not occur.

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

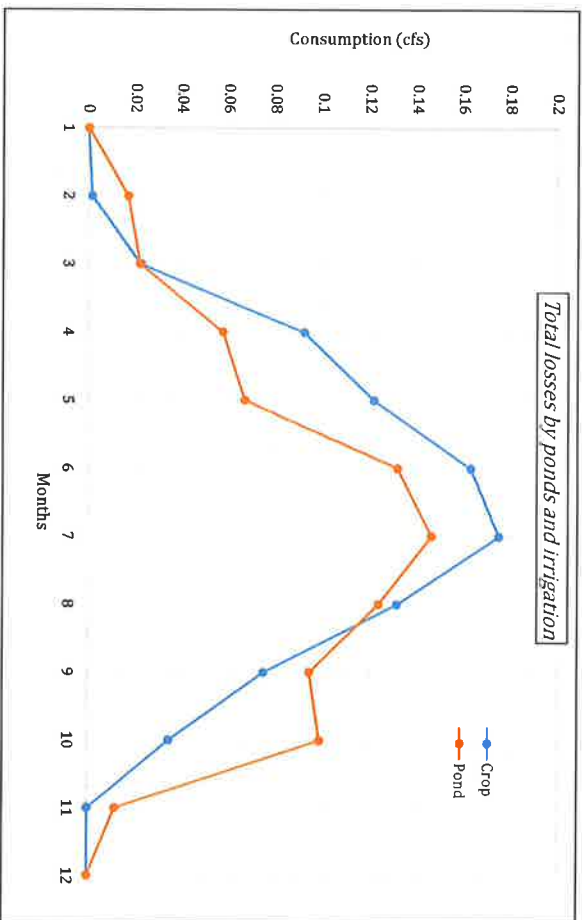
	Crop Loss		Pond Loss		Total Crop	Total Pond
	mm/day	cfs/acre	mm/day	cfs/acre	cfs	cfs
January	-0.13	-0.00022	-0.33	-0.00055	0	0
February	0.06	9.92E-05	0.23	0.00038	0.0016938	0.0167385
March	0.84	0.001389	0.3	0.000496	0.0223131	0.0218328
April	3.48	0.005756	0.79	0.001307	0.0924401	0.057493
May	4.59	0.007592	0.92	0.001522	0.1219253	0.0669539
June	6.15	0.010172	1.81	0.002994	0.1638639	0.1317246
July	6.6	0.010916	2.01	0.003325	0.1753174	0.1462798
August	4.96	0.008204	1.7	0.002812	0.1317537	0.1237192
September	2.83	0.004681	1.3	0.00215	0.075174	0.0946088
October	1.3	0.00215	1.36	0.002249	0.0345322	0.0989754
November	-0.31	-0.00051	0.16	0.000265	0	0.0116442
December	-0.35	-0.00053	-0.39	-0.00065	0	0

Pond Acres
Mitigation Acres
Ratio

44
16.06
0.365

*Set equal to pond SA
*Do not change this cell value
*Change this value or Optimize

*Input ET Idaho station and pond and crop datasets using the button on the first tab of this workbook. *



Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	XX-XXXX
REVIEWER	Joe Agent
DATE	1/1/2000

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:

P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at X:/Spatial/Climate/ETIdahostations.shp.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Boise Airport (NWS - USC00101022)

Month	mm/day ¹	Days per month	mm/Month
Jan	-0.33	31	0.00
Feb	0.23	28	6.44
March	0.3	31	9.30
April	0.79	30	23.70
May	0.92	31	28.52
June	1.81	30	54.30
July	2.01	31	62.31
August	1.7	31	52.70
September	1.3	30	39.00
October	1.36	31	42.16
November	0.16	30	4.80
December	-0.39	31	0.00

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total mm/year = 323.23

$$((323.23 \div 304.8) \times 44.00) = 46.7 \text{ AFA}$$

Shearer, Justin

From: Bryce Farris <bryce@sawtoothlaw.com>
Sent: Thursday, February 11, 2021 9:42 AM
To: Shearer, Justin
Subject: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: Map for Thurman Mill Transfer 84105 Proposed Changes

Justin:

As a follow up to your e-mail, I confirmed with Boise City Canal that while their boundary and POU may overlap onto this property they have no current or anticipated deliveries to these lands. Thus, they have no comment on the Transfer. Thanks,

S. Bryce Farris

Attorney at Law

SAWTOOTH LAW OFFICES, PLLC

1101 W. River St., Ste. 110

Boise, ID 83702

Tel: (208) 629-7447

Fax: (208) 629-7559

bryce@sawtoothlaw.com



From: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>
Sent: Thursday, February 4, 2021 4:15 PM
To: Bryce Farris <bryce@sawtoothlaw.com>
Subject: Map for Thurman Mill Transfer 84105 Proposed Changes

Bryce,

Attached you will find a map of the changes that transfer 84105 proposes.

Justin Shearer
Water Resource Agent, Sr.
(208)-334-2190

Shearer, Justin

From: Shearer, Justin
Sent: Thursday, February 4, 2021 3:58 PM
To: Bryce Farris
Subject: Seeking Comment for Application for Transfer 84105

Good afternoon Mr. Farris,

I am in the final stages of approving a proposed transfer (84105) for Thurman Mill Ditch Co. and we realized that there is some partial overlap with the proposed POU that will result from the transfer and Boise City Canal Co. WR's. I apologize for not seeking comment earlier during the public notice period, but wanted to give Boise City Canal Co. the opportunity to provide comment nonetheless. As I am sure you are aware, seeing as how you are the listed representative for transfer 84105, the transfer proposes to change the place of use and nature of use for 0.48 cfs (but approved for less), from irrigation to municipal storage under water right 63-30130 to cover evaporative losses from water storage for three ponds at Esther Simplot Park and Bernadine Quinn Riverside Park in Boise, ID.

Please provide any comment or let me know in response to this email that Boise City Canal Co. does not object to the changes proposed in the transfer by February 28, 2021 (2/28/21). IDWR will assume that Boise City Canal Co. does not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Justin Shearer
Water Resource Agent, Sr.
(208)-334-2190

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004809983	The following application(s) have been filed to app	NO. 84105	\$239.38	2	7.22 In

Attention: Anna Kaiser

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-34953

WNBC GROUP, LLC
C/O JULIE KLEIN FISCHER
MORROW & FISCHER, PLLC
332 N BROADMORE WAY STE 102
NAMPA, ID 83687-5331

Point of Diversion L7(NESE) S18 T04N R01W ADA County Source
GROUND WATER Tributary BOISE RIVER

Use: IRRIGATION 03/15 to 11/15 0.15 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 36 AF

Total Diversion: 0.15 CFS 36 AF

Date Filed: 08-31-2020

Place Of Use: AESTHETIC STORAGE

T04N R01W S18 L7(NESE) NWSE

Place Of Use: IRRIGATION

T04N R01W S18 L7(NESE) L6(NWSE)

Water bearing zone to be appropriated is from 0 to 30 feet.

63-34972

DUSTIN PORTELA

KATIE PORTELA

8095 S CLOVERDALE RD

BOISE, ID 83709-7318

Point of Diversion NENE S9

T02N R01E ADA County Source TENMILE CREEK Tributary BOISE

RIVER

Use: IRRIGATION 03/01 to 11/15 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 10-29-2020

Place Of Use: IRRIGATION

T02N R01E S9 NENE

Total Acres: 3

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84105

THURMAN MILL DITCH CO LTD, 10611 W TREELINE CT, BOISE, ID 83713 has filed Application No. 84105 for changes to the following water rights within ADA County(s): Right No(s). 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfer>. The purpose of the transfer is to change a portion of the above rights as follows:

The purpose of the transfer is to change the nature of use of a portion of the identified water right to provide diversion to storage and municipal storage in excavated ponds at Bernadine Quinn Riverside Park and Esther Simplot Park. Applicants also propose changing their current service area boundary to account for the park pond and irrigated areas. Water will be diverted from the Boise River at the Thurman Mill Ditch Company headgate.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 12/7/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/19/2020 and 11/26/2020

VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

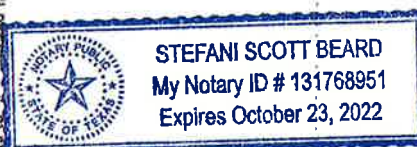
2 Insertions

Beginning issue of: 11/19/2020

Ending issue of: 11/20/2020

V Rodela
(Legals Clerk)

On this 20th day of November in the year of 2020 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Notary Public in and for the state of Texas, residing in Dallas County

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Kaiser, Anna

From: mikemeyerswd63@gmail.com
Sent: Monday, November 16, 2020 8:37 AM
To: Kaiser, Anna; waterdistrict63@qwestoffice.net
Subject: RE: Application for Permit No. 63-34972 & Transfer No. 82161

Anna,

Waterdistrict 63 has no objections as long as lockable controlling works and measuring devices are apart of the water rights.

From: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Sent: Friday, November 13, 2020 1:32 PM
To: waterdistrict63@qwestoffice.net; mikemeyerswd63@gmail.com
Subject: Application for Permit No. 63-34972 & Transfer No. 82161

November 13, 2020

WATER DISTRICT #63

RE: Application for Permit No. 63-34972 & Transfer No. 82161 84105
-AK

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the application are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **December 7, 2020**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

NOV 16 2020

Crystal Jensen

WATER RESOURCES
WESTERN REGION

From: Terry Scanlan
Sent: Tuesday, November 10, 2020 5:49 PM
To: Crystal Jensen
Subject: FW: Thurman Mill Ditch Co. Transfer 84105, Filing Fee, Advertising

Follow Up Flag: Follow up
Flag Status: Flagged

Crystal,

Can you mail a check for \$250 to IDWR? It should be to the attention of Justin Shearer at the Western Region Office, 2735 Airport Way, Boise, ID 83705. You can enclose a copy of this email with the check for reference. Project 389.1000.

Terry

From: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>
Sent: Tuesday, November 10, 2020 5:02 PM
To: Terry Scanlan <TScanlan@spfwater.com>
Subject: Thurman Mill Ditch Co. Transfer 84105, Filing Fee, Advertising

Good evening Terry,

I apologize for the delay on the transfer for Thurman Mill Ditch Co. I am getting this off to advertising this week, however I noticed that \$500.00 was paid for the transfer of 0.48 cfs but not the \$250.00 change in nature of use fee. I will still push this out to advertising, but if you guys could get a check sent over for the remainder fee it would be greatly appreciated.

Feel free to contact me with any questions or concerns.

Thanks and regards,

Justin Shearer
Water Resource Agent, Sr.
(208)-334-2190

Payment Received 11/16/2020
\$250.00
W048881
LE