

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84344**

This is to certify that: **BOISE VALLEY IRRIGATION DITCH CO**
8850 HORSESHOE BEND RD
BOISE, ID 83714

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>
63-147B	WR/DECREED	6/1/1865	3.970 cfs	892.8 af	N/A	2797.2	BOISE RIVER
63-147D	WR/DECREED	6/1/1865	0.790 cfs	190.0 af	42.2	2797.2	BOISE RIVER
63-2360	WR/DECREED	7/19/1921	1.200 cfs	N/A	N/A	2797.2	BOISE RIVER
63-31198	WR/DECREED	6/1/1865	0.110 cfs	24.7 af	N/A	2797.2	BOISE RIVER
63-31832	WR/DECREED	6/1/1865	49.510 cfs	10266.0 af	N/A	17.2	BOISE RIVER
63-31833	WR/DECREED	6/1/1865	0.200 cfs	45.0 af	10.0	2797.2	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>
63-147B	NO	NO	YES	NO	NO	NO
63-147D	NO	NO	YES	NO	NO	NO
63-2360	NO	NO	YES	NO	NO	NO
63-31198	NO	NO	YES	NO	NO	NO
63-31832	NO	NO	YES	NO	NO	NO
63-31833	NO	NO	YES	NO	NO	NO

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>
63-147B	63-147B	3.970 cfs	892.8 af	N/A	2781.2	N/A	N/A	N/A	N/A	N/A
63-147D	63-147D	0.790 cfs	190.0 af	N/A	2781.2	N/A	N/A	N/A	N/A	N/A
63-2360	63-2360	1.200 cfs	N/A	N/A	2781.2	N/A	N/A	N/A	N/A	N/A
63-31198	63-31198	0.110 cfs	24.7 af	N/A	2781.2	N/A	N/A	N/A	N/A	N/A
63-31832	63-31832	49.510 cfs	10266.0 af	N/A	2781.2	N/A	N/A	N/A	N/A	N/A
63-31833	63-31833	0.200 cfs	45.0 af	N/A	2781.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		55.780 cfs	N/A	N/A	2781.2		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 63-147B

Transfer No. 84344

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84344

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 02 day of December, 2020.

for, Pattio Wiley
Chief, Water Allocation Bureau



WATER RIGHT NO. 63-147B
As Modified by Transfer No. 84344

In accordance with the approval of Transfer No. 84344, Water Right No. 63-147B is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8850 HORSESHOE BEND RD
BOISE, ID 83714

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
3.970 cfs
3.970 cfs

Diversion Volume
892.8 af
892.8 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L7 (NWNE) Sec 4 Twp 02N Rge 03E ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. This right is limited to the irrigation of 2781.2 acres within the boundary of Boise Valley Irrigation Ditch Co.

WATER RIGHT NO. 63-147B

As Modified by Transfer No. 84344

CONDITIONS OF APPROVAL

6. 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.
7. 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.
8. During the period beginning October 16 and ending November 15 in any irrigation season, there will be no diversion of water for this right if the amount of water released from Lucky Peak Dam into the Boise River is equal to or less than 240.0 cubic feet per second.
9. During the period beginning March 16 and ending April 15 in any irrigation season, there will be no diversion of water for this right if the amount of water released from Lucky Peak Dam into the Boise River is equal to or less than 1,100.0 cubic feet per second.
10. Transfer No. 5119 transferred 198.4 acres under this right to be used within the Simplot Sports Complex located in portions of Sec. 1, T2N, R2E; Sec. 5 & 6, T.2N, R3E; Sec. 36, T3N, R2E and Sec. 32, T.3N, R3E. These acres are within the digital boundary for the Boise Valley Irrigation Ditch Co.
11. This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 63-2360

As Modified by Transfer No. 84344

In accordance with the approval of Transfer No. 84344, Water Right No. 63-2360 is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8850 HORSESHOE BEND RD
BOISE, ID 83714

Priority Date: 7/19/1921

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
1.200 cfs
1.200 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER SENE Sec 5 Twp 03N Rge 02E ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. This right is limited to the irrigation of 2781.2 acres within the boundary of Boise Valley Irrigation Ditch Co.
6. Water is delivered through the Farmers Union and Boise Valley Canals.

WATER RIGHT NO. 63-2360

As Modified by Transfer No. 84344

CONDITIONS OF APPROVAL

7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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. 63-31198

As Modified by Transfer No. 84344

In accordance with the approval of Transfer No. 84344, Water Right No. 63-31198 is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8850 HORSESHOE BEND RD
BOISE, ID 83714

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

0.110 cfs

0.110 cfs

Diversion Volume

24.7 af

24.7 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

L1 (SESE)

Sec 29 Twp 03N Rge 03E ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. This right is limited to the irrigation of 2781.2 acres within the boundary of Boise Valley Irrigation Ditch Co.

Transfer No. 84344

WATER RIGHT NO. 63-31198

As Modified by Transfer No. 84344

CONDITIONS OF APPROVAL

6. 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.
7. 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.
8. Transfer No. 67107 transferred 5.5 acres under this right to be used at the Idaho Shakespeare Festival grounds in the SWSW, S28 and SESE, S29, T3N, R1E. These acres are within the digital boundary for this ditch company.
9. This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-31833

As Modified by Transfer No. 84344

In accordance with the approval of Transfer No. 84344, Water Right No. 63-31833 is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8850 HORSESHOE BEND RD
BOISE, ID 83714

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

to

To

11/15

Diversion Rate

0.200 cfs

0.200 cfs

Diversion Volume

45.0 af

45.0 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

SESE

Sec 29 Twp 03N Rge 03E ADA County

CONDITIONS OF APPROVAL

1. 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
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. This right is limited to the irrigation of 2781.2 acres within the boundary of Boise Valley Irrigation Ditch Co.

WATER RIGHT NO. 63-31833
As Modified by Transfer No. 84344

CONDITIONS OF APPROVAL

6. 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.
7. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
8. Transfer No. 71032 transferred 10 acres under this right to be used at the Idaho Shakespeare Festival grounds in the SWSW, Sec. 28 and SESE, Sec. 29, T3N. R3E. These acres are within the digital boundaries for this ditch company.
9. This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-147D

As Modified by Transfer No. 84344

In accordance with the approval of Transfer No. 84344, Water Right No. 63-147D is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8850 HORSESHOE BEND RD
BOISE, ID 83714

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

0.790 cfs

0.790 cfs

Diversion Volume

190.0 af

190.0 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

L7 (SENE)

Sec 14 Twp 03N Rge 02E ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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.
5. This right is limited to the irrigation of 2781.2 acres within the boundary of Boise Valley Irrigation Ditch Co.
6. Transfer 67019 authorized the irrigation of 42.2 acres under this right to the service area of United Water Idaho, Inc., generally located within the Columbia Village development area.

WATER RIGHT NO. 63-147D

As Modified by Transfer No. 84344

CONDITIONS OF APPROVAL

7. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
8. 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.
9. This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-31832**As Modified by Transfer No. 84344**

In accordance with the approval of Transfer No. 84344, Water Right No. 63-31832 is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8850 HORSESHOE BEND RD
BOISE, ID 83714

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
AESTHETIC	03/01	to 11/15	0.170 cfs	
AESTHETIC STORAGE	01/01	to 12/31		43.8 af
DIVERSION TO STORAGE	03/01	to 11/15	0.710 cfs	
IRRIGATION	03/01	to 11/15	48.800 cfs	10146.5 af
IRRIGATION FROM STORAGE	03/01	to 11/15		14.5 af
IRRIGATION STORAGE	01/01	to 12/31		14.5 af
MITIGATION	03/01	to 11/15	0.050 cfs	8.8 af
MITIGATION BY NON-USE	1 / 1	to 12/31	0.320 cfs	67.0 af
			49.510 cfs	10266.0 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER SENE Sec 5 Twp 03N Rge 02E ADA County

PLACE OF USE: AESTHETIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	14					X												

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	14					X	X											
04N	01E	23				X									X				
						L 1									L 1				
04N	01E	24										X							
											L 4								

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	14					17.2												17.2

POU Total Acres: 17.2

Transfer No. 84344

WATER RIGHT NO. 63-31832**As Modified by Transfer No. 84344****PLACE OF USE: IRRIGATION STORAGE**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	14					X												

CONDITIONS OF APPROVAL

1. 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.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. The boundary encompassing the irrigation 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.
5. Diversion for irrigation and aesthetic under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.
6. This right is limited to the irrigation of 2781.2 acres within the boundary of Boise Valley Irrigation Ditch Co.
7. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.

Transfer No. 84344

WATER RIGHT NO. 63-31832

As Modified by Transfer No. 84344

CONDITIONS OF APPROVAL

8. The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
9. Transfer 66743 authorizes the diversion of water in the amount of 0.54 cfs and 14.5 af for uses associated with irrigation and a pond constructed in an earlier development phase of the City of Boise's Optimist Park just east of the pond for which this approval (Transfer 73768) proposes mitigation.
10. Transfer 73768 authorizes the diversion of water in the amount of 0.03 cfs and 6.0 af to be used for replacement of losses caused by evaporation from a 1.7 acre surface area pond authorized for aesthetic storage, wildlife storage, recreation storage, and municipal storage under right 63-32146.
11. Transfer 73769 authorizes the diversion of water in the amount of 0.04 cfs and 7.0 af to be used for replacement of losses caused by evaporation from a 2.0 acre surface area pond authorized for aesthetic storage under right 63-11791.
12. Transfer 75285 authorizes the diversion of water in the amount of 0.10 cfs and 16.25 af to be used for replacement of losses caused by evaporation from 4 ponds totaling a surface area of 4.5 acres authorized for aesthetic storage under right 63-33136.
13. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 63-34031. To prevent injury to other water right holders, the right holder shall divert 0.05 cfs of this right but shall return that amount of water unused to the Boise River within the NENW, Section 17, T04N, R01E.

If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 63-34031. 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 use of Right 63-34031 that is being mitigated shall be reduced by the same proportion as the reduction to this right.

14. This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 63-9718 and 63-9751. To prevent injury to other water right holders, the right holder shall leave undiverted 0.32 cfs of this right at the point of diversion from the Boise River within the NESENE Section 5, T03N R02E.

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 use of Rights 63-9718 and 63-9751 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

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

WATER RIGHT NO. 63-31832

As Modified by Transfer No. 84344

CONDITIONS OF APPROVAL

19. 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.



Boise Valley Irrigation Ditch Co

Attachment to Water Right Transfer 84344

63-147b, 63-2360, 63-31198, 63-31833, 63-3147D, 63-31832

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



- Transfer POU
- Townships
- PLS Sections
- Quarter Quarters
- Acres Added

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

Brad Little
Governor

Gary Spackman
Director

December 2, 2020

BOISE VALLEY IRRIGATION DITCH CO
8850 HORSESHOE BEND RD
BOISE ID 83714

RE: Transfer No: 84344

Water Right No(s): 63-147B , 63-147D , 63-2360, 63-31198, 63-31832, 63-31833

Transfer Approval Notice

Dear Water Right Holder (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 concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,



Lynne EVANS

for: Patrick Kelly
Water Rights Supervisor

Enclosure(s)

CC:

JOSHUA FOLGER
1099 W CRESCENT ST
MERIDIAN ID 83646

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.

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2020 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.: 84344

Water Right No(s): 63-147B , 63-147D , 63-2360, 63-31198, 63-31832, 63-31833

BOISE VALLEY IRRIGATION DITCH CO
8850 HORSESHOE BEND RD
BOISE ID 83714

JOSHUA FOLGER
1099 W CRESCENT ST
MERIDIAN ID 83646



Lynne Evans
Office Specialist II

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004779518	NOTICE OF PROPOSED CHANGE OF WATER	Legal Notice	\$106.95	1	5.89 In

Attention: Kensie Thorneycroft

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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84344

BOISE VALLEY IRRIGATION DITCH CO, 8850 Horseshoe Bend Rd, Boise ID 83714 has filed Application No. 84344 for changes to the following water rights within ADA County(s): Right No(s). 63-147B, 63-147D, 63-2360, 63-31198, 63-31832, 63-31833; to see a full description of these rights and the proposed transfer, please see <https://resea.arch.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Boise Valley Irrigation Company (Company) is an irrigation water provider for the Boise area in northern Ada County. The Company filed transfer no. 84344 to extend the place of use to add 25 acres to their service boundary to be developed with 10-15 estates needing irrigation in the SENE QQ of Twp 05N Rge 01W Sec 32. Total diversion rate and volume will not be increased.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 11/2/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 10/15/2020 and 10/22/2020

0004779518-01

✓ OK
AK
11-3-2020

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: 10/15/2020

Ending issue of: 10/22/2020

V Rodela

(Legals Clerk)

On this 22nd day of October 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.



[Signature]

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

MEMORANDUM

TO: Transfer No. 84344
FROM: Tyler Smith
DATE: September 16, 2020
RE: Evaluation of Application

Summary of Information Submitted

Boise Valley Irrigation Company (Company) is an irrigation water provider for the Boise area in northern Ada County. The Company filed transfer no. 84344 to extend the place of use to include 25 acres to their service boundary to be developed with 10-15 estates needing irrigation in the SENE QQ of Twp 05N Rge 01W Sec 32. Total diversion rate and volume will not be increased.

Joshua Folger of Folger Development is the representative for the transfer. Mr. Folger can be reached at 208-830-6779 or josh@folgerdevelopment.com.

Authority to File

The application was filed in the name of Boise Valley Irrigation Company. Boise Valley Irrigation Ditch Co. is the current owner of all water rights included in the transfer application. The application was signed by John Patton, a board member of Boise Valley Irrigation Company who was proper authority to sign on behalf of the company.

Water Right Validity

These rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights

None anticipated. The water will be diverted through the same floodgate #125 as before. An opportunity to claim injury will be presented to water users through public advertisement.

Enlargement of Use

Enlargement of use is not of concern. The additional 25 acres sought in this transfer application will increase the service area for Boise Valley Irrigation Company, however the number of irrigated acres within the permissible place of use and the diversion rate and annual volume for the group of rights will not change. An analysis was done on an included spreadsheet detailing the acres that have been mitigated under each transfer and permit associated with the irrigation district's water rights' permissible acres. Water right 63-31832 correctly showed the districts boundary as limited to 2781.2 acres. Rights 63-31833, 63-147B, 63-147D, 63-2360 and 63-33198 have been updated to accurately reflect the number of acres the district is limited to. Furthermore, 63-31833 was created by a 10 acre split via transfer no. 71032. This was not a mitigation transfer as it recognized a separate diversion system for the Shakespeare Festival. The total number of acres allowed under the District's water rights after this transfer will be 2781.2 since this transfer does not add acres.

Local Public Interest

The transfer application proposes to bring irrigation district water to be delivered to an area currently not serviced by any district. Additionally, the applicant claims that Boise Valley Irrigation shares are not needed in the existing area, as Farmers Union and Middleton Water shares are ample. For these reasons this application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Discussion

The proposed additional 25 acres do not have any irrigation use overlap. The Department interprets Part 1, #4 POU on page 3 of the transfer application to represent the acreage being added, not the total permissible place of use for all of the rights included in the transfer. Furthermore, the total amount of rights in Part 1, #2 is much greater than the 0.5 cfs listed. The total amount being changed is based on the rate per acre of all of the rights being transferred. Due to mitigation use for permit 63-34031, the number of acres for Boise Valley Irrigation Company was reduced by 2.5 acres to 2797.2 acres. The group of water rights authorizes 55.78 cfs for a total of 2792.2 acres equaling 0.02 cfs per acre being transferred. For the 25 acres included in this transfer, the total proposed to be transferred is 0.5 cfs. Therefore the transfer rate 0.5 cfs and fee of \$500 is acceptable for filing.

The 30.5 permissible place of use was removed on conditions for 63-31198 and 63-31833 during processing of this transfer. The conditions suggested an acre limit within a permissible place of use that conflicts with the 2781.2 acre condition for other Boise Valley rights.

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

Summary

Water right 63-31833 included in this transfer is currently leased to the water supply bank. Remington Buyer of the Water Supply Bank provided comment that "there will be no problem with administering lease contract 435 for water right 63-31833, provided that, if transfer 84344 is approved for this year, no more than 0.5 acres occurs for irrigation under the water right this year. Water right 63-31833 is scheduled to be released from the Bank this year, so it can be fully used by the BVIC next year without issue." Assuming other information not yet discovered does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Water right	Original decreed acres	Transfer #	Related Permit # / Party	Acres mitigated	Total Acres after Mitigation
63-31832	2808.43	66743/73768	63-32146 / Optomist Park	1.7	2806.73
		73769	63-11791 / Meadow Creek	2	2804.73
		75285	63-33136 / Woods No. 3	5	2799.73
		71032	63-31833 / Shakespeare Festival	0	2799.73
		79285	63-9718 & 63-9751 / Riverside Village Hoa	16	2783.73
		63-34031	Lawrence Square HOA	2.5	2781.23
		84344 (this transfer)		0	2781.2