

RECEIVED

MAY 26 2020

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 84105**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Thurman Mill Ditch Co. LTD**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Thurman Mill Ditch Co. LTD Phone 208-376-3769
Mailing address 10611 W. Treeline Ct., Boise, ID 83713 Email _____

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

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

☐ No Representative

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

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

Engineering Consultant: Terry Scanlan,
SPF Water Engineering, 383-4140

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

[Signature] Kelly Martin - President 5-11-2020
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☒ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Applicant proposes changing the nature of use of a 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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part <input type="checkbox"/> <input type="checkbox"/>	see attached			to	
<input type="checkbox"/> <input type="checkbox"/>	supplement			to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	
<input type="checkbox"/> <input type="checkbox"/>				to	

Total authorized under rights 35.64 cfs and/or 131.9 acre-feet.

2. Total amount of water proposed to be transferred or changed 35.64 cubic feet per second and/or 131.9 acre-feet per year.

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	4						I,X	I,X		I	I,X	I	I					
								L4	L5			L6							
		5	I,X	I		I									I,X			I	
			L1	L17		L17									L11			L12	
			L17																
4N	2E	33											I	I					
		32														I	I	I	
Total Acres (for irrigation use)																			

I = Additional places of use to be added to current service area

x = Diversion to storage added to right

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF A WATER RIGHT

Supplemental Page for Description of Rights after Transfer**

		<u>Right Number</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
All or Part							
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-135	3.3 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-176	1.6 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-193	0.44 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-210	2.4 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-211	0.9 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-221	0.9 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-250	0.5 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input type="checkbox"/>	<input type="checkbox"/>		23.9 af	Aesthetic Storage	1/1	to 12/31	Boise River / Snake River
<input type="checkbox"/>	<input type="checkbox"/>		0.16 cfs	Diversion to Storage	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-30125	1.86 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-30129	2.1 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-30130	13.6 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input type="checkbox"/>	<input type="checkbox"/>		1.4 cfs	Mitigation by Non-Use	3/1	to 11/15	Boise River / Snake River
<input type="checkbox"/>	<input type="checkbox"/>		108 af	Municipal Storage	1/1	to 12/31	Boise River / Snake River
<input type="checkbox"/>	<input type="checkbox"/>		0.48 cfs	Diversion to Storage	3/1	to 11/15	Boise River / Snake River
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63-30131	6.0 cfs	Irrigation	3/1	to 11/15	Boise River / Snake River
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	
<input type="checkbox"/>	<input type="checkbox"/>					to	

Total authorized under rights 35.64 cfs and/or 131.9 ac-ft

**Insert this page into Part 1B of the Application for Transfer of a Water Right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing headgate, measuring device and pipe under the Boise River to the place of use. Municipal storage use will occur in Bernadine Quinn Riverside Park and Esther Simplot Park ponds developed under water rights 63-32350, 63-32351, and 63-32352.

- b. Who owns the property at the point(s) of diversion? n/a - no change in point of diversion

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Thurman Mill's authorized irrigation will be reduced by 24 acres.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

The proposed pou addition includes a small strip of landscape irrigation along Whitewater Blvd that is located within the Boise City Canal Co. service area. This strip will be irrigated off the Esther Simplot Park PI system.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank, |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

84105

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

Current Water Right No.: 63-135

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 6/1/1864
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total DiversionDiversion Rate

3.3 CFS

3.3 CFS

Annual VolumeLocation of Point(s) of Diversion

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

Place of UseIRRIGATION Within ADA County

T03N R02E S4		NWNW	T03N R02E S4		SWNW
T03N R02E S4	Lot 5	SWNW	T03N R02E S4		NWSW
T03N R02E S4		SWSW	T03N R02E S5		NENE
T03N R02E S5		SENE	T03N R02E S5	Lot 17	SENE
T03N R02E S5	Lot 2	NENW	T03N R02E S5	Lot 3	NWNW
T03N R02E S5	Lot 11	NESE	T03N R02E S5	Lot 12	SESE
T04N R01E S21	Lot 7	SWNE	T04N R01E S21	Lot 8	SENE
T04N R01E S21		SWNW	T04N R01E S21	Lot 5	SWNW
T04N R01E S21		SENW	T04N R01E S21	Lot 6	SENW
T04N R01E S21		NESW	T04N R01E S21		NWSW
T04N R01E S21		SWSW	T04N R01E S21		SESW
T04N R01E S21		NESE	T04N R01E S21		NWSE
T04N R01E S21		SWSE	T04N R01E S21		SESE
T04N R01E S22		SWNE	T04N R01E S22		SWNE
T04N R01E S22		SWNE	T04N R01E S22	Lot 2	SWNE
T04N R01E S22	Lot 7	SWNE	T04N R01E S22		SENE
T04N R01E S22		SENE	T04N R01E S22	Lot 8	SENE
T04N R01E S22	Lot 9	SENE	T04N R01E S22		SWNW
T04N R01E S22	Lot 5	SWNW	T04N R01E S22		SENW
T04N R01E S22	Lot 6	SENW	T04N R01E S22		NESW

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T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE
T04N R02E S31		NWSE

T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE
T04N R02E S31	Lot 7	SWSE

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T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

Conditions of Approval:

1. R65 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. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.
3. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.
4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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.
5. F01 Water is delivered through the Thurman Mill Canal.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. 129 Place of use is within the area served by Thurman Mill Ditch Co.

10. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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. SD1 This right originated as all or part of right no. 7 in the Stewart Decree and the historic Boise River Water Masters records.
12. 172 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.
13. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
14. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-176

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 6/1/1869
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion**Diversion Rate**

1.6 CFS

1.6 CFS

Annual Volume**Location of Point(s) of Diversion**

BOISE RIVER

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

ADA County

BOISE RIVER

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

ADA County

Place of Use**IRRIGATION Within ADA County**

T03N R02E S4		NWNW
T03N R02E S4	Lot 5	SWNW
T03N R02E S4		SWSW
T03N R02E S5		SENE
T03N R02E S5	Lot 2	NENW
T03N R02E S5	Lot 11	NESE
T04N R01E S21	Lot 7	SWNE
T04N R01E S21		SWNW
T04N R01E S21		SENW
T04N R01E S21		NESW
T04N R01E S21		SWSW
T04N R01E S21		NESE
T04N R01E S21		SWSE
T04N R01E S22		SWNE
T04N R01E S22		SWNE
T04N R01E S22	Lot 7	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 9	SENE
T04N R01E S22	Lot 5	SWNW
T04N R01E S22	Lot 6	SENW

T03N R02E S4		SWNW
T03N R02E S4		NWSW
T03N R02E S5		NENE
T03N R02E S5	Lot 17	SENE
T03N R02E S5	Lot 3	NWNW
T03N R02E S5	Lot 12	SESE
T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 6	SENW
T04N R01E S21		NWSW
T04N R01E S21		SESW
T04N R01E S21		NWSE
T04N R01E S21		SESE
T04N R01E S22		SWNE
T04N R01E S22	Lot 2	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 8	SENE
T04N R01E S22		SWNW
T04N R01E S22		SENW
T04N R01E S22		NESW

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T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE
T04N R02E S31		NWSE

T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE
T04N R02E S31	Lot 7	SWSE

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T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

Conditions of Approval:

1. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
2. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.
4. 004 This right does not grant any right-of-way or easement across the land of another.
5. SD1 This right originated as all or part of right no. 42 in the Stewart Decree and the historic Boise River Water Masters records.
6. R65 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.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.
9. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. F01 Water is delivered through the Thurman Mill Canal.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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13. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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. 172 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.
15. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-193

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 6/1/1876
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

0.44 CFS

0.44 CFS

Annual Volume

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T03N R02E S4		NWNW	T03N R02E S4		SWNW
T03N R02E S4	Lot 5	SWNW	T03N R02E S4		NWSW
T03N R02E S4		SWSW	T03N R02E S5		NENE
T03N R02E S5		SENE	T03N R02E S5	Lot 17	SENE
T03N R02E S5	Lot 2	NENW	T03N R02E S5	Lot 3	NWNW
T03N R02E S5	Lot 11	NESE	T03N R02E S5	Lot 12	SESE
T04N R01E S21	Lot 7	SWNE	T04N R01E S21	Lot 8	SENE
T04N R01E S21		SWNW	T04N R01E S21	Lot 5	SWNW
T04N R01E S21		SENE	T04N R01E S21	Lot 6	SENE
T04N R01E S21		NESW	T04N R01E S21		NWSW
T04N R01E S21		SWSW	T04N R01E S21		SESW
T04N R01E S21		NESE	T04N R01E S21		NWSE
T04N R01E S21		SWSE	T04N R01E S21		SESE
T04N R01E S22		SWNE	T04N R01E S22		SWNE
T04N R01E S22		SWNE	T04N R01E S22	Lot 2	SWNE
T04N R01E S22	Lot 7	SWNE	T04N R01E S22		SENE
T04N R01E S22		SENE	T04N R01E S22	Lot 8	SENE
T04N R01E S22	Lot 9	SENE	T04N R01E S22		SWNW
T04N R01E S22	Lot 5	SWNW	T04N R01E S22		SENE
T04N R01E S22	Lot 6	SENE	T04N R01E S22		NESW

T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE
T04N R02E S31		NWSE

T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE
T04N R02E S31	Lot 7	SWSE

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T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

Conditions of Approval:

1. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. R65 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.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. 129 Place of use is within the area served by Thurman Mill Ditch Co.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.
10. 172 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.

Page _____ of _____

11. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. SD1 This right originated as all or part of right no. 62 in the Stewart Decree and the historic Boise River Water Masters records.
14. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
15. F01 Water is delivered through the Thurman Mill Canal.

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-210

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 6/1/1880
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion**Diversion Rate**

2.4 CFS

2.4 CFS

Annual Volume**Location of Point(s) of Diversion**

BOISE RIVER

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

ADA County

BOISE RIVER

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

ADA County

Place of Use**IRRIGATION Within ADA County**

T03N R02E S4		NWNW
T03N R02E S4	Lot 5	SWNW
T03N R02E S4		SWSW
T03N R02E S5		SENE
T03N R02E S5	Lot 2	NENW
T03N R02E S5	Lot 11	NESE
T04N R01E S21	Lot 7	SWNE
T04N R01E S21		SWNW
T04N R01E S21		SENE
T04N R01E S21		NESW
T04N R01E S21		SWSW
T04N R01E S21		NESE
T04N R01E S21		SWSE
T04N R01E S22		SWNE
T04N R01E S22		SWNE
T04N R01E S22	Lot 7	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 9	SENE
T04N R01E S22	Lot 5	SWNW
T04N R01E S22	Lot 6	SENE

T03N R02E S4		SWNW
T03N R02E S4		NWSW
T03N R02E S5		NENE
T03N R02E S5	Lot 17	SENE
T03N R02E S5	Lot 3	NWNW
T03N R02E S5	Lot 12	SESE
T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 6	SENE
T04N R01E S21		NWSW
T04N R01E S21		SESW
T04N R01E S21		NWSE
T04N R01E S21		SESE
T04N R01E S22		SWNE
T04N R01E S22	Lot 2	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 8	SENE
T04N R01E S22		SWNW
T04N R01E S22		SENE
T04N R01E S22		NESW

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T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE
T04N R02E S31		NWSE

T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE
T04N R02E S31	Lot 7	SWSE

Page _____ of _____

T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SNNW
T04N R02E S32	Lot 5	SNNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

Conditions of Approval:

1. 129 Place of use is within the area served by Thurman Mill Ditch Co.
2. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.
3. 172 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.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
9. R65 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.

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10. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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.
11. F01 Water is delivered through the Thurman Mill Canal.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. SD1 This right originated as all or part of right no. 75 in the Stewart Decree and the historic Boise River Water Masters records.
15. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-211

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 10/20/1880
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

0.9 CFS

0.9 CFS

Annual Volume

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T03N R02E S4		NWNW
T03N R02E S4	Lot 5	SWNW
T03N R02E S4		SWSW
T03N R02E S5		SENE
T03N R02E S5	Lot 2	NENW
T03N R02E S5	Lot 11	NESE
T04N R01E S21	Lot 7	SWNE
T04N R01E S21		SWNW
T04N R01E S21		SENE
T04N R01E S21		NESW
T04N R01E S21		SWSW
T04N R01E S21		NESE
T04N R01E S21		SWSE
T04N R01E S22		SWNE
T04N R01E S22		SWNE
T04N R01E S22	Lot 7	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 9	SENE
T04N R01E S22	Lot 5	SWNW
T04N R01E S22	Lot 6	SENE

T03N R02E S4		SWNW
T03N R02E S4		NWSW
T03N R02E S5		NENE
T03N R02E S5	Lot 17	SENE
T03N R02E S5	Lot 3	NWNW
T03N R02E S5	Lot 12	SESE
T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 6	SENE
T04N R01E S21		NWSW
T04N R01E S21		SESW
T04N R01E S21		NWSE
T04N R01E S21		SESE
T04N R01E S22		SWNE
T04N R01E S22	Lot 2	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 8	SENE
T04N R01E S22		SWNW
T04N R01E S22		SENE
T04N R01E S22		NESW

Page _____ of _____

T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE
T04N R02E S31		NWSE

T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE
T04N R02E S31	Lot 7	SWSE

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T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. SD1 This right originated as all or part of right no. 76 in the Stewart Decree and the historic Boise River Water Masters records.
4. 129 Place of use is within the area served by Thurman Mill Ditch Co.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. R65 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.
9. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
10. F01 Water is delivered through the Thurman Mill Canal.

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11. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.
13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
14. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
15. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-221

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 6/1/1883
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

0.9 CFS

0.9 CFS

Annual Volume

Location of Point(s) of Diversion

BOISE RIVER

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

ADA County

BOISE RIVER

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T03N R02E S4		NWNW
T03N R02E S4	Lot 5	SWNW
T03N R02E S4		SWSW
T03N R02E S5		SENE
T03N R02E S5	Lot 2	NENW
T03N R02E S5	Lot 11	NESE
T04N R01E S21	Lot 7	SWNE
T04N R01E S21		SWNW
T04N R01E S21		SENE
T04N R01E S21		NESW
T04N R01E S21		SWSW
T04N R01E S21		NESE
T04N R01E S21		SWSE
T04N R01E S22		SWNE
T04N R01E S22		SWNE
T04N R01E S22	Lot 7	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 9	SENE
T04N R01E S22	Lot 5	SWNW
T04N R01E S22	Lot 6	SENE

T03N R02E S4		SWNW
T03N R02E S4		NWSW
T03N R02E S5		NENE
T03N R02E S5	Lot 17	SENE
T03N R02E S5	Lot 3	NWNW
T03N R02E S5	Lot 12	SESE
T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 6	SENE
T04N R01E S21		NWSW
T04N R01E S21		SESW
T04N R01E S21		NWSE
T04N R01E S21		SESE
T04N R01E S22		SWNE
T04N R01E S22	Lot 2	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 8	SENE
T04N R01E S22		SWNW
T04N R01E S22		SENE
T04N R01E S22		NESW

Page _____ of _____

T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE
T04N R02E S31		NWSE

T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE
T04N R02E S31	Lot 7	SWSE

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T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

Conditions of Approval:

1. 172 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. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.
3. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. 129 Place of use is within the area served by Thurman Mill Ditch Co.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. SD1 This right originated as all or part of right no. 87 in the Stewart Decree and the historic Boise River Water Masters records.
9. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.
10. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

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- | | | |
|-----|-----|---|
| 11. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 12. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 13. | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |
| 14. | S45 | Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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. |
| 15. | F01 | Water is delivered through the Thurman Mill Canal. |

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-250

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 7/1/1895
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION	03/01 to 11/15
DIVERSION TO STORAGE	03/01 to 11/15
AESTHETIC STORAGE	01/01 to 12/31
<u>Total Diversion</u>	

Tributary

SNAKE RIVER

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.5 CFS	
0.16 CFS	
	23.9 AF
0.66 CFS	

Location of Point(s) of Diversion

BOISE RIVER ADA County	L11(NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E B.M.
BOISE RIVER ADA County	L11(NE1/4SE1/4)	Sec. 5, Twp 03N, Rge 02E B.M.

Place of Use**IRRIGATION Within ADA County**

T03N R02E S4	NWNW	T03N R02E S4	SWNW
T03N R02E S4 Lot 5	SWNW	T03N R02E S4	NWSW
T03N R02E S4	SWSW	T03N R02E S5	NENE
T03N R02E S5	SENE	T03N R02E S5 Lot 17	SENE
T03N R02E S5 Lot 2	NENW	T03N R02E S5 Lot 3	NWNW
T03N R02E S5 Lot 11	NESE	T03N R02E S5 Lot 12	SESE
T04N R01E S21 Lot 7	SWNE	T04N R01E S21 Lot 8	SENE
T04N R01E S21	SWNW	T04N R01E S21 Lot 5	SWNW
T04N R01E S21	SENW	T04N R01E S21 Lot 6	SENW
T04N R01E S21	NESW	T04N R01E S21	NWSW
T04N R01E S21	SWSW	T04N R01E S21	SESW
T04N R01E S21	NESE	T04N R01E S21	NWSE
T04N R01E S21	SWSE	T04N R01E S21	SESE
T04N R01E S22	SWNE	T04N R01E S22	SWNE
T04N R01E S22	SWNE	T04N R01E S22 Lot 2	SWNE
T04N R01E S22 Lot 7	SWNE	T04N R01E S22	SENE
T04N R01E S22	SENE	T04N R01E S22 Lot 8	SENE
T04N R01E S22 Lot 9	SENE	T04N R01E S22	SWNW

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T04N R01E S22	Lot 5	SWNW
T04N R01E S22	Lot 6	SENW
T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW

T04N R01E S22		SENW
T04N R01E S22		NESW
T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE

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T04N R02E S31	Lot 12	NESE	T04N R02E S31	Lot 13	NESE
T04N R02E S31		NWSE	T04N R02E S31	Lot 7	SWSE
T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

AESTHETIC STORAGE Within County

Total Acres: 1703.8

DIVERSION TO STORAGE Within County

Total Acres: 1703.8

Conditions of Approval:

1. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.
2. F01 Water is delivered through the Thurman Mill Canal.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 172 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.
6. R65 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.
7. Aesthetic storage is for amenity ponds in Lakemoor Subdivision.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. 129 Place of use is within the area served by Thurman Mill Ditch Co.
10. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.

11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
13. 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.
14. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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.
15. SD1 This right originated as all or part of right no. 128 in the Stewart Decree and the historic Boise River Water Masters records.
16. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
17. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-30125

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 6/1/1865
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

1.86 CFS

1.86 CFS

Annual Volume

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T03N R02E S4		NWNW
T03N R02E S4	Lot 5	SWNW
T03N R02E S4		SWSW
T03N R02E S5		SENE
T03N R02E S5	Lot 2	NENW
T03N R02E S5	Lot 11	NESE
T04N R01E S21	Lot 7	SWNE
T04N R01E S21		SWNW
T04N R01E S21		SENW
T04N R01E S21		NESW
T04N R01E S21		SWSW
T04N R01E S21		NESE
T04N R01E S21		SWSE
T04N R01E S22		SWNE
T04N R01E S22		SWNE
T04N R01E S22	Lot 7	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 9	SENE
T04N R01E S22	Lot 5	SWNW
T04N R01E S22	Lot 6	SENW

T03N R02E S4		SWNW
T03N R02E S4		NWSW
T03N R02E S5		NENE
T03N R02E S5	Lot 17	SENE
T03N R02E S5	Lot 3	NWNW
T03N R02E S5	Lot 12	SESE
T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 6	SENW
T04N R01E S21		NWSW
T04N R01E S21		SESW
T04N R01E S21		NWSE
T04N R01E S21		SESE
T04N R01E S22		SWNE
T04N R01E S22	Lot 2	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 8	SENE
T04N R01E S22		SWNW
T04N R01E S22		SENW
T04N R01E S22		NESW

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T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE
T04N R02E S31		NWSE

T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE
T04N R02E S31	Lot 7	SWSE

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T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

Conditions of Approval:

1. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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.
2. F01 Water is delivered through the Thurman Mill Canal.
3. 172 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.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
9. 129 Place of use is within the area served by Thurman Mill Ditch Co.

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- | | | |
|-----|-----|---|
| 10. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 11. | X27 | This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666. |
| 12. | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |
| 13. | F06 | The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131. |
| 14. | R65 | 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. |
| 15. | SD1 | 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. |
| 16. | | This right is a combination of Rights 63-139 and 63-141. |

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-30129

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 6/1/1872
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

2.1 CFS

2.1 CFS

Annual Volume

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T03N R02E S4		NWNW
T03N R02E S4	Lot 5	SWNW
T03N R02E S4		SWSW
T03N R02E S5		SENE
T03N R02E S5	Lot 2	NENW
T03N R02E S5	Lot 11	NESE
T04N R01E S21	Lot 7	SWNE
T04N R01E S21		SWNW
T04N R01E S21		SENE
T04N R01E S21		NESW
T04N R01E S21		SWSW
T04N R01E S21		NESE
T04N R01E S21		SWSE
T04N R01E S22		SWNE
T04N R01E S22		SWNE
T04N R01E S22	Lot 7	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 9	SENE
T04N R01E S22	Lot 5	SWNW
T04N R01E S22	Lot 6	SENE

T03N R02E S4		SWNW
T03N R02E S4		NWSW
T03N R02E S5		NENE
T03N R02E S5	Lot 17	SENE
T03N R02E S5	Lot 3	NWNW
T03N R02E S5	Lot 12	SESE
T04N R01E S21	Lot 8	SENE
T04N R01E S21	Lot 5	SWNW
T04N R01E S21	Lot 6	SENE
T04N R01E S21		NWSW
T04N R01E S21		SESW
T04N R01E S21		NWSE
T04N R01E S21		SESE
T04N R01E S22		SWNE
T04N R01E S22	Lot 2	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 8	SENE
T04N R01E S22		SWNW
T04N R01E S22		SENE
T04N R01E S22		NESW

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T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENE
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENE
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE
T04N R02E S31		NWSE

T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENE
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENE
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE
T04N R02E S31	Lot 7	SWSE

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T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

Conditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
2. 004 This right does not grant any right-of-way or easement across the land of another.
3. This right is a combination of Rights 63-142 and 63-143.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. F01 Water is delivered through the Thurman Mill Canal.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. R65 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.
8. SD1 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.
9. 129 Place of use is within the area served by Thurman Mill Ditch Co.
10. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.
11. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

13. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
14. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.
15. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
16. 172 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.

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-30130

Current Owner: THURMAN MILL DITCH CO LTD
Priority Date: 6/1/1868
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

	<u>From</u>	<u>To</u>
IRRIGATION	03/01 to 11/15	
MITIGATION BY NON-USE	03/01 to 11/15	

Diversion Rate

14.08 CFS
1.4 CFS

Annual Volume

Total Diversion

15.48 CFS

Location of Point(s) of Diversion

BOISE RIVER
ADA County
BOISE RIVER
ADA County

L11(NE1/4SE1/4)	Sec. 5,	Twp 03N,	Rge 02E B.M.
L11(NE1/4SE1/4)	Sec. 5,	Twp 03N,	Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T03N R02E S4		NWNW	T03N R02E S4		SWNW
T03N R02E S4	Lot 5	SWNW	T03N R02E S4		NWSW
T03N R02E S4		SWSW	T03N R02E S5		NENE
T03N R02E S5		SENE	T03N R02E S5	Lot 17	SENE
T03N R02E S5	Lot 2	NENW	T03N R02E S5	Lot 3	NWNW
T03N R02E S5	Lot 11	NESE	T03N R02E S5	Lot 12	SESE
T04N R01E S21	Lot 7	SWNE	T04N R01E S21	Lot 8	SENE
T04N R01E S21		SWNW	T04N R01E S21	Lot 5	SWNW
T04N R01E S21		SENW	T04N R01E S21	Lot 6	SENW
T04N R01E S21		NESW	T04N R01E S21		NWSW
T04N R01E S21		SWSW	T04N R01E S21		SESW
T04N R01E S21		NESE	T04N R01E S21		NWSE
T04N R01E S21		SWSE	T04N R01E S21		SESE
T04N R01E S22		SWNE	T04N R01E S22		SWNE
T04N R01E S22		SWNE	T04N R01E S22	Lot 2	SWNE
T04N R01E S22	Lot 7	SWNE	T04N R01E S22		SENE
T04N R01E S22		SENE	T04N R01E S22	Lot 8	SENE
T04N R01E S22	Lot 9	SENE	T04N R01E S22		SWNW
T04N R01E S22	Lot 5	SWNW	T04N R01E S22		SENW

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T04N R01E S22	Lot 6	SENW
T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE

T04N R01E S22		NESW
T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE

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T04N R02E S31		NWSE	T04N R02E S31	Lot 7	SWSE
T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

MITIGATION BY NON-USE Within County

Total Acres: 1703.8

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. 172 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.
4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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.
5. SD1 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.
6. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.
7. 129 Place of use is within the area served by Thurman Mill Ditch Co.
8. 004 This right does not grant any right-of-way or easement across the land of another.

9. 193 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 1.40 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, and 63-34722.
10. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. This right is a combination of Rights 63-169E and 63-170B.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. F01 Water is delivered through the Thurman Mill Canal.
14. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.
15. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
16. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
17. R65 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.

Decreed Date: 3/24/2009

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

Current Water Right No.: 63-30131

Current Owner: THURMAN MILL DITCH CO LTD

Priority Date: 6/1/1882

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Total Diversion

Diversion Rate

6 CFS

6 CFS

Annual Volume

Location of Point(s) of Diversion

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

BOISE RIVER

ADA County

L11(NE1/4SE1/4)

Sec. 5, Twp 03N, Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T03N R02E S4		NVNW
T03N R02E S4	Lot 5	SWNW
T03N R02E S4		SWSW
T03N R02E S5		SENE
T03N R02E S5	Lot 2	NENW
T03N R02E S5	Lot 11	NESE
T04N R01E S21	Lot 7	SWNE
T04N R01E S21		SWNW
T04N R01E S21		SENW
T04N R01E S21		NESW
T04N R01E S21		SWSW
T04N R01E S21		NESE
T04N R01E S21		SWSE
T04N R01E S22		SWNE
T04N R01E S22		SWNE
T04N R01E S22	Lot 7	SWNE
T04N R01E S22		SENE
T04N R01E S22	Lot 9	SENE
T04N R01E S22	Lot 5	SWNW
T04N R01E S22	Lot 6	SENW

T03N	R02E	S4		SWNW
T03N	R02E	S4		NWSW
T03N	R02E	S5		NENE
T03N	R02E	S5	Lot 17	SENE
T03N	R02E	S5	Lot 3	NWNW
T03N	R02E	S5	Lot 12	SESE
T04N	R01E	S21	Lot 8	SENE
T04N	R01E	S21	Lot 5	SWNW
T04N	R01E	S21	Lot 6	SENW
T04N	R01E	S21		NWSW
T04N	R01E	S21		SESW
T04N	R01E	S21		NWSE
T04N	R01E	S21		SESE
T04N	R01E	S22		SWNE
T04N	R01E	S22	Lot 2	SWNE
T04N	R01E	S22		SENE
T04N	R01E	S22	Lot 8	SENE
T04N	R01E	S22		SWNW
T04N	R01E	S22		SENW
T04N	R01E	S22		NESW

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T04N R01E S22		NWSW
T04N R01E S22		SESW
T04N R01E S22	Lot 8	NESE
T04N R01E S22		NWSE
T04N R01E S22		SWSE
T04N R01E S23		SWNW
T04N R01E S23	Lot 8	SWNW
T04N R01E S23		NESW
T04N R01E S23	Lot 10	NESW
T04N R01E S23	Lot 5	NWSW
T04N R01E S23	Lot 9	NWSW
T04N R01E S23	Lot 10	SESW
T04N R01E S23	Lot 7	NESE
T04N R01E S23	Lot 7	NWSE
T04N R01E S23		SESE
T04N R01E S24	Lot 5	SWSW
T04N R01E S25	Lot 3	NENE
T04N R01E S25	Lot 3	NWNE
T04N R01E S25		SENE
T04N R01E S25	Lot 4	NENW
T04N R01E S25		SWNW
T04N R01E S25		NESW
T04N R01E S25		SESW
T04N R01E S25		NWSE
T04N R01E S25		SESE
T04N R01E S26		NWNE
T04N R01E S26		SENE
T04N R01E S26		NWNW
T04N R01E S26		SENW
T04N R01E S27		NENE
T04N R01E S27		NENW
T04N R01E S36		NWNE
T04N R02E S30		SWNW
T04N R02E S30		NESW
T04N R02E S30		NWSW
T04N R02E S30	Lot 6	NWSW
T04N R02E S30	Lot 7	SWSW
T04N R02E S30	Lot 8	SESW
T04N R02E S30	Lot 8	SWSE
T04N R02E S31	Lot 1	NENE
T04N R02E S31	Lot 2	NWNE
T04N R02E S31		SENE
T04N R02E S31	Lot 14	SENE
T04N R02E S31	Lot 3	NWNW
T04N R02E S31		SENW
T04N R02E S31		SESW
T04N R02E S31	Lot 12	NESE
T04N R02E S31		NWSE

T04N R01E S22		SWSW
T04N R01E S22		NESE
T04N R01E S22	Lot 10	NESE
T04N R01E S22	Lot 11	NWSE
T04N R01E S22		SESE
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S23	Lot 6	NESW
T04N R01E S23		NWSW
T04N R01E S23	Lot 8	NWSW
T04N R01E S23	Lot 9	SWSW
T04N R01E S23		NESE
T04N R01E S23		NWSE
T04N R01E S23		SWSE
T04N R01E S23	Lot 11	SESE
T04N R01E S25		NENE
T04N R01E S25		NWNE
T04N R01E S25		SWNE
T04N R01E S25	Lot 2	SENE
T04N R01E S25		NWNW
T04N R01E S25		SENW
T04N R01E S25		NWSW
T04N R01E S25		NESE
T04N R01E S25		SWSE
T04N R01E S26		NENE
T04N R01E S26		SWNE
T04N R01E S26		NENW
T04N R01E S26		SWNW
T04N R01E S26		NESE
T04N R01E S27		NWNE
T04N R01E S36		NENE
T04N R01E S36		SENE
T04N R02E S30	Lot 6	SWNW
T04N R02E S30	Lot 2	NESW
T04N R02E S30	Lot 3	NWSW
T04N R02E S30		SWSW
T04N R02E S30		SESW
T04N R02E S30		SWSE
T04N R02E S31		NENE
T04N R02E S31		NWNE
T04N R02E S31		SWNE
T04N R02E S31	Lot 1	SENE
T04N R02E S31		NENW
T04N R02E S31	Lot 4	SWNW
T04N R02E S31		NESW
T04N R02E S31		NESE
T04N R02E S31	Lot 13	NESE
T04N R02E S31	Lot 7	SWSE

Page _____ of _____

T04N R02E S31	Lot 10	SWSE	T04N R02E S31	Lot 9	SESE
T04N R02E S31	Lot 11	SESE	T04N R02E S32		SWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32		NESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32	Lot 8	NESW
T04N R02E S32		NWSW	T04N R02E S32	Lot 6	NWSW
T04N R02E S32	Lot 7	NWSW	T04N R02E S32		SWSW
T04N R02E S32		SESW	T04N R02E S32	Lot 8	SESW
T04N R02E S32		SWSE	T04N R02E S32	Lot 8	SWSE

Total Acres: 1703.8

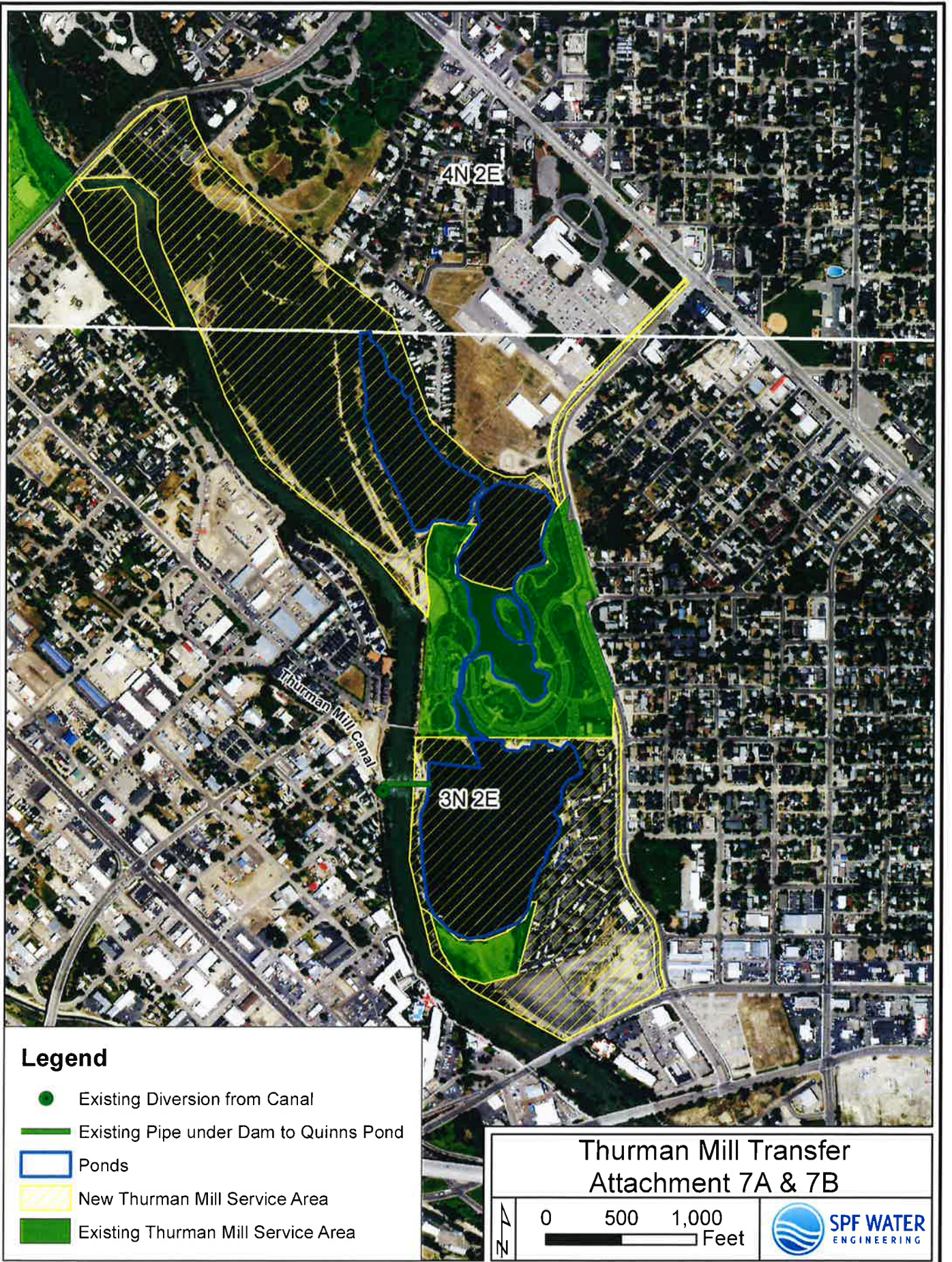
Conditions of Approval:

1. R65 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. 004 This right does not grant any right-of-way or easement across the land of another.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
5. SD1 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.
6. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1965 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. F06 The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 30130, 63-30131.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 129 Place of use is within the area served by Thurman Mill Ditch Co.

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10. 172 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.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
14. X27 This right is limited to the irrigation of 1703.8 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 non-irrigation. Additionally, 27 acres have been dedicated to mitigate right 63-34659, 5 acres have been dedicated to mitigate right 63-34713, 3 acres have been dedicated to mitigate right 63-34714, 4 acres have been dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.
15. This right is a combination of Rights 63-140, 63-212, 63-214B and 63-219 (part).
16. F01 Water is delivered through the Thurman Mill Canal.

Decreed Date: 3/24/2009



TRANSFER CHANGE IN NATURE OF USE REMARKS**Summary**

The nature of use for a 0.48 cfs portion of water right 63-30130 will be changed from irrigation to diversion to storage and municipal storage. The municipal storage use will occur in the pond system at Bernadine Quinn Riverside Park and Esther Simplot Park. The water will be diverted from the Boise River at the Thurman Mill Ditch Company (Thurman Mill) headgate. From the headgate, the water will be piped into the ponds where it will be stored with City of Boise municipal storage water rights 63-32350, 63-32351, and 63-32352.

The diversion to storage in the ponds will mitigate any impacts to senior priority Boise River water rights resulting from pond evaporation losses. Prior to submitting this application, the applicant initially proposed mitigation using 15 shares (0.30 cfs of 63-30130). However, following informal review of the mitigation concept, the Idaho Department of Water Resources has recommended increasing the mitigation to 23.3 shares as detailed in an email (attached) dated July 18, 2018 from Nick Miller to John Roldan and Terry Scanlan. The applicant has obtained 24 shares (rounding up from 23.3 shares) for this purpose. Although the applicant is agreeing to mitigate with 24 shares, we believe this amount of water far over mitigates for evaporative losses from these ponds because Thurman Mill water shares historically deliver at a full 0.02 cfs per share for the full season, which provides more than 300% of the annual evaporation volume.

Background

Water storage for three ponds at Esther Simplot Park and Bernadine Quinn Riverside Park is authorized under decreed water rights 63-32350, 63-32351, and 63-32352 which allow total municipal storage of 920 acre feet. The ponds were recently configured during the construction of Esther Simplot Park and now have a total storage volume of 790 acre feet.

The source of water for the ponds is listed as the Boise River. Priority dates for the water rights are August 30, 1956. This priority date is junior to nearly all Boise River irrigation water rights. As a result, the water rights are not in priority during summer months. The ponds are assumed to be in direct hydraulic connection with the adjacent Boise River, and evaporation from the ponds is assumed to result in an equivalent depletion to river flow. Mitigation to Boise River flows is required to offset the evaporative losses from the ponds. Mitigation will be accomplished by diverting 0.48 cfs of Thurman Mill water right 63-30130 (represented by 24 shares of Thurman Mill) into municipal storage in the ponds. A portion of the diverted water will be lost to evaporation, with the balance spilling back to the river.

Mitigation Calculations

Evaporative Loss Data. The ponds and connecting channels have a combined surface area of 44 acres. The evaporation loss and subsequent depletion rate to river flows can be estimated based on the ET Idaho (<http://data.kimberly.uidaho.edu/ETIdaho/>) precipitation deficit tables for the Boise Airport weather station. The ponds have average depths of approximately 20 feet, consistent with "deep systems" (i.e., lakes and reservoirs with depths in excess of 13 feet). Evaporation data for deep system based on Boise Airport weather station data are provided as Table 1.

Evaporative Volume Requiring Mitigation. The annual evaporation volume from the 44 acres of pond surface will be approximately 47.3 acre feet (Table 2), but the irrigation season (April-

October) evaporative loss is slightly less at 45.3 acre feet. We assume that only the irrigation season evaporative loss must be mitigated.

Historical Consumptive Volume from Mitigation Water Right. The annual precipitation deficits (i.e., consumptive volumes) for typical crops historically grown in the Thurman Mill service area are listed in Table 3, and average 3.03 acre feet per acre. Assuming an average precipitation deficit of 3.03 acre feet per acre, the 45.3 acre-foot irrigation season evaporative loss from the ponds is equivalent to the annual consumption from 15.0 irrigated acres within the Thurman Mill service area.

Delivery Volume from Mitigation Water Right. Water right 63-30130 has a priority date of June 1, 1868. In a typical year, water right 63-30130 might be 100 percent deliverable through June and 60% deliverable through October; for this delivery schedule, a 0.48 cfs portion of the right would yield an annual volume of approximately 156.9 acre feet (Table 4). Upon transfer, the 0.48 cfs transferred portion of the right will be limited to 108 acre feet (i.e., 4.5 af/ac x 24 ac) annual volume which will be more than adequate to supply the 45.3 acre foot annual consumptive volume.

Mitigation Water Right Flow Rate. The mitigation must be deliverable during low-flow periods. For this project, the mitigation water right must be capable of offsetting the daily evaporative loss during the peak evaporation month of July. The average peak month daily evaporative loss from 44 acres of pond surface area is 0.305 af/day, equivalent to a flow rate of 0.154 cfs (Table 2).

Table 4 and Figure 1 provide a calculation of mitigation flow and volume availability. The table shows that 0.48 cfs (24 shares at 0.02 cfs/ac) of Thurman Mill water right 63-30130 will provide 0.288 cfs of natural flow when right 63-30130 is curtailed to 60%. This flow rate is sufficient to offset the 0.154 cfs evaporation loss from 44 acres of pond surface during the peak month of evaporative loss.

Adequacy of Thurman Mill Shares. The Thurman Mill water right portfolio is provided in Table 5 and further described below.

- Thurman Mill holds 11 Boise River water rights of varying priorities with a total diversion rate of 35.64 cfs. The water rights supply 33.6 cfs of irrigation to 1703.8 acres at full delivery for an average delivery rate of 0.020 cfs per acre. Boise River water rights with priority dates senior to approximately 1877 are considered deliverable all season, but are typically reduced to 60% under the Stewart Decree provisions during times of low natural flow in the River. At times of curtailment to 60% for rights senior to 1877, and full curtailment for rights junior 1877, the Thurman Mill Boise River water right portfolio will yield a diversion rate of 24.78 cfs.
- The Thurman Mill Boise River water rights are supplemented by 11.42 cfs of waste water from Drainage District No. 4 under water right 63-31936 and up to 20 cfs of waste water from Drainage District No. 4 under water right 63-31935. Water right 63-31936 is diverted from the Boise River at the Thurman Mill headgate, while right 63-31935 is diverted from the Junction Drain into the Thurman Mill Canal. These water rights are not reduced by the Stewart Decree, and are considered deliverable at 100% provided the drainage water is present.

- The Thurman Mill natural flow water rights are further supplemented with 800 acre feet of Lucky Peak storage.

The combination of Boise River water rights when fully curtailed to 1877 (24.78 cfs) and Drainage District No. 4 water right 63-31936 (11.42 cfs) provides 36.2 cfs to Thurman Mill's Boise River headgate which exceeds 0.02 cfs over the 1703.8-acre service area. These rights are further supplemented by Drainage District No. 4 water right 63-31935 and Lucky Peak storage. Therefore, Thurman Mill can deliver a full miner's inch per acre (0.02 cfs per acre) per share for the duration of each irrigation season.

Conclusion

A 0.48 cfs portion of water right 63-30130 will yield adequate flow rate, diversion volume, and consumptive volume to offset evaporative losses from 44 acres of pond surface. The nature of use will be changed from irrigation to diversion to storage with an annual municipal storage volume of 108 af (24 acres x 4.5 af/ac). Irrigation acres within the Thurman Mill service area will be reduced by 24 acres (from 1703.8 to 1679.8) to recognize the water right change in nature of use. Municipal storage in the ponds (storage volume plus evaporative volume) is also authorized under existing municipal storage water rights 63-32350, 63-32351, and 63-32352.

Table 1. Average daily evaporation losses (precipitation deficit, mm) from deep pond or lake systems in Boise Idaho (Source: ETIdaho2012 <http://data.kimberly.uidaho.edu/ETIdaho/>)

Open water - deep systems (lakes, reservoirs)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season	Non Growing Season	Annual
Mean	mm/day												mm		
Monthly	-0.37	0.25	0.21	0.72	0.81	1.73	2.11	1.82	1.49	1.57	-0.06	-0.53	299	0	299
Boise WSFO Airport (NWS -- 101022)															
Statistics based on thirty year normal spans 1979 to 2010 years															

Table 2. Mitigation Water Requirement for 44-Acre Pond Area

Month	Days per Month	Mean Monthly Pdef		Mean Monthly Pdef		Evaporation Loss for 44-acre Pond Surface Area		
		mm/day	mm/mo	in/day	in/mo	af/mo	af/day	cfs
Jan	31	-0.37	-11.47	-0.01	-0.45			
Feb	28	0.25	7.00	0.01	0.28	1.01	0.036	0.018
Mar	31	0.21	6.51	0.01	0.26	0.94	0.030	0.015
Apr	30	0.72	21.60	0.03	0.85	3.12	0.104	0.052
May	31	0.81	25.11	0.03	0.99	3.62	0.117	0.059
Jun	30	1.73	51.90	0.07	2.04	7.49	0.250	0.126
Jul	31	2.11	65.41	0.08	2.58	9.44	0.305	0.154
Aug	31	1.82	56.42	0.07	2.22	8.14	0.263	0.132
Sep	30	1.49	44.70	0.06	1.76	6.45	0.215	0.108
Oct	31	1.57	48.67	0.06	1.92	7.03	0.227	0.114
Nov	30	-0.06	-1.80	0.00	-0.07			
Dec	31	-0.53	-16.43	-0.02	-0.65			
TOTAL			297.62		11.72	47.3		
APRIL-OCTOBER TOTAL						45.3		

Table 3. Annual Precipitation Deficits for Typical Crops in the Thurman Mill Service Area

Crop	Growing Season Pdef		
	(mm)	(in)	(ft)
Turf (lawn)	985	38.8	3.23
Garden Vegetables	777	30.6	2.55
Alfalfa (frequent cuttings)	957	37.7	3.14
Grass Pasture (high management)	943	37.1	3.09
Orchards (w/ground cover)	951	37.4	3.12
Average	922.6	36.3	3.03
Source ET Idaho 2012 - Boise WSFO Airport station			

Table 4. Typical Mitigation Water Right Delivery for 44-Acre Pond Area

Month	Days per Month	Total Mitigation Shares	cfs/share (one share = one acre)	cfs total for right 63-30130 represented by mitigation shares	% of Water Right Delivered based on Stewart Decree Cuts	Deliverable cfs for Mitigation	af/mo total for delivered mitigation shares
Jan	0		0.000	0.000	0%	0.000	0.00
Feb	0		0.000	0.000	0%	0.000	0.00
Mar	0		0.000	0.000	0%	0.000	0.00
Apr	30	24	0.020	0.480	100%	0.480	28.56
May	31	24	0.020	0.480	100%	0.480	29.51
Jun	30	24	0.020	0.480	100%	0.480	28.56
Jul	31	24	0.020	0.480	60%	0.288	17.71
Aug	31	24	0.020	0.480	60%	0.288	17.71
Sep	30	24	0.020	0.480	60%	0.288	17.14
Oct	31	24	0.020	0.480	60%	0.288	17.71
Nov	0		0.000	0.000	0%	0.000	0.00
Dec	0		0.000	0.000	0%	0.000	0.00
TOTAL							156.9

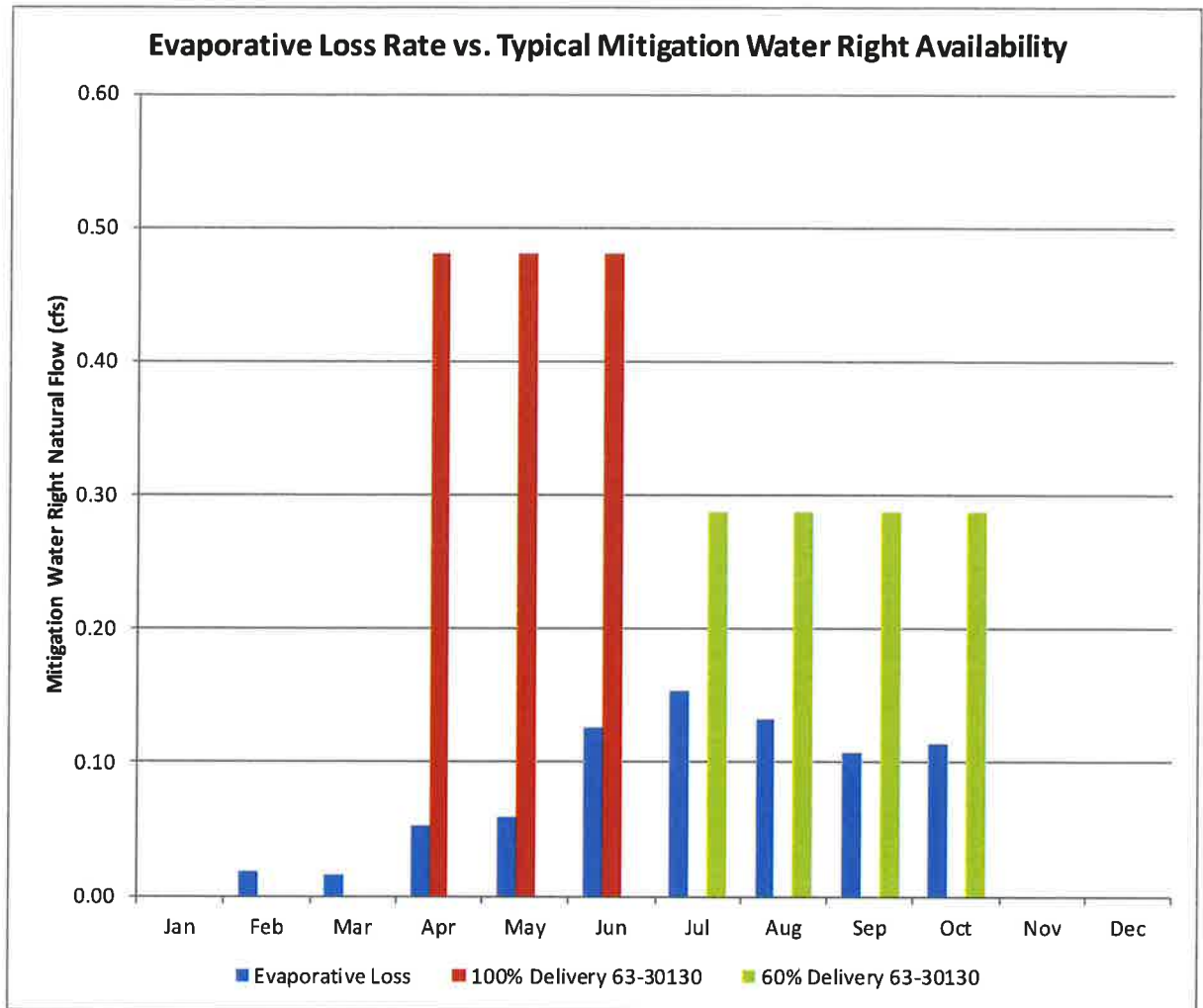


Figure 1. Mitigation Water Right Deliverability versus Evaporation Loss from 44-acre Pond

Table 5. Thurman Mill Natural Flow Water Right Portfolio

water right	Source	Priority Date	Rate (cfs)
63-135	Boise River	6/1/1864	3.30
63-30125	Boise River	6/1/1865	1.86
63-30130	Boise River	6/1/1868	15.48
63-176	Boise River	6/1/1869	1.60
63-30129	Boise River	6/1/1872	2.10
63-193	Boise River	6/1/1876	0.44
63-210	Boise River	6/1/1880	2.40
63-211	Boise River	10/20/1880	0.90
63-30131	Boise River	6/1/1882	6.00
63-221	Boise River	6/1/1883	0.90
63-250	Boise River	7/1/1895	0.66
63-31936	Waste Water	8/13/1925	11.42
63-31935	Waste Water	12/2/1940	20.00
Total			67.06
Total Irrigation			65.02
Acres (shares)		1703.8	
cfs/ac			0.03936

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>

Sent: Wednesday, July 18, 2018 10:00 AM

To: John Roldan <jroldan@cityofboise.org>

Cc: Terry Scanlan <TScanlan@spfwater.com>

Subject: RE: Esther Simplot Park Pond Mitigation

Hi John,

Sorry for the radio silence. I keep setting aside time to work on this, but things kept coming up. Please review this with Terry and let me know if you still want to meet.

Here is where I am so far:

1. The proposal is to transfer some amount of Thurman Mill water right from irrigation to a storage use (I would propose "Recreation storage") and deliver that amount of water to the ponds via the existing diversion structure and pipeline. The purpose is to replace evaporation losses to water already stored under the City's rights. Presently, the evaporation is simply refilled by uncontrolled seepage through the banks from the river. Since the City has sufficient volume under their rights, this would be ok but for the fact that the right is out of priority much of the year. However, the proposed transfer isn't mitigating for the out of priority diversions under the City's rights. Rather, it is storing additional water under an in-priority right to replace the lost water. This delivery in effect, "prevents" the out of priority diversion by maintaining the pond level. While the transfer is in place and water is delivered into the pond, water isn't actually diverted under the city's rights when they are not in priority. My thinking here is to frame this such that we can evaluate it as a transfer and avoid any of the questions about filing/accepting mitigation plans as that seems to just confuse the issue.
2. The deep water ET values appears to be appropriate for estimating the pond losses, so I think the total volume (about 45 af) and peak equivalent flow rate (0.154 cfs) for the pond losses seem reasonable.
3. The proposed transfer would be a nature of use change from irrigation to storage. So, one of the things we need to evaluate is whether the transferred right will be enlarged. I would envision the storage operating similarly to the irrigation use in that it would be continuously diverted (during the season of use) and the consumption and return quantities and timing would closely match the historical patterns when the water was used for irrigation. The difference is that, prior to the transfer, the water delivered to the irrigated lands was supplemented by storage and waste water so these deliveries contributed to the historical consumptive uses and return flows. To avoid enlargement of the consumptive use under the transferred right, we need to account for the fact that the proposal does not include these supplemental deliveries into the pond.
 - a. The proposal to dry 15 acres to provide the volume and peak flow rate raises a concern that the transfer would be enlarging the consumptive use under the right. This idea is based on an assumption that the historical practice is to divert storage and wastewater to maintain a diversion rate of an inch to the acre when the natural flow rights are cut to

60%. The historical consumptive use per acre should be proportionately split between right 63-30130 and the supplemental water based on the amount of water diverted (60/40). It seems arbitrary to allocate all of the consumptive use to the natural flow and none to the supplemental water, yet the proposal to transfer 15 acres does just that.

- b. The proposed 15 acres to transfer are currently irrigated by diverting 0.02 cfs per acre for a total of 0.30 cfs from the river. For simplicity, assume that all 15 acres is irrigated solely with water right 63-30130 and then supplemented with storage water when priority cuts occur. The max consumptive amount occurs in July where the average mean daily PDef for the mix of crops listed in Table 3 is about 0.011 cfs/acre, or a little over ½ of the water diverted. During those peak average days, the Stewart Decree rights are cut to 60%, so the 0.3 cfs of 63-30130 is cut to 0.18 cfs and the balance (0.12 cfs) is made up with storage water. The consumptive use is about 0.15 cfs – which is about the same as the pond losses and the reason for picking 15 acres. However, I disagree that we can or should say that all 0.15 cfs of consumption should be allocated to 63-30130. It seems arbitrary to say that of the 0.18 cfs of water diverted under that right, 0.15 was consumed, but none of the 0.12 cfs of storage was consumed...
- c. If we proportion the losses between the right and the storage, then 0.06 cfs of the storage water was consumed and 0.09 cfs of 63-30130 was consumed. So, before the transfer use under the right was at most approximately 50% consumptive. After the transfer, the use is 100% consumptive at times. This is an enlargement.
- d. Using that approach, we can back calculate how many acres are needed to dry up to avoid enlarging the right. The consumptive use of the right doesn't enlarge if you dry up 23.3 acres. Historically, for the 23.3 acres, you would be diverting 0.47 cfs (0.28 under the 60% cut right, and 0.19 storage/other), and the consumptive use under 63-30130 would be 0.15+ cfs and the storage would be 0.10+. So, after the transfer, you would be diverting 0.28 cfs into the ponds and the consumptive use is not enlarged.

I hope this helps to understand how the department might view the transfer and some of the concerns with the proposal.

Nick.

Kaiser, Anna

From: Kaiser, Anna
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
Attachments: Watermaster Recommendation Form.docx; 63-34972.pdf; 84105.pdf

November 13, 2020

WATER DISTRICT #63

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

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



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

November 13, 2020

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 11/19/2020 and 11/26/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Anna Kaiser
Water Resource Agent

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

Kaiser, Anna

From: Kaiser, Anna
Sent: Friday, November 13, 2020 11:40 AM
To: 'BOI Legals'
Subject: ADA Legal Notice
Attachments: ADA Cover Letter.docx; ADA Legal Notice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 11/19/2020 and 11/26/2020.

Please confirm this is okay to publish as shown and send confirmation and all other correspondence to this email and to westerninfo@idwr.idaho.gov.

Thank you,

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



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

November 13, 2020

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-34953, 63-34972
RE: Transfer No. 84105

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 12/7/2020. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Water Resource Agent

Enclosure(s)

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/querynewtransfers>. 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



RECEIVED

MAY 26 2020

WATER RESOURCES
WESTERN REGION

May 21, 2020

Nick Miller, P.E.
Western Region Manager
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer – Thurman Mill Ditch Co. LTD
Application for Permit – City of Boise Department of Parks & Recreation

Dear Nick,

Enclosed please find two applications related to water use at Esther Simplot Park and Bernadine Quinn Park in Boise.

An Application for Transfer seeks to change the nature of use of a 0.48 cfs cfs portion of Thurman Mill Ditch Co water right 63-30130 from irrigation to diversion to storage and municipal storage. The water will be stored in the ponds at Esther Simplot Park and Bernadine Quinn Park under City of Boise water rights 63-32350, 63-32351, and 63-32352. The diverted water will mitigate any impacts to senior Boise River water rights resulting from evaporation within these ponds. The transfer application also seeks to change the Company service area boundary to include the two parks and adjacent lands. Check No. 015143 for the \$500 filing fee is included.

An Application for Permit seeks 35 cfs of Boise River water for flow-through aesthetic and recreation use in the park ponds. The flow-through water is anticipated to improve water quality. Check No. 015144 for the \$1310 filing fee is included.

Please contact me or Thurman Mill attorney Bryce Farris with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Terry M. Scanlan".

Terry M. Scanlan, P.E., P.G.

Enclosure: Transfer Application and Filing Fee

Cc: Bryce Farris (bryce@sawtoothlaw.com)
Abigail Germaine (agermaine@cityofboise.org)
John Roldan (jroldan@cityofboise.org)