

RECEIVED

AUG 28 2020

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 84344MINIMUM 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 idwr.idaho.gov.

Name of Applicant(s) Boise Valley Irrigation Company

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 idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #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 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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 28 2020

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGION

Name of Applicant(s) Boise Valley Irrigation Company Phone 208.263.7712
 Mailing address 8850 Horseshoe Bend Rd, Boise, ID 83714 Email bvidc1@gmail.com

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

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

☐ No Representative

Name of Representative Joshua Folger Phone 208.830.6779
 Mailing address 1099 W Crescent St, Meridian, ID 83646 Email josh@folgerdevelopment.com

☐ Send all correspondence for this application to the representative and not to the applicant.
 OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
 OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

John Patton
 Signature of Applicant or Authorized Representative

BVIDC - John Patton; Board Member

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Joshua Folger; 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 _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

The northern most 25 acres north of the Farmer's Union Canal is proposed to be developed with 10-15 estates needing irrigation for approximately 10 acres by way of pressurized irrigation. BVI Boundary doesn't currently extend north of the canal on this property, but have expressed no concern in allowing the use of these shares to irrigate the northern 25 acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-147B	3.97	Residential Irrigation	3/1 to 11/15	Boise River; Snake River
☒ ☐	63-236O	1.2	Residential Irrigation	3/1 to 11/15	Boise River; Snake River
☒ ☐	63-31198	0.11	Residential Irrigation	3/1 to 11/15	Boise River; Snake River
☒ ☐	63-31833	0.2	Residential Irrigation	3/1 to 11/15	Boise River; Snake River
☒ ☐	63-147D	0.79	Residential Irrigation	3/1 to 11/15	Boise River; Snake River
☒ ☐	63-31832	48.8	Residential Irrigation	3/1 to 11/15	Boise River; Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.5 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.5 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1W	32				25													25
Total Acres (for irrigation use)																			25

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:

The water will divert the same as before from floodgate #125. From there, the BVI shares will pump through a pressure irrigation system designed by an engineer. The pressure irrigation system will be standard in measuring and lockability.

- b. Who owns the property at the point(s) of diversion? Marjorie Moyle Trust

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:

The irrigated land will turn into roadways and dwelling units. BVI shares are not needed in the existing area, as Farmers Union and Middleton Water Shares are ample.

- 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:

Farmers Union - 6.375 shares (11" per share)
Middleton Water - 13.29 inches

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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

- If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

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

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

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

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

Blank lined paper with horizontal ruling lines.

Transfer contains 5 pages and 7 attachments.

Received by LE Date 08/28/2020 Preliminary check by TS Date 9/10/2020

Fee paid \$500.00 Date 08/28/2020 Received by LE Receipt # W048667

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

PART 2A.1

IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

7/27/2020

Water Right 63-147B

Owner Type **Name and Address**
Current Owner BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE, ID 83714
(208) 853-5288

Priority Date: 6/1/1865

Basis: Decreed

Status: Active

Source **Tributary**
BOISE RIVER SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	3.970 CFS	892.8 AF
	Total Diversion		3.970 CFS	892.8 AF

Source and Point(s) of Diversion
BOISE RIVER L7(NWNE) Sec. 4, Twp 02N, Rge 03E, ADA County

Place Of Use
IRRIGATION
Large POU not Displayed
Total Acres = 2,797.2

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 188 This right is limited to the irrigation of 2797.2 acres within the boundary of Boise Valley Irrigation Ditch Co.
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. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately

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- determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. 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.
6. During the period beginning October 16 and ending November 15 in any irrigation season, there will be no diversion of water for this right if the amount of water released from Lucky Peak Dam into the Boise River is equal to or less than 240.0 cubic feet per second.
7. During the period beginning March 16 and ending April 15 in any irrigation season, there will be no diversion of water for this right if the amount of water released from Lucky Peak Dam into the Boise River is equal to or less than 1,100.0 cubic feet per second.
8. Transfer No. 5119 transferred 198.4 acres under this right to be used within the Simplot Sports Complex located in portions of Sec. 1, T2N, R2E; Sec. 5 & 6, T2N, R3E; Sec. 36, T3N, R2E and Sec. 32, T3N, R3E. These acres are within the digital boundary for the Boise Valley Irrigation Ditch Co.
9. F06 The following rights are also diverted through point of diversion described above: 63-161BN, 63-198AJ, 63-199B, 63-200B, 63-30181.
10. SD1 This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1. jshurte 10/12/2007 Objection Reivew
BLM objection resolved without a decrease in the number of total acres. See file.
2. jshurte 1/7/2008 Condition changes
Per a phone conversation with Special Master Ted Booth, SRBA Court, changes were made to the place of use remark concerning the 198.4 acres. It was moved from general to explanatory and different language used. This was due to the digital boundary remark appearing redundant. Also, from the two shoulder remarks the words FROM THE POINT OF DIVERSION DESCRIBED ABOVE have been omitted. The place of use remains the same - large pou for the digital boundary of this ditch cc.
3. jhersley 5/6/2009 Water Right
This water right record was updated by decree record from old RightID 101769 to new RightID 614158
4. agrimm 6/22/2015 Decrease Authorized Acres due to Mitigation
Right 63-31832 irrigation use reduced to add Mitigation use 0.05 cfs 8.8 af for permit 63-34031 per permit approval issued 6/18/2015. The number of acres was reduced by 2.5 acres to 2797.2 acres on this and associated rights 63-147B, 63-147D, 63-31198, 63-31833 and 63-2360 for Boise Valley Irrigation Ditch Co.

IDAHO DEPARTMENT OF WATER RESOURCES

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Dates and Other information

Decreed Date: 2/19/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 63-147B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 4/19/2006
Objection Status: Active

Water Supply Bank:

N/A

PART 2A.2

IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

7/27/2020

Water Right 63-147D

Owner Type **Name and Address**
Current Owner BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE, ID 83714
(208) 853-5288

Priority Date: 6/1/1865

Basis: Decreed

Status: Active

Source
BOISE RIVER

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.790 CFS	190.0 AF
	<u>Total Diversion</u>		0.790 CFS	190.0 AF

Source and Point(s) of Diversion

BOISE RIVER L7(ENE) Sec. 14, Twp 03N, Rge 02E, ADA County

Place Of Use

IRRIGATION
Large POU not Displayed
Right Acre Limit = 42.2
Total Acres = 2,797.2

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 185 This right is limited to the irrigation of 2797.2 acres within the boundary of Boise Valley Irrigation Ditch Co.
3. Transfer 67019 authorized the irrigation of 42.2 acres under this right to the service area of United Water Idaho, Inc., generally located within the Columbia Village development area.
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

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Proof Report

- 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. 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.
 6. F06 The following rights are diverted through point(s) of diversion described above: 63-163F, 63-243E, 63-243H, 63-20041
 7. SD1 This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1. mciacell 4/18/2012 POD
Updated Shape
2. agrimm 6/22/2015 Decrease Acres dues to Mitigation
Right 63-31832 irrigation use reduced to add Mitigation use 0.05 cfs 8.8 af for permit 63-34031 per permit approval issued 6/18/2015. The number of acres was reduced by 2.5 acres to 2797.2 acres on this and associated rights 63-147B, 63-147D, 63-31198, 63-31833 and 63-2360 for Boise Valley Irrigation Ditch Co.

Dates and Other Information

Decreed Date: 10/22/2009
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 63-147D
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed:
Objection Status:

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Water Supply Bank:

N/A

PART 2A.3

IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

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Water Right 63-2360

Owner Type
Current Owner

Name and Address
BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE, ID 83714
(208) 853-5288

Priority Date: 7/19/1921

Basis: Decreed

Status: Active

Source
BOISE RIVER

Tributary
SNAKE RIVER

Beneficial Use
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
03/01	11/15	1.200 CFS
<u>Total Diversion</u>		1.200 CFS

Volume

Source and Point(s) of Diversion

BOISE RIVER

NESENE

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

Place Of Use

IRRIGATION

Large POI not Displayed

Total Acres: 2,797.2

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 188 This right is limited to the irrigation of 2797.2 acres within the boundary of Boise Valley Irrigation Ditch Co.
3. F01 Water is delivered through the Farmers Union and Boise Valley Canals.
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. C03 This partial decree is subject to such general provisions necessary for the definition of

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the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

6. F06 The following rights are also diverted through point of diversion described above:
63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 63-125J,
63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-31832, 63-21729, 63-18700,
63-31937.

Comments:

1. jshurte 10/12/2007 Objection Reivew
BLM objection resolved without a decrease in total acres. See file.
2. mciscell 11/17/2009 POD
PODiD 708934 correlated from SpatialDataID 388836 to SpatialDataID 293774
3. agrimm 6/22/2015 Decrease Acres for Mitigation
Right 63-31832 irrigation use reduced to add Mitigation use 0.05 cfs 8.8 af for permit 63-34031 per permit approval issued 6/18/2015. The number of acres was reduced by 2.5 acres to 2797.2 acres on this and associated rights 63-147B, 63-147D, 63-31198, 63-31833 and 63-2360 for Boise Valley Irrigation Ditch Co.

Dates and Other Information

Decreed Date: 2/19/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 63-2360
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 4/19/2006
Objection Status: Active

Water Supply Bank:

N/A

PART 2A.4

IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

7/27/2020

Water Right 63-31198

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208) 853-5288

Priority Date: 6/1/1965
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.110 CFS	24.7 AF
	<u>Total Diversion</u>		0.110 CFS	24.7 AF

<u>Source and Point(s) of Diversion</u>	
BOISE RIVER	L1(SESE) Sec. 29, Twp 03N, Rge 03E, ADA County

Place Of Use
IRRIGATION
Large POU not Displayed
Total Acres = 2,797.2

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. K06 This right is limited to the irrigation of 2797.2 acres within the boundary of Boise Valley Irrigation Ditch Co.
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. 345 Diversion for irrigation under this water right prior to April 1 and after October 31 shall

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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. Transfer No. 67107 transferred 5.5 acres under this right to be used within a 30.5 acre permissible place of use at the Idaho Shakespeare Festival grounds in the SWSW, S28 and SESE, S29, T3N, R1E. These acres are within the digital boundary for this ditch company.
6. F06 The following right is diverted through point(s) of diversion described above: 63-31833.
7. SD1 This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1. jshurte 10/12/2007 Objection Review
Resolved BLM objections on large place of use without a decrease in number of acres irrigated.
See file.
2. jshurte 1/8/2008 Condition change
Prior to the issuance of a partial decree and after the SF5 was signed on this right, I was requested by Special Master Ted Booth to review the place of use condition originally recommended concerning the 5.5 acres. It did not match with the digital boundary condition. In order to explain the transfer, I deleted the 5.5 acre place of use condition in general remarks and replaced it with an explanatory condition. This was the only change made.
3. tlake 2/23/2011 POD
PODID 708943 correlated from SpatialDataID 87793 to SpatialDataID 427235
4. mciscell 4/18/2012 POD
Updated Shape
5. dsmith 3/26/2013 POD Abandonment
Two (2) POD in T3N R3E Section 28 Lot 2 SWSWSW abandoned as unused.
6. agrimm 6/22/2015 Decrease Acres for Mitigation
Right 63-31832 irrigation use reduced to add Mitigation use 0.05 cfs 8.8 af for permit 63-34031 per permit approval issued 6/18/2015. The number of acres was reduced by 2.5 acres to 2797.2 acres on this and associated rights 63-147B, 63-147D, 63-31198, 63-31833 and 63-2360 for Boise Valley Irrigation Ditch Co.

Dates and Other Information

Decreed Date: 2/19/2009
Civil Case Number: 39576
Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES

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Water District Number: 63
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 63-31198

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 4/19/2006

Objection Status: Active

Water Supply Bank:

N/A

PART 2A.5

IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

7/27/2020

Water Right 63-31832

Owner Type Current Owner
Name and Address
BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE, ID 83714
(208) 853-5288

Priority Date: 6/1/1865

Basis: Decreed

Status: Active

Source
BOISE RIVER

Tributary
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	48.800 CFS	10,146.5 AF
IRRIGATION STORAGE	01/01	12/31		14.5 AF
IRRIGATION FROM STORAGE	03/01	11/15		14.5 AF
AESTHETIC	03/01	11/15	0.170 CFS	
AESTHETIC STORAGE	01/01	12/31		43.8 AF
DIVERSION TO STORAGE	03/01	11/15	0.710 CFS	
MITIGATION	03/01	11/15	0.050 CFS	8.8 AF
MITIGATION BY NON-USE	1/1	12/31	0.320 CFS	67.0 AF
Total Diversion			49.510 CFS	10,266.0 AF

Source and Point(s) of Diversion

BOISE RIVER NESENE Sec. 5, Twp 03N, Rge 02E, ADA County

Place Of Use

IRRIGATION STORAGE within ADA County

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

AESTHETIC STORAGE within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	14					X	X											
04N	01E	23				X									X				
						L1									L1				
04N	01E	24										X							
												L4							

AESTHETIC within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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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. X56 The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
11. Transfer 66743 authorizes the diversion of water in the amount of 0.54 cfs and 14.5 af for uses associated with irrigation and a pond constructed in an earlier development phase of the City of Boise's Optimist Park just east of the pond for which this approval (Transfer 73768) proposes mitigation.
12. Transfer 73768 authorizes the diversion of water in the amount of 0.03 cfs and 6.0 af to be used for replacement of losses caused by evaporation from a 1.7 acre surface area pond authorized for aesthetic storage, wildlife storage, recreation storage, and municipal storage under right 63-32146.
13. Transfer 73769 authorizes the diversion of water in the amount of 0.04 cfs and 7.0 af to be used for replacement of losses caused by evaporation from a 2.0 acre surface area pond authorized for aesthetic storage under right 63-11791.
14. Transfer 75285 authorizes the diversion of water in the amount of 0.10 cfs and 16.25 af to be used for replacement of losses caused by evaporation from 4 ponds totaling a surface area of 4.5 acres authorized for aesthetic storage under right 63-33136.
15. 193 This right mitigates for the depletion of water resulting from the diversion and use of water under Right 63-34031. To prevent injury to other water right holders, the right holder shall divert 0.05 cfs of this right but shall return that amount of water unused to the Boise River within the NENW, Section 17, T04N, R01E.

If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 63-34031. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Right 63-34031 that is being mitigated shall be reduced by the same proportion as the reduction to this right.
16. This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 63-9718 and 63-9751. To prevent injury to other water right holders, the right holder shall leave undiverted 0.32 cfs of this right at the point of diversion from the Boise River within the NESENE Section 5, T03N R02E.

If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Rights 63-9718 and 63-9751 that are being mitigated shall be reduced by the same proportion as the reduction to this right.
17. X36 Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-164D, 63-165M, 63-198AG, 63-248, 63-297, 63-236C, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.
18. Water is delivered through the Farmers Union and Boise Valley canals.
19. SD1 This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
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7/27/2020

1. scurtis 8/9/2010 POD
Updated Shape
2. scurtis 8/9/2010 POU
Updated Shape
3. scurtis 8/9/2010 POU
Updated PLS
4. jhersley 11/15/2010 Transferred Right
This is now an approved transfer, transfer number = 75285
5. agrimm 6/22/2015 Mitigation for 63-34031
Right 63-31832 irrigation use reduced to add Mitigation use 0.05 cfs 8.8 af for permit 63-34031
per permit approval issued 6/18/2015. The number of acres was reduced by 2.5 acres to
2797.2 acres on this and associated rights 63-147B, 63-147C, 63-31198, 63-31833 and
63-2360 for Boise Valley Irrigation Ditch Co.
6. rneely 12/14/2015 Transferred Right
This is now an approved transfer. Transfer Number = 79285

Dates and Other Information

Decreed Date: 2/19/2009
Water District Number: 63
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 63-31832
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 4/19/2006
Objection Status: Active

Water Supply Bank:

N/A

PART 2A.6

IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

7/27/2020

Water Right 63-31833

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BOISE VALLEY IRRIGATION DITCH CO 8750 N BOGART LN BOISE, ID 83714 (208) 853-5288

Priority Date: 6/1/1865

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.200 CFS	45.0 AF
	<u>Total Diversion</u>		0.200 CFS	45.0 AF

Source and Point(s) of Diversion

BOISE RIVER	SESE	Sec. 29, Twp 03N, Rge 03E, ADA County
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Place Of Use

IRRIGATION
Large POU not Displayed
Right Acre Limit = 10.0
Total Acres = 2,797.2

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 188 This right is limited to the irrigation of 2804.7 acres within the boundary of Boise Valley Irrigation Ditch Co.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

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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. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
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. Transfer No. 71032 transferred 10 acres under this right to be used within a 30.5 acre permissible place of use at the Idaho Shakespeare Festival grounds in the SWSW, Sec. 28 and SESE, Sec. 29, T3N. R3E. These acres are within the digital boundaries for this ditch company.
8. F06 The following right is diverted through point(s) of diversion described above: 63-31198.
9. SD1 This right originated as all or part of right no. 15 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1. jshurte 10/12/2007 Objection Reivew
BLM objection resolved with no change to total acres under this right. See file.
2. jshurte 1/8/2008 Condition change
Prior to the issuance of a partial decree and after the SF5 was signed on this right I was requested by Special Master Ted Booth to review the place of use condition originally recommended concerning the 10 acres. It did not match up with the digital boundary remark. In order to explain the transfer I made another condition and placed it in the explanatory remarks. This was the only change made.
3. tluke 2/23/2011 POD
PODID 708953 correlated from SpatialDataID 87793 to SpatialDataID 427235
4. mciscell 4/18/2012 POD
Updated Shape
5. dsmith 3/26/2013 POD Abandonment
Two (2) POD in T3N R3E Section 28 Lot 2 SWS/WSW abandoned as unused.

Dates and Other Information

Decreed Date: 2/19/2009

Civil Case Number: 39576

IDAHO DEPARTMENT OF WATER RESOURCES
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Judicial District: FIFTH
Water District Number: 63
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

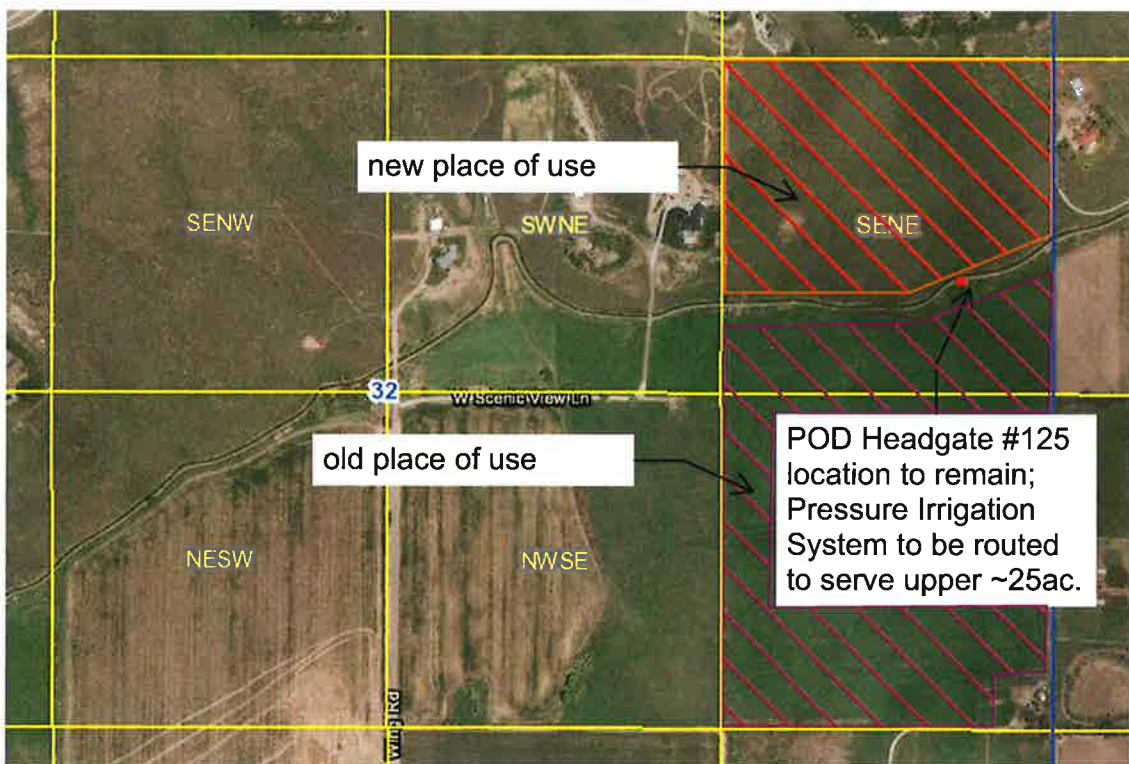
SubCaseNumber: 63-31833
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 4/19/2006
Objection Status: Active

Water Supply Bank:

Lessor Name: IDAHO SHAKESPEARE FESTIVAL
Lease Status: Active
Lease Amount: 42.8af
Rental Availability: 42.8af
Date Received: 12/16/2015
Lease Begin Date: 1/1/2016
Expiration Date: 12/31/2020

Attachment #7a and #7b

5N1W32





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

October 9, 2020

FARMERS UNION DITCH CO
2153 N POLLARD LN
STAR ID 83669

RE: Application for Transfer No. 84344

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Kensie Thomeycroft
Administrative Assistant 1

Enclosure(s)



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

October 9, 2020

MIDDLETON IRRIGATION ASSN INC
PO BOX 848
MIDDLETON ID 83644

RE: Application for Transfer No. 84344

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Kensie Thorneycroft
Administrative Assistant 1

Enclosure(s)

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, October 09, 2020 11:58 AM
To: 'Rex Barrie'; 'mikemeyerswd63@gmail.com'
Subject: Application for Transfer 84344
Attachments: Watermaster Recommendation Form.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office by **11/2/2020**.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by **11/2/2020**, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Kensie Thorneycroft
Administrative Assistant
IDWR Western Region
208-334-2190



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

October 9, 2020

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

RE: Transfer No. 84344

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

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 10/15/2020 and 10/22/2020. 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,

Kensie Thorneycroft
Administrative Assistant

CC:
JOSHUA FOLGER

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Friday, October 09, 2020 11:30 AM
To: 'BOI Legals'
Subject: Ada Legal Notice
Attachments: CoverLetter.docx; LegalNotice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 10/15/2020 and 10/22/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant
IDWR Western Region
208-334-2190



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

October 9, 2020

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

RE: Transfer No. 84344

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

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 11/2/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84344**

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

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 11/2/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on 10/15/2020 and 10/22/2020

Smith, Tyler

RECEIVED

SEP 16 2020

From: Buyer, Remington
Sent: Wednesday, September 16, 2020 3:52 PM
To: Smith, Tyler
Subject: RE: Transfer 84344 water right leased to water supply bank

WATER RESOURCES
WESTERN REGION

Hi Tyler,

I'm going to echo my comments from my prior email for this inquiry—there will be no problem with administering lease contract 435 for water right 63-31833, provided that, if transfer 84344 is approved for this year, no more than 0.5 acres occurs for irrigation under the water right this year. Water right 63-31833 is scheduled to be released from the Bank this year, so it can be fully used by the BVIC next year without issue.

Remington

From: Smith, Tyler
Sent: Wednesday, September 16, 2020 9:50 AM
To: Bank <Bank@idwr.idaho.gov>
Subject: Transfer 84344 water right leased to water supply bank

Hi there,

Please see that attached transfer application #84344 for Boise Valley Irrigation Company. The transfer was filed in order to extend the company's POU to add 25 acres to their service boundary. Water right 63-31833 is included in the transfer and is currently leased to the water supply bank. Please let me know if this transfer application can be processed, or if action needs to be taken in order to maintain compliance with the WSB.

Thanks for your help,

Tyler Smith

Water Resource Agent

Western Region

Idaho Department of Water Resources

tyler.smith@idwr.idaho.gov

(208)334-2190