

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84169**

This is to certify that: V & L RANCHES LLC
7373 S MAPLE GROVE RD
BOISE, ID 83709-7252

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-2758B	WR/DECREED	1/24/1949	3.680 cfs	828.0 af	N/A	184.0	GROUND WATER, INDIAN CREEK

Purpose of Transfer (Changes Proposed)


<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-2758B	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-2758B	63-2758B	3.680 cfs	828.0 af	N/A	184.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.680 cfs	828.0 af	N/A	184.0		N/A	N/A	N/A	N/A

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

Dated this 08 day of July, 2020.

for 
Chief, Water Allocation Bureau

Transfer No. 84169

WATER RIGHT NO. 63-2758B
As Modified by Transfer No. 84169

In accordance with the approval of Transfer No. 84169, Water Right No. 63-2758B is now described as follows:

Right Holder: V & L RANCHES LLC
 7373 S MAPLE GROVE RD
 BOISE, ID 83709-7252

Priority Date: 1/24/1949

Source: INDIAN CREEK
Source: GROUND WATER

Tributary: BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	3.680 cfs	828.0 af
STOCKWATER	01/01	to 12/31	0.050 cfs	
			3.680 cfs	828.0 af

LOCATION OF POINT(S) OF DIVERSION

INDIAN CREEK	L3 (NENW)	Sec 5	Twp 02N Rge 01W CANYON County
GROUND WATER	NWNW	Sec 5	Twp 02N Rge 01W CANYON County
GROUND WATER	SENW	Sec 5	Twp 02N Rge 01W CANYON County
GROUND WATER	SENW	Sec 5	Twp 02N Rge 01W CANYON County
GROUND WATER	NESW	Sec 5	Twp 02N Rge 01W CANYON County
GROUND WATER	NENE	Sec 6	Twp 02N Rge 01W CANYON County
GROUND WATER	SESE	Sec 31	Twp 03N Rge 01W CANYON County
GROUND WATER	SESW	Sec 32	Twp 03N Rge 01W CANYON County
GROUND WATER	SWSW	Sec 32	Twp 03N Rge 01W CANYON County
GROUND WATER	SWSW	Sec 32	Twp 03N Rge 01W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	5					32.0	37.0	35.0	34.0	14.5	2.0							154.5
02N	01W	6	5.0																5.0
03N	01W	31															5.0	14.5	19.5
03N	01W	32											5.0						5.0

POU Total Acres: 184.0

Transfer No. 84169

WATER RIGHT NO. 63-2758B
As Modified by Transfer No. 84169

CONDITIONS OF APPROVAL

1. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 828.0 af at the field headgate for the place of use.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. Use of water from Indian Creek under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. 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. Stockwater use is for 200 head cattle.
7. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. The quantity of water under this right consists of 1 cfs from Indian Creek and 2.9 cfs from 9 wells, not to exceed a combined total of 3.68 cfs.
9. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
10. To the extent the source of this water right from Indian Creek includes waste water, the wasting of water may be discontinued at anytime, in compliance with state law.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-2758B

As Modified by Transfer No. 84169

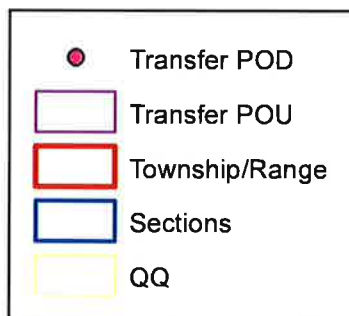
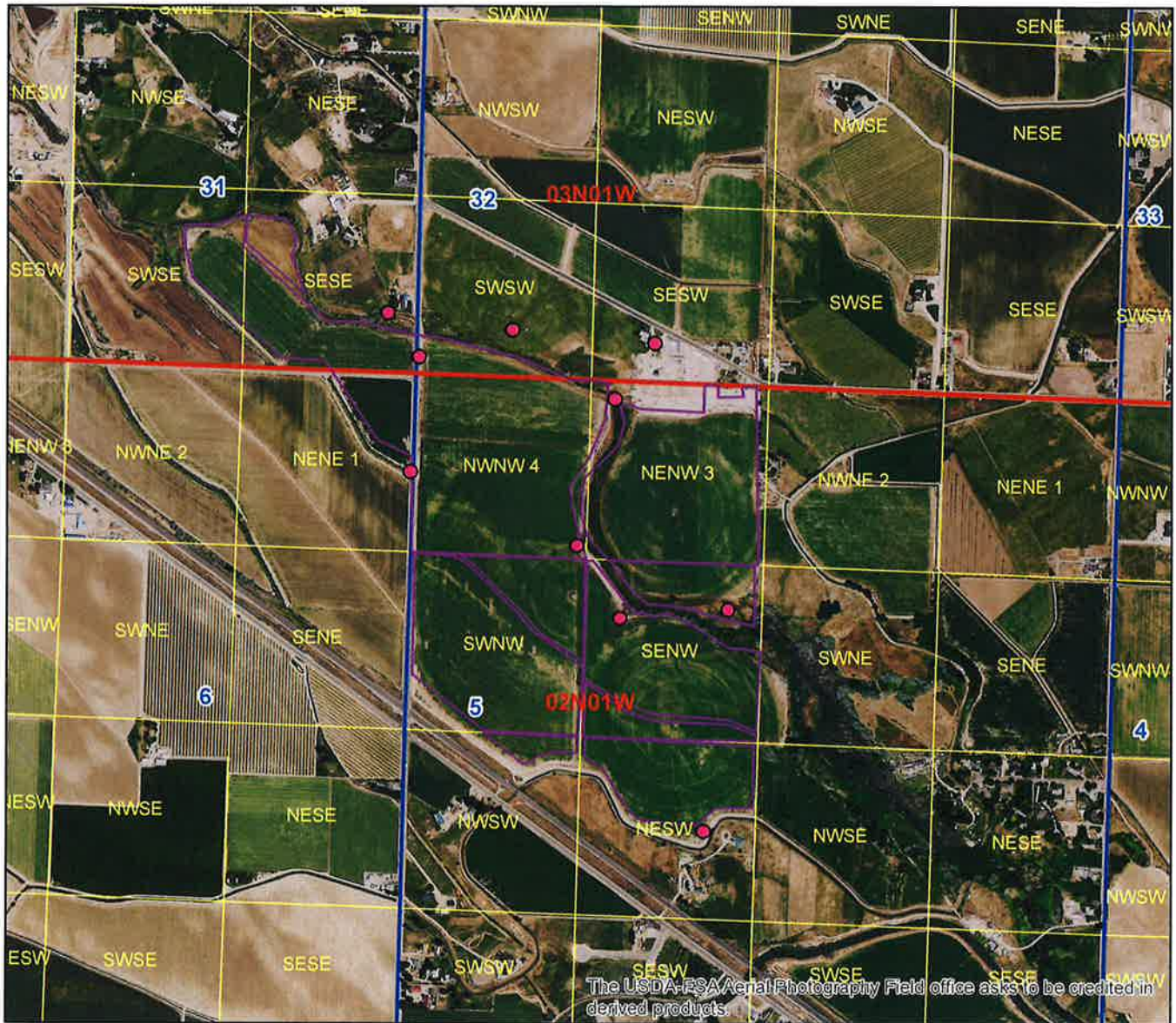
CONDITIONS OF APPROVAL

13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 84169
Water Right: 63-2758B

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



0 0.15 0.3 0.6 Miles



JUN 08 2020

WATER RESOURCES
WESTERN REGION

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) V & L Ranches Bo Phone 208-362-1262
 2. MAILING ADDRESS 2323 S. Maple Grove Road City Boise
 State ID Zip 83709 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-2758B

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 3.68 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
OLD			SW	NE	05	02N	01W	CANYON	INDIAN CREEK	
NEW	03		NE	NW	05	02N	01W	CANYON	INDIAN CREEK	

6. 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:

Will Accommodate IDWR Measurement Requirements Upon Notification

- b. Who owns the property at the point(s) of diversion? Applicant

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

Lou P Murgaitio, manager
Print name and title if applicable

6/8/2020
Date

Victoria M. Murgaitio
Signature of applicant or authorized agent

VICTORIA M. MURGAITIO, MANAGER
Print name and title if applicable

06/08/2020
Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8, require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by LE Date 06/08/2020

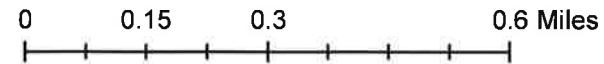
Fee paid 740 Date 06/08/2020 Received by LE Receipt # W048365

Preliminary review by [Signature] Date [Signature] Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

State of Idaho
Department of Water Resources
Water Right License
63-2758b



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2020

Water Right 63-2758B

Owner Type **Name and Address**
Current Owner V & L RANCHES LLC
7373 S MAPLE GROVE RD
BOISE, ID 83709-7252
(208) 867-4059

Priority Date: 1/24/1949

Basis: Decreed

Status: Active

Source
INDIAN CREEK
GROUND WATER

Tributary
BOISE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	3.680 CFS	828.0 AF
STOCKWATER	01/01	12/31		
	<u>Total Diversion</u>		3.680 CFS	828.0 AF

Source and Point(s) of Diversion

INDIAN CREEK	SWNE	Sec. 5, Twp 02N, Rge 01W,	CANYON County
GROUND WATER	SENW	Sec. 5, Twp 02N, Rge 01W,	CANYON County
GROUND WATER	SESW	Sec. 32, Twp 03N, Rge 01W,	CANYON County
GROUND WATER	SWSW	Sec. 32, Twp 03N, Rge 01W,	CANYON County
GROUND WATER	SWSW	Sec. 32, Twp 03N, Rge 01W,	CANYON County
GROUND WATER	NESW	Sec. 5, Twp 02N, Rge 01W,	CANYON County
GROUND WATER	SESE	Sec. 31, Twp 03N, Rge 01W,	CANYON County
GROUND WATER	NWNW	Sec. 5, Twp 02N, Rge 01W,	CANYON County
GROUND WATER	NENE	Sec. 6, Twp 02N, Rge 01W,	CANYON County
GROUND WATER	SENW	Sec. 5, Twp 02N, Rge 01W,	CANYON County

Place Of Use

IRRIGATION within CANYON 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	
02N	01W	5					32.0	37.0	35.0	34.0	14.5	2.0							154.5
02N	01W	6	5.0																5.0
03N	01W	31															5.0	14.5	19.5
03N	01W	32											5.0						5.0

POU Total Acres: 164.0

STOCKWATER Same as IRRIGATION

Conditions of Approval:

1. W51 Use of this right is combined with water from Nampa Meridian Irrigation District.
2. X02 Stockwater use is for 200 head cattle.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2020

3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. The quantity of water under this right consists of 1 cfs from Indian Creek and 2.9 cfs from 9 wells, not to exceed a combined total of 3.68 cfs.
6. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
7. 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 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.
8. To the extent the source of this water right from Indian Creek includes waste water, the wasting of water may be discontinued at anytime, in compliance with state law.

Comments:

1. Vmusic 4/19/2007 AMENDED CLAIM
CLAIM AMENDED TO INCLUDE ACRES IN NESW, SENW, SWNW SECTION 5
HISTORICALLY IRRIGATED. ACCOM TRANSFER IN LATE 1960S PER ELLLEN PLINE.
HOWEVER, I MESSED UP ON THE PODs
2. vmusic 7/9/2008 OJB RESOLUTION
WASTEWATER REMARK. CHANGES TO POU, PODS PER AMENDED CLAIM. V 2 POU
AND POD LINKED.

Dates and Other Information

Decreed Date: 1/14/2009
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: 63-2758B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 4/5/2007
Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2020

N/A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 8, 2020

V & L RANCHES LLC
7373 S MAPLE GROVE RD
BOISE ID 83709-7252

Re: Transfer No: 84169
Water Right No(s): 63-2758B

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,



Kensie Thorneycroft
For: Patrick Kelly
Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84169
Water Right No(s): 63-2758B

V & L RANCHES LLC
7373 S MAPLE GROVE RD
BOISE ID 83709-7252



Kensie Thorneycroft
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Shearer, Justin

From: Shearer, Justin
Sent: Tuesday, July 7, 2020 1:47 PM
To: Marston, Sascha
Subject: Issue Refund Request

Good afternoon Sascha,

Please issue a refund to V & L Ranches LLC in the amount of \$240.

Receipt ID: W048365

Address: 7373 S Maple Grove Road, Boise, ID 83709

Let me know if you need anything else.

Thanks and regards,

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

MEMORANDUM

TO: Transfer No. 84169 File

FROM: Justin Shearer

DATE: 7/2/20

RE: Evaluation of Sufficiency of Information Submitted

The purpose of this transfer is to change the point of diversion from Indian Creek located in the SWNE 1/4 1/4 of Sec 5, Twp 02N, Rge 01W to a point of diversion from Indian Creek in the NENW 1/4 1/4 of Sec 5, Twp 02N, Rge 01W.

The site is located just west of the Ridenbaugh Canal and one mile east of the Greenhurst Elementary School in Nampa ID.

Summary of Information Submitted

Authority to File: The applicant is the current water right holder of record for the water right involved in this transfer application. Applicant owns the property appurtenant to the place of use (POU) and proposed point of diversion (POD). Louis P. Murgoitio and Victorina M. Murgoitio have authority to sign on behalf of V & L Ranches, LLC for the application.

Water Right Validity:

Water right 63-2758B is a decreed right, decreed January 14, 2009. Department records show that the right is valid and has not been lost by forfeiture or partial forfeiture. Recent beneficial use within the previous, consecutive, five-year period was confirmed via aerial photography, and GIS ArcMap tools. No defense of forfeiture is needed.

Overlap Analysis:

Overlap analysis of the existing POD and the proposed POD demonstrate no existing or potential POD overlap. Overlap analysis of the POU which is not proposed to change shows overlapping Nampa Meridian Irrigation District water for the POU from whom the applicant does receive water for the POU.

Injury to Other Water Rights:

Injury to other water rights is not likely as a result of this transfer. The application does not intend to increase the number of acres irrigated or the amount of water to be diverted. The transfer proposes moving the POD just downstream on Indian creek and there are no existing water right POD's between the existing and proposed POD for right 63-2758B. Thus, the amount of water available to other water rights is not expected to be reduced as a result of this right's POD on Indian Creek being moved. Because the water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights, review of the transfer application found no cause to require public notice. Comments from the watermaster were still sought; the watermaster does not oppose the approval of this application as long as standard watermaster conditions are met and lockable controlling works and a measuring device are installed.

Enlargement of Use:

The transfer proposed does not increase the amount of water that has been historically used by changing the intended POD. There is no increase to diversion rate, or volume proposed by this transfer. The period of use will not be changed as a result of this transfer. The nature of use of the water right will not be altered by this transfer. For these reasons, an enlargement of use is not anticipated as a result of this transfer.

Local Public Interest:

There are no anticipated impacts to recreation, fish, or wildlife as a result of this transfer complies with applicable water and hazardous substance standards designed to protect the public water resource. The proposed transfer would comply with local and state government regulations, zoning ordinances, and policies. This transfer is compatible with the objectives and policies of the State Water Plan. For these reasons, this transfer should be considered in favor of local public interest.

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

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

Discussion

During review it became apparent that 63-2758B was decreed without describing a rate or volume for the stockwater use of the right. The applicant was contacted to ask if they would like keep the stockwater element of the right undefined or if they would like IDWR to better describe the elements of the right. Vicki Murgotio informed me that she would prefer to have the stockwater use defined with a rate and volume. Thus, I added a non-cumulative 0.05 cfs rate to the right. This should not impose more or less than what the right was decreed for by the adjudication court. If anything it is likely reducing/limiting the stockwater use and should therefore not be considered an enlargement or pose any potential injury to existing rights. Conditions 943, WB7, R05, R43, and R61 were added to the right. Additionally standard Transfer conditions T07, T08, and T19 were added and conditions C05 and C18 were removed.

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # **63** _____

Application # **63-2758B** _____

Applicant Name **Lou Murgoitio** _____

Watermaster Recommendation:

- a) _____ I do not oppose approval of this application.
- b) x I do not oppose approval of this application if it is conditioned as follows:

We do not oppose this application as long as standard watermaster conditions are met.
Lockable controlling works and a measuring device are installed.

- c) _____ I oppose approval of this application for the following reasons:

- d) _____ Additional comments:

Dated this 25 day of June , 2020



Watermaster Signature

Mike Meyers _____
Printed Name



0003790268

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003790268

Date Filed: 2/27/2020 7:51:44 PM

B0489-4486 02/27/2020 7:51 PM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

Entity Name:

V & L Ranches, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0003419787

Address

7373 S MAPLE GROVE RD
BOISE, ID 83709-7252

Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:

The registered agent on record is:

Registered Agent

Louis P. Murgoitio

Registered Agent

Physical Address

7373 S MAPLE GROVE RD
BOISE, ID 83709

Mailing Address

7373 S MAPLE GROVE RD
BOISE, ID 83709-7252

Limited Liability Company Managers and Members

Name	Title	Business Address
+ Louis Pete Murgoitio	Manager	7373 S. MAPLE GROVE ROAD BOISE, ID 83709
+ Victorina Marie Murgoitio	Manager	7373 S. MAPLE GROVE ROAD BOISE, ID 83709

The annual report must be signed by an authorized signer of the entity.

*Victorina Marie Murgoitio**02/27/2020*

Sign Here

Date

Job Title: Manager