

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34666

Priority: January 22, 2019

Maximum Diversion Volume: 2,470 AF

This is to certify that

DECHAMBEAU FAMILY LTD PARTNERSHIP 5850 N FIVE MILE RD APT 178 BOISE ID
83713-5472

has applied for a permit to appropriate water from:

Source : GROUND WATER

Tributary: BOISE RIVER

and a permit is APPROVED for development of water as follows:

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	01/01 to 12/31	2,470 AF
RECREATION STORAGE	01/01 to 12/31	2,470 AF

Location of Point(s) of Diversion

GROUND WATER L9 (SW¼ SW¼), Sec. 23, Twp 04N, Rge 01E, B.M. ADA County

Place of Use: AESTHETIC STORAGE AND RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	23									X L6	X L5	X L9						
04N	01E	23									X L10	X L8	X						
04N	01E	23									X	X L9							
04N	01E	23										X							
04N	01E	26						X											

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2025**.
2. Subject to all prior water rights.
3. This right authorizes a total annual storage volume of 2470 acre-feet, 2370 acre-feet to be used for the initial filling or carryover storage of the ponds and 100 acre-feet for the replacement of losses caused by evaporation.
4. The ponds established by the storage of water under this right shall not exceed a total capacity of 2370 acre-feet or a total surface area of 95 acres.
5. Water bearing zone to be appropriated is 0 to 50 feet.
6. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover,

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 63-34666

the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation by non-use. The mitigating right may also include a condition stating that the mitigation by non-use is for the benefit of this right.

Use Changed to Mitigation by Non-Use Irrigation	Right No. 63-30130	Mitigation Rate (cfs) 0.62	Mitigation Volume (AF)	Mitigation Acres 31.0
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The land that will no longer be irrigated under this right is located within the authorized boundary of Thurman Mill Ditch Company.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

7. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
9. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 21st day of February, 2020.



NICK MILLER
Western Regional Manager

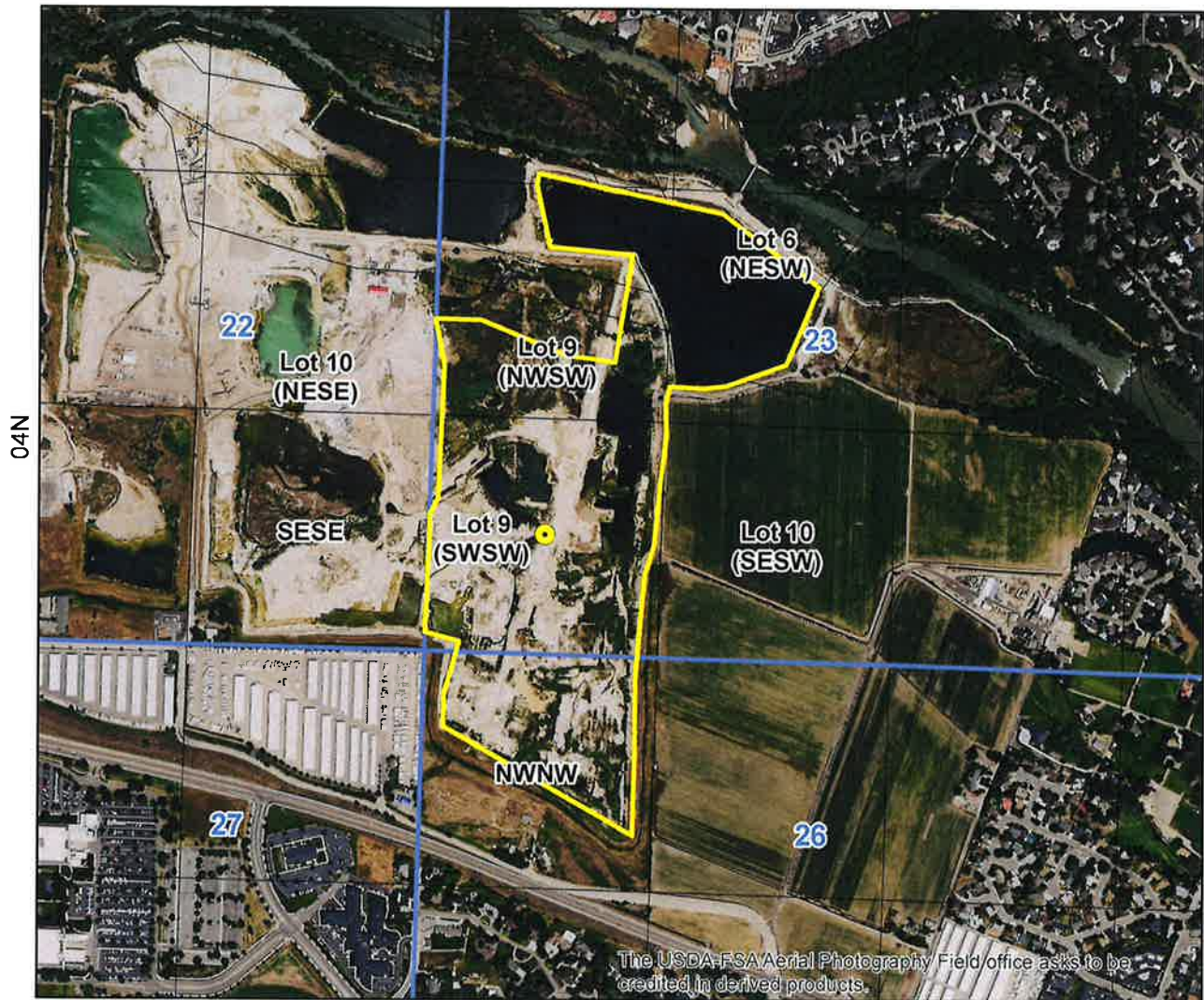
State of Idaho
Department of Water Resources






Attachment to Permit to Appropriate Water

63-34666

This map depicts the AESTHETIC STORAGE AND RECREATION STORAGE 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.

01E



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

0 0.125 0.25 0.5 Miles





Brad Little
Governor

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

Gary Spackman
Director

February 21, 2020

DECHAMBEAU FAMILY LTD PARTNERSHIP
5850 N FIVE MILE RD APT 178
BOISE ID 83713-5472

RE: Permit No. 63-34666

Permit Approval Notice

Dear Permit Holders:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The Idaho Department of Water Resources (IDWR) has updated Thurman Mill's water rights to reflect the mitigation agreement for this permit as well as others it has previously entered into with owners of other water rights and permits. As detailed in the attached water right reports, Thurman Mill Ditch Co has agreed to mitigate for water rights 63-34659, 63-34713, 63-34714, 63-34666, and 63-34722 by non-use of a portion of their water rights. Specifically, under the mitigation agreements they will cease diverting 1.40 cfs and will idle 70 acres of irrigation. This is reflected in the attached proof reports for Thurman Mill's water rights.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The

Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kensie Thorneycroft".

Kensie Thorneycroft

For: Nick Miller

Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2020, I served a true and correct copy of Permit to Appropriate Water No. 63-34666 by U.S. Mail, postage prepaid, to the following:

DECHAMBEAU FAMILY LTD PARTNERSHIP
5850 N FIVE MILE RD APT 178
BOISE ID 83713-5472

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

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



Kensie Thorneycroft
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

Water Right 63-135

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 6/1/1864

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	3.300 CFS	
	<u>Total Diversion</u>		3.300 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION

Large POU not Displayed

Total Acres = 1,703.8

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. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

7. 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.
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. 004 This right does not grant any right-of-way or easement across the land of another.
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. 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. 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.
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. F01 Water is delivered through the Thurman Mill Canal.
15. SD1 This right originated as all or part of right no. 7 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

- | | | |
|-----------------------------|------------|-------------------|
| 1. scurtis
Updated Shape | 12/20/2011 | POD |
| 2. scurtis
Updated Shape | 12/20/2011 | POU |
| 3. scurtis
Updated PLS | 12/20/2011 | POU |
| 4. jhersley | 1/13/2012 | Transferred Right |

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

This is now an approved transfer, transfer number = 77545

5. mciscell 2/29/2012 POU
Updated PLS

6. mciscell 4/19/2012 POD
Updated Shape

7. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.

8. nmiller 2/20/2020 Mitigation
Updated X27 to note mitigation for permit 63-34666

Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

Water Right 63-176

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 6/1/1869

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	1.600 CFS	
	<u>Total Diversion</u>		1.600 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION
Large POU not Displayed
Total Acres = 1,703.8

Conditions of Approval:

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3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

- right no. 63-34666.
7. 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.
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. 004 This right does not grant any right-of-way or easement across the land of another.
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. 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. 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.
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. F01 Water is delivered through the Thurman Mill Canal.
15. SD1 This right originated as all or part of right no. 42 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545
2. mciscell 4/19/2012 POD
Updated Shape
3. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

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Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

Water Right 63-193

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 6/1/1876

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	0.440 CFS	
	<u>Total Diversion</u>		0.440 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION
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Total Acres = 1,703.8

Conditions of Approval:

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4. 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.
5. 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.
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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

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9. 004 This right does not grant any right-of-way or easement across the land of another.
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. 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. 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.
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. F01 Water is delivered through the Thurman Mill Canal.
15. SD1 This right originated as all or part of right no. 62 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545
2. mciscell 4/19/2012 POD
Updated Shape
3. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

4. nmiller 2/20/2020 Mitigation
Updated X27 to note mitigation for permit 63-34666

Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

Water Right 63-210

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 6/1/1880

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	2.400 CFS	
	<u>Total Diversion</u>		2.400 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION
Large POU not Displayed
Total Acres = 1,703.8

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. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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

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- right no. 63-34666.
7. 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.
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. 004 This right does not grant any right-of-way or easement across the land of another.
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. 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. 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.
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. F01 Water is delivered through the Thurman Mill Canal.
15. SD1 This right originated as all or part of right no. 75 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545
2. mciscell 5/10/2012 POD
Updated Shape
3. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.

IDAHO DEPARTMENT OF WATER RESOURCES
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4. nmiller 2/20/2020 Mitigation
Updated X27 to note mitigation for permit 63-34666

Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
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2/20/2020

Water Right 63-211

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 10/20/1880

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	0.900 CFS	
	<u>Total Diversion</u>		0.900 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION
Large POU not Displayed
Total Acres = 1,703.8

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. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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

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- right no. 63-34666.
7. 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.
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. 004 This right does not grant any right-of-way or easement across the land of another.
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. 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. 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.
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. F01 Water is delivered through the Thurman Mill Canal.
15. SD1 This right originated as all or part of right no. 76 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545
2. mciscell 5/10/2012 POD
Updated Shape
3. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.

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4. nmiller 2/20/2020 Mitigation
Updated X27 to note mitigation for permit 63-34666

Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

Water Right 63-221

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 6/1/1883

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	0.900 CFS	
	<u>Total Diversion</u>		0.900 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION
Large POU not Displayed
Total Acres = 1,703.8

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. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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

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- right no. 63-34666.
7. 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.
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. 004 This right does not grant any right-of-way or easement across the land of another.
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. 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. 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.
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. F01 Water is delivered through the Thurman Mill Canal.
15. SD1 This right originated as all or part of right no. 87 in the Stewart Decree and the historic Boise River Water Masters records.

Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545
2. mciscell 5/10/2012 POD
Updated Shape
3. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.

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4. nmiller 2/20/2020 Mitigation
Updated X27 to note mitigation for permit 63-34666

Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
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2/20/2020

Water Right 63-250

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 7/1/1895

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	0.500 CFS	
AESTHETIC STORAGE	01/01	12/31		23.9 AF
DIVERSION TO STORAGE	03/01	11/15	0.160 CFS	
	<u>Total Diversion</u>		0.660 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION
Large POU not Displayed
Total Acres = 1,703.8

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. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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

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- 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. 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.
 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. Pursuant to a call in times of scarcity, this right is senior to Bryan decreed Right No. 63-297 and any future splits of this right.
 10. 004 This right does not grant any right-of-way or easement across the land of another.
 11. 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.
 12. 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.
 13. 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.
 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. F01 Water is delivered through the Thurman Mill Canal.
 16. SD1 This right originated as all or part of right no. 128 in the Stewart Decree and the historic Boise River Water Masters records.
 17. Aesthetic storage is for amenity ponds in Lakemoor Subdivision.

Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545

2. mciscell 4/19/2012 POD

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Updated Shape

3. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.

4. nmiller 2/20/2020 Mitigation
Updated X27 to note mitigation for permit 63-34666

Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

Water Right 63-30125

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 6/1/1865

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	1.860 CFS	
	<u>Total Diversion</u>		1.860 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION

Large POU not Displayed

Total Acres = 1,703.8

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. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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

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- right no. 63-34666.
7. 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.
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. 004 This right does not grant any right-of-way or easement across the land of another.
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. 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. 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.
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. F01 Water is delivered through the Thurman Mill Canal.
15. This right is a combination of Rights 63-139 and 63-141.
16. 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.

Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545
2. mciscell 5/10/2012 POD
Updated Shape
3. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.

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4. nmiller 2/20/2020 Mitigation
Updated X27 to note mitigation for permit 63-34666

Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

Water Right 63-30129

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 6/1/1872

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	2.100 CFS	
	<u>Total Diversion</u>		2.100 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION
Large POU not Displayed
Total Acres = 1,703.8

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. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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

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- right no. 63-34666.
7. 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.
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. 004 This right does not grant any right-of-way or easement across the land of another.
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. 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. 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.
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. F01 Water is delivered through the Thurman Mill Canal.
15. This right is a combination of Rights 63-142 and 63-143.
16. 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.

Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545
2. mciscell 5/10/2012 POD
Updated Shape
3. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.

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2/20/2020

4. nmiller 2/20/2020 Mitigation
Updated X27 to note mitigation for permit 63-34666

Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
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2/20/2020

Water Right 63-30130

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 6/1/1868

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	14.080 CFS	
MITIGATION BY NON-USE	03/01	11/15	1.400 CFS	
	<u>Total Diversion</u>		15.480 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION
Large POU not Displayed
Total Acres = 1,703.8

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. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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

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- dedicated to mitigate right no. 63-34722, and 31 acres have been dedicated to mitigate right no. 63-34666.
7. 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.
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. 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. 004 This right does not grant any right-of-way or easement across the land of another.
11. 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.
12. 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.
13. 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.
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. F01 Water is delivered through the Thurman Mill Canal.
16. This right is a combination of Rights 63-169E and 63-170B.
17. 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.

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Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545
2. mciscell 4/19/2012 POD
Updated Shape
3. cparker 8/26/2019 Mit by Non-Use
0.08 cfs and 4 acres were changed from irrigation to mitigation by non-use to mitigate the consumptive use of groundwater under water right permit no. 63-34722
4. CParker 11/6/2019 Mit by Non-Use
0.54 cfs and 27 acres were changed from irrigation to mitigation by non-use to mitigate the consumptive use of groundwater under water right permit no. 63-34659
5. CParker 11/14/2019 Mit by Non-Use
0.10 cfs and 5 acres were changed from irrigation to mitigation by non-use to mitigate the consumptive use of groundwater under water right permit no. 63-34713.
6. CParker 11/14/2019 Mit by Non-Use
0.06 cfs and 3 acres were changed from irrigation to mitigation by non-use to mitigate the consumptive use of groundwater under water right permit no. 63-34714.
7. nmiller 12/26/2019 Mit by Non-Use
0.08 cfs and 4 acres were changed from irrigation to mitigation by non-use to mitigate the consumptive use of groundwater under water right permit no. 63-34722.
8. nmiller 12/26/2019 Mit by Non-Use
0.54 cfs and 27 acres were changed from irrigation to mitigation by non-use to mitigate the consumptive use of groundwater under water right permit no. 63-34659.
9. nmiller 12/26/2019 Mitigation
Updated X27 to reflect and clarify mitigation uses under the suite of Thurman Mill's rights.
10. nmiller 12/26/2019 Mitigation
Updated Mitigation by non-use season to be consistent with current department practice.
11. nmiller 2/20/2020 Mitigation
0.62 cfs and 31 acres were changed from irrigation to mitigation by non-use to mitigate the consumptive use of groundwater under water right permit no. 63-34666.

Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/20/2020

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A

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2/20/2020

Water Right 63-30131

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THURMAN MILL DITCH CO LTD 10611 W TREELINE CT BOISE, ID 83713 (208) 376-3769

Priority Date: 6/1/1882

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	6.000 CFS	
	<u>Total Diversion</u>		6.000 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION

Large POU not Displayed

Total Acres = 1,703.8

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. 129 Place of use is within the area served by Thurman Mill Ditch Co.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. 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.
5. 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.
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

IDAHO DEPARTMENT OF WATER RESOURCES
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2/20/2020

- right no. 63-34666.
7. 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.
 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. 004 This right does not grant any right-of-way or easement across the land of another.
 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. 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. 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.
 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. F01 Water is delivered through the Thurman Mill Canal.
 15. This right is a combination of Rights 63-140, 63-212, 63-214B and 63-219 (part).
 16. 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.

Comments:

1. jhersley 1/13/2012 Transferred Right
This is now an approved transfer, transfer number = 77545
2. mciscell 4/19/2012 POD
Updated Shape
3. nmiller 2/20/2020 Mitigation
Updated X27 to note mitigation for permit 63-34666

IDAHO DEPARTMENT OF WATER RESOURCES
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Dates and Other Information

Decreed Date: 3/24/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,703.8
63-135 ,63-176 ,63-193 ,63-210 ,63-211 ,63-221 ,63-250 ,63-30125 ,63-30129 ,63-30130 ,63-30131		

SubCase:

N/A

Water Supply Bank:

N/A



June 5, 2019

RECEIVED
JUN 05 2019
WATER RESOURCES
WESTERN REGION

Cody Parker
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Additional Information for Application 63-34666

Dear Cody,

On behalf of the DeChambeau Family Limited Partnership, this letter is in response to your letter dated May 21, 2019 requesting additional information to support Application 63-34666 per IDAPA 37.03.08, Water Appropriation Rules 40.05.c and 40.05.g.

Application 63-34666 proposes storage of shallow ground water for aesthetic and recreation uses in 95 acres of ponds located in Sections 23 and 26, T4N, R1E, Ada County, between Joplin Road and the Boise River that is proposed for annexation into Garden City. The information provided below supports the application.

The majority of this property has been used for gravel mining. The current gravel pit operator, SunRoc, is completing mining operations over the next few months, and the pits will begin to fill with groundwater after mining operations are complete. The resulting ponds will cover an area of approximately 95 acres. The land is proposed for annexation into Garden City. Annexation requires that the ponds have appropriate water rights for future use as aesthetic and/or recreation ponds.

IDAPA 37.03.08, 40.05.c: Effect on Existing Water Rights

- I. **For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.**

Not applicable. The application proposes appropriation of shallow groundwater.

- II. **For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.**

A plat map of nearby wells and springs and permitted wells is not being submitted because development and/or diversion from a ground water well is not proposed.

Currently, the ponds are being dewatered of shallow ground water to allow gravel excavation and no impacts to area ground water wells have been reported. Any possible impacts to nearby wells will decrease after dewatering ceases and the ponds fill.

III. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

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. Applicant has 110 Thurman Mill Ditch Company shares, of which 31 will be retired from irrigation and used for mitigation. Mitigation will be accomplished by leaving 0.62 cfs of Thurman Mill water right 63-30130 in the river un-diverted. Consequently, impacts to existing surface water rights is not anticipated.

IDAPA 37.03.08, 40.05.d: Sufficiency of Water Supply

I. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

The 2473 acre-feet of shallow ground water proposed for storage accounts for 2375 acre-feet to cover pond capacities and 98 acre-feet to cover evaporative losses. Seepage is not a factor since the ponds naturally fill with shallow ground water upon gravel excavation.

II. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

As previously noted, 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. The Boise River is a gaining stream in the vicinity of the ponds. Mitigation will be provided to depletions to river gains.

IDAPA 37.03.08, 40.05.e: Good Faith, Delay, or Speculative Purposes

- I. **The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.**

Applicants own approximately 143 acres located between Joplin Road and the Boise River. The proposed pond areas are part of the 143 acres. Property ownership is documented by information on the Ada County Assessors on-line property map (attached).

- II. **The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.**

No other permits, licenses, or approvals are necessary to store water in the ponds.

IDAPA 37.03.08, 40.05.f: Financial Resources

- I. **The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.**

The ponds will result from a gravel excavation project and will naturally fill with shallow ground water. Water will not be diverted to or from the ponds. Consequently, no additional financial resources are required to implement the project because the infrastructure (ponds) will already be in place following completion of the gravel mining operation.

- II. **The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.**

No construction is needed to develop ponds at this location.

IDAPA 37.03.08, 40.05.g: Local Public Interest

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the

point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the Director.

The Department has already sought comment from Water District #63 and Thurman Mill Ditch Company; Thurman Mill is participating in the mitigation plan for the application.

Attached are request for comment letters sent to the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and Ada County.

Please contact us with any questions.

Sincerely,

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

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

Enclosures: Tax Parcel Information
Request for Comment Letters

cc: Bart DeChambeau

SPF file number: 1450.0010



Ada County Assessor Land Records/GIS

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Property Search

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2018 Property Details for Parcel S0523334800

2018

[Change Year](#)

[Need Help? Email the Appraiser Assigned to this Parcel](#)

[Print View](#)

[Details](#) [Valuation](#) [Tax Districts](#) [Taxes](#) [Characteristics](#) [Sketch](#)

Parcel: S0523334800
Year: 2018
Parcel Status: Active In 2018
Primary Owner:
DECHAMBEAU FAMILY LTD
PARTNERSHIP
Zone Code: RUT
Total Acres: 107.31
Tax Code Area: 118
Property Description:
PAR #4800 OF S2
SEC 23 4N 1E R/S #1952
#5550-S #6050-C #6700-C
#5005-C #4850-C #0990-S
#99081417 #97067216



[View Interactive Map of this Parcel](#)

[View 2018 Assessment Notice](#)

Address: W JOPLIN RD BOISE ID 83714
Subdivision: 4N 1E 23
Land Group Type: SECT
Township/Range/Section: 4N1E23

[Contact Us](#) | [Disclaimer](#)



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2018 Property Details for Parcel S0526223253

2018

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[Print View](#)

Details

[Valuation](#)

[Tax Districts](#)

[Taxes](#)

[Characteristics](#)

[Sketch](#)

Parcel: S0526223253

Year: 2018

Parcel Status: Active in 2018

Primary Owner:

DECHAMBEAU FAMILY LTD
PARTNERSHP

Zone Code: RUT

Total Acres: 34.395

Tax Code Area: 118

Property Description:

PAR #3253 OF NW4NW4
SEC 26 4N 1E
#223252-B



[View Interactive Map of this Parcel](#)

[View 2018 Assessment Notice](#)

Address: 10330 W JOPLIN RD GARDEN CITY, ID 83714

Subdivision: 4N 1E 26

Land Group Type: SECT

Township/Range/Section: 4N1E26



SPF WATER
ENGINEERING

June 5, 2019

Idaho Department of Fish & Game
Southwest Region Office
Attn: Brad Compton, Supervisor
3101 S. Powerline Rd
Nampa, ID 83686

Re: Application for Permit No. 63-34666 – DeChambeau Family Limited Partnership

Dear Mr. Compton,

The DeChambeau Family Limited Partnership has submitted application for permit 63-34666 seeking to develop a water right for storage of shallow groundwater in existing gravel pit ponds located at 10330 West Joplin Road, Garden City, Idaho 83714.

Water Appropriation Rules (IDAPA 37.03.08, 40.05.g) require applicants to seek letters of comment on the effects of the construction and operation of projects proposed by certain water right applications.

Please provide comments to:

Cody Parker
Idaho Department of Water Resources Western Region Office
2735 Airport Way
Boise, ID 83705

SPF Water Engineering would appreciate a copy of your response be sent to us at the address shown below. Thank you for your consideration of this matter.

Sincerely,

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

Enclosure: Application for Permit No. 63-34666

Cc: Bart DeChambeau

SPF Job No.: 1450.0010



SPF WATER
ENGINEERING

June 5, 2019

Ada County Board of Commissioners
Ada County Court House
200 West Front Street
Boise, ID 83702

Re: Application for Permit No. 63-34666 – DeChambeau Family Limited Partnership

Dear Commissioners,

The DeChambeau Family Limited Partnership has submitted application for permit 63-34666 seeking to develop a water right for storage of shallow groundwater in existing gravel pit ponds located at 10330 West Joplin Road, Garden City, Idaho 83714.

Water Appropriation Rules (IDAPA 37.03.08, 40.05.g) require applicants to seek letters of comment on the effects of the construction and operation of projects proposed by certain water right applications.

Please provide comments to:

Cody Parker
Idaho Department of Water Resources Western Region Office
2735 Airport Way
Boise, ID 83705

SPF Water Engineering would appreciate a copy of your response be sent to us at the address shown below. Thank you for your consideration of this matter.

Sincerely,

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

Enclosure: Application for Permit No. 63-34666

Cc: Bart DeChambeau

SPF Job No.: 1450.0010



June 5, 2019

Idaho Department of Environmental Quality
Boise Regional Office
Attn: Danie Merriman, Water Quality Analyst
1445 N. Orchard
Boise, ID 83706

Re: Application for Permit No. 63-34666 – DeChambeau Family Limited Partnership

Dear Danie,

The DeChambeau Family Limited Partnership has submitted application for permit 63-34666 seeking to develop a water right for storage of shallow groundwater in existing gravel pit ponds located at 10330 West Joplin Road, Garden City, Idaho 83714.

Water Appropriation Rules (IDAPA 37.03.08, 40.05.g) require applicants to seek letters of comment on the effects of the construction and operation of projects proposed by certain water right applications.

Please provide comments to:

Cody Parker
Idaho Department of Water Resources Western Region Office
2735 Airport Way
Boise, ID 83705

SPF Water Engineering would appreciate a copy of your response be sent to us at the address shown below. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Terry M. Scanlan", is written over a light blue horizontal line.

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

Enclosure: Application for Permit No. 63-34666

Cc: Bart DeChambeau

SPF Job No.: 1450.0010



ATTORNEYS AND COUNSELORS

Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
208.344.6000
www.hawleytroxell.com

DANA L. HOFSTETTER
MAIL: DHOFSTETTER@HAWLEYTROXELL.COM
DIRECT DIAL: 208-388-4867
DIRECT FAX: 208-954-4867

RECEIVED

MAY 22 2019

WATER RESOURCES
WESTERN REGION

May 20, 2019

VIA U.S. MAIL AND FACSIMILE (208-334-2348)

Director
c/o Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Application for Permit No. 63-34666*

Dear Mr. Miller:

On behalf of Edwards Family LLC, I hereby submit the following comment in lieu of a formal Protest regarding Application for Permit No. 63-34666 (the "Application"). The Application proposes diversions from ground water within the boundaries of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area. If the Application is approved, it should be conditioned to prevent the diversion of geothermal water and to assure that only cold water is diverted and to require monitoring to assure no geothermal water is diverted.

Please contact me if you have any further questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Dana L. Hofstetter

DH:tas

cc: DeChambeau Family Limited Partnership
SPF Water Engineering LLC



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 21, 2019

COPY

DECHAMBEAU FAMILY LIMITED PARTNERSHIP
5850 N FIVE MILE RD #178
BOISE ID 83713

Re: Application for Permit No. 63-34666 Rule 40 Additional Information Request

Dear Applicant:

The Idaho Department of Water Resources ("IDWR") is processing Application for Permit No. 63-34666 IDWR requests additional information required by the Water Appropriation Rules¹. This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g (copy enclosed):

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest
6. state-wide public interest

Please submit the requested information for application processing to continue. **Your written response is required within the next thirty (30) days.** You may seek additional time to provide the information if necessary. The application will be voided without a timely written reply. Refunds are not available for voided applications.

IDWR rules, forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Cody Parker
Water Resource Agent
IDWR Western Region

Enclosure: IDAPA 37.03.08.040.05.c-g

¹ IDAPA 37.03.08 – Water Appropriation Rules

Proof of Publication

The Post Register

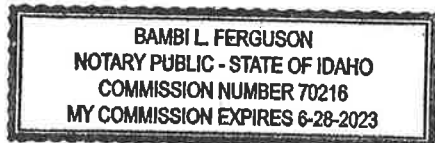
State of Idaho
County of Bonneville

I, Dawn Giannini or Taylor Winger, first being duly sworn, depose and say: That I am the Classified Manager, or Legal Notice Representative of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published Tuesday through Sunday at Idaho Falls, Idaho; said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880, and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidations up to and including the last publication of notice hereinafter referred to.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register under ad number: **146530** for **2** consecutive (days) weeks, between **05/02/2019** and **05/09/2019**, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Taylor Winger

Subscribed and sworn to before me, this 9th day of May 2019



Bambi L. Ferguson

Notary Public
My commission expires: 06/28/2023

_____ attached jurat _____

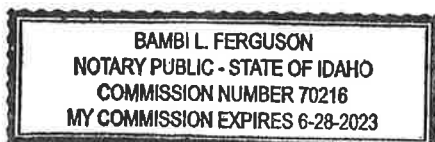
STATE OF IDAHO

ss.

COUNTY OF BONNEVILLE

Subscribed and sworn to before me, this 9th day of May 2019, before me, the undersigned, a Notary public for said state, personally appeared Dawn Giannini or Taylor Winger, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Bambi L. Ferguson

Notary Public for The Post Company
Residing: Idaho Falls, Idaho
Commission expires: 06/28/2023

The following application has been filed to appropriate the public waters of the State of Idaho:

63-34666

DECHAMBEAU FAMILY LTD PARTNERSHIP

5850 N FIVE MILE RD APT 178

BOISE, ID 83713-5472

Point of Diversion L9(SWSW) S23 T04N R01E

ADA County Source GROUND WATER Tributary

BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 2473 AF

Use: RECREATION STORAGE 01/01 to 12/31 2473 AF

Total Diversion: 2473 AF

Date Filed: 1/22/2019

Place Of Use: RECREATION STORAGE, AESTHETIC STORAGE

T04N R01E S23 L10(NESW) L5(NWSW) L9 (SWSW)

T04N R01E S26 NWNW

Mitigation is proposed for consumptive use.

Water bearing zone to be appropriated is from 0 to 50 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 5/20/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/2/2019 and 5/9/2019
(146530 - 43912)

Jok
Ak
5/21/19

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263982	0004191582	The following application has been filed to approp	63-34666	\$119.45	2	3.22 In

Attention: Anna Kaiser

IDAHO DEPT OF WATER RESOURCES / SOUTH
2735 W AIRPORT WAY
BOISE, ID 83705

The following application has been filed to appropriate the public waters of the State of Idaho:

63-34666

DECHAMBEAU FAMILY LTD PARTNERSHIP

5850 N FIVE MILE RD APT 178

BOISE, ID 83713-5472

Point of Diversion L9(SWSW) S23 T04N R01E ADA County

Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 2473 AF

Use: RECREATION STORAGE 01/01 to 12/31 2473 AF

Total Diversion: 2473 AF

Date Filed: 1/22/2019

Place Of Use: RECREATION STORAGE, AESTHETIC STORAGE

T04N R01E S23 L10(NESW) L5(NWSW) L9(SWSW)

T04N R01E S26 NWNW

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GARY SPACKMAN, Director

Published on 5/2/2019 and 5/9/2019

0004191582-01

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

2 Insertions

Beginning issue of: 05/02/2019

Ending issue of: 05/09/2019

(Legals Clerk)

On this 9th day of May in the year of 2019 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

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

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

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

2 Insertions

IDAHO DEPT OF WATER RESOURCES
ATTN Rachel Sommer
2735 AIRPORT WAY
BOISE ID 83705

ORDER NUMBER 84741

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 9 day of May in the year of 2019 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5.10.22

The following application has been filed to appropriate the public waters of the State of Idaho:

63-34666
DECHAMBEAU FAMILY LTD PARTNERSHIP
5850 N FIVE MILE RD APT 178
BOISE, ID 83713-5472
Point of Diversion L9(SWSW) S23 T04N R01E ADA County
Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 2473 AF
Use: RECREATION STORAGE 01/01 to 12/31 2473 AF
Total Diversion: 2473 AF
Date Filed: 1/22/2019
Place Of Use: RECREATION STORAGE, AESTHETIC STORAGE
T04N R01E S23 L10(NESW) L5(NWSW) L9(SWSW)
T04N R01E S26 NWNW
Mitigation is proposed for consumptive use.
Water bearing zone to be appropriated is from 0 to 50 feet.
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 5/20/2019. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
PUBLISH: May 2 and 9, 2019

*10k
AK
5/21/2019*

Section: Legals

Category: 50 Legal

PUBLISHED ON: 05/02/2019, 05/09/2019

TOTAL AD COST: 96.30

FILED ON: 5/9/2019



TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

**LEGAL ADVERTISING
INVOICE**

Date:	<u>05/09/2019</u>	INVOICE NO.	<u>151506</u>
Account No.	<u>964760</u>		
Description	<u>151506 The foll</u>		
Times	<u>2</u>	Lines	<u>32</u>
		Tab. lines	
		\$	<u>93.60</u>

Sold To: DEPT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE ID 83705

PO#

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

RECEIVED

MAY 16 2019

WATER RESOURCES
WESTERN REGION

The following application has been filed to appropriate the public waters of the State of Idaho: 151506
63-34666
DECHAMBEAU FAMILY LTD PARTNERSHIP
5850 N FIVE MILE RD APT 178
BOISE, ID 83713-5472
Point of Diversion L9(SWSW) S23 T04N R01E ADA County
Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 2473 AF
Use: RECREATION STORAGE 01/01 to 12/31 2473 AF
Total Diversion: 2473 AF
Date Filed: 1/22/2019
Place Of Use: RECREATION STORAGE,
AESTHETIC STORAGE
T04N R01E S23 L10(NESW) L5(NWSW) L9(SWSW)
T04N R01E S26 NWNW
Mitigation is proposed for consumptive use.
Water bearing zone to be appropriated is from 0 to 50 feet.
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 5/20/2019. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 5/2/2019 and 5/9/2019

AFFIDAVIT OF PUBLICATION

Hollie K Posey, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 151506 The foll attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 05/02, or once a Week for 2 consecutive Week, the first publication thereof being on the 05/02/2019, and the last publication thereof being on the 05/09/2019, and said 151506 The foll was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Hollie K Posey

State of Idaho

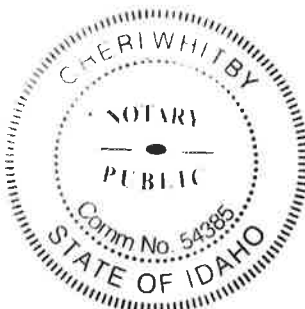
S.S.

County of Nez Perce

On this 10th day of May in the year of 2019, before me, a Notary Public, personally appeared Hollie K Posey, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Cheri Whitby

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 5/17/22



RECEIVED

APR 25 2019

WATER RESOURCES
WESTERN REGION

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

Water District # 63

Application # 63-34666

Applicant Name DeChambeau Family Limited Partnership

Watermaster Recommendation:

- a) _____ I do not oppose approval of this application.
- b) XX I do not oppose approval of this application if it is conditioned as follows: If applicant intends to divert water from any of the ponds then standard Watermaster requirements should be included in the conditions.
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this 25 day of April 2019

Rex R. Barrie

Watermaster Signature

Printed Name

APR 12 2019

WATER RESOURCES
WESTERN REGION

**PROPOSED MITIGATION PLAN FOR
DECHAMBEAU FAMILY LIMITED PARTNERSHIP WATER RIGHT APPLICATION**

To the Idaho Department of Water Resources (IDWR):

Thurman Mill Ditch Company ("Company") agrees to dedicate 31 shares representing 0.62 cfs of Boise River water right and idled irrigation of 31 acres to mitigate consumptive use of diversions under the above referenced application. Each share of the Company's water rights equals 1 miners inch or 0.02 cfs of Boise River water right for mitigation of one acre of irrigation at 100% delivery. The Company and DeChambeau Family Limited Partnership ("Applicant") agree to this mitigation plan as follows:

1. The Applicant propose year-round use of shallow ground water tributary to the Boise River for aesthetic and recreation storage purposes under a proposed application for permit. Anticipated maximum volume will be 2473 acre feet annually comprised of 2375 acre feet for storage volume and 98 acre feet for year round evaporative losses (94 acre feet during the irrigation season and 4 acre-feet during the non-irrigation season).
2. Company water right 63-30130 provides natural flow diverted from the Boise River to the Company's place of use. Mitigation for impacts to irrigation-season Boise River natural flows resulting from the Applicant's ponds will be provided by idling irrigation of 31 acres (0.62 cfs) under the Company's Boise River and associated waste water rights. *To simplify the process,* the 0.62 cfs of water for mitigation should be recorded in a single water right, 63-30130 with a priority date of June 1, 1868, although reduction in irrigated acres will be recorded in all Company water rights. The Boise River Watermaster will not deliver this portion of the water right to the Company headgate while this mitigation plan is in force. *The mitigation does not include the use of any of the Company's storage rights.*
3. The Applicant and any successors in interest of the proposed ponds' water right will hold a certificate for the water shares and pay the Company assessments for the mitigation shares every year.
4. To the extent development proposed by the application is completed on less than 95 acres, the Applicant will request any excess water shares be converted from mitigation back to irrigation.

By: **Thurman Mill Ditch Company**

Signature: _____

Title: _____

Date: _____

President
4-10-19

By: **DeChambeau Family Limited Partnership**

Signature: _____

Title: _____

Date: _____

Jack R. DeChambeau
General Partner
January 11th 2019