

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83320**

This is to certify that: **NEW DRY CREEK DITCH CO**
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-125K	WR/DECREED	6/1/1871	1.010 cfs	N/A	N/A	N/A	BOISE RIVER
63-126G	WR/DECREED	6/1/1891	0.480 cfs	N/A	N/A	N/A	BOISE RIVER
63-161L	WR/DECREED	5/1/1866	0.540 cfs	N/A	N/A	N/A	BOISE RIVER
63-205	WR/DECREED	6/1/1879	31.320 cfs	N/A	N/A	N/A	BOISE RIVER
63-206	WR/DECREED	6/1/1886	15.220 cfs	N/A	N/A	N/A	BOISE RIVER
63-258B	WR/DECREED	5/1/1893	0.690 cfs	N/A	N/A	N/A	BOISE RIVER
63-263	WR/DECREED	6/1/1880	1.816 cfs	N/A	N/A	N/A	BOISE RIVER
63-286	WR/DECREED	4/1/1897	0.540 cfs	N/A	N/A	N/A	BOISE RIVER
63-288B	WR/DECREED	4/1/1880	0.440 cfs	N/A	N/A	N/A	BOISE RIVER
63-28977	WR/DECREED	6/1/1864	0.400 cfs	N/A	N/A	N/A	BOISE RIVER
63-31778	WR/DECREED	6/1/1888	8.950 cfs	N/A	N/A	N/A	BOISE RIVER
63-31806	WR/DECREED	5/1/1883	0.680 cfs	N/A	N/A	N/A	BOISE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-125K	NO	NO	YES	NO	NO	NO
63-126G	NO	NO	YES	NO	NO	NO
63-161L	NO	NO	YES	NO	NO	NO
63-205	NO	NO	YES	NO	NO	NO
63-206	NO	NO	YES	NO	NO	NO
63-258B	NO	NO	YES	NO	NO	NO
63-263	NO	NO	YES	NO	NO	NO
63-286	NO	NO	YES	NO	NO	NO
63-288B	NO	NO	YES	NO	NO	NO
63-28977	NO	NO	YES	NO	NO	NO
63-31778	NO	NO	YES	NO	NO	NO
63-31806	NO	NO	YES	NO	NO	NO

SUPPORT DATA

WATER FILE # 63-125K

Transfer No. 83320

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83320**

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-125K	63-125K	1.010 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-126G	63-126G	0.480 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-161L	63-161L	0.540 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-205	63-205	31.320 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-206	63-206	15.220 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-258B	63-258B	0.690 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-263	63-263	1.816 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-286	63-286	0.540 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-288B	63-288B	0.440 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-28977	63-28977	0.400 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-31778	63-31778	8.950 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
63-31806	63-31806	0.680 cfs	N/A	2964.0	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		62.090 cfs	N/A	2964.0	N/A		N/A	N/A	N/A	N/A

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

Dated this 22nd day of August, 2019.


for Chief, Water Allocation Bureau

WATER RIGHT NO. 63-125K
As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-125K is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 6/1/1871

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
1.010 cfs
1.010 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L7 (NESE) Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-125K
As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 54 in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-28977

As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-28977 is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 6/1/1864

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.400 cfs
0.400 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L7 (NESE) Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-28977
As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 3 in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-31778

As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-31778 is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 6/1/1888

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
8.950 cfs
8.950 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L7 (NESE) Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-31778
As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 97, 102 and 103 in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-31806
As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-31806 is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 5/1/1883

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.680 cfs
0.680 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L7 (NESE) Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-31806

As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 85C, 85D and 85E in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-126G

As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-126G is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 6/1/1891

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

0.480 cfs

0.480 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

L7 (NESE)

Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-126G
As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 120 in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-205

As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-205 is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 6/1/1879

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
31.320 cfs
31.320 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L7 (NESE) Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-205

As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 72 in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-161L

As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-161L is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 5/1/1866

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.540 cfs
0.540 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L7 (NESE) Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

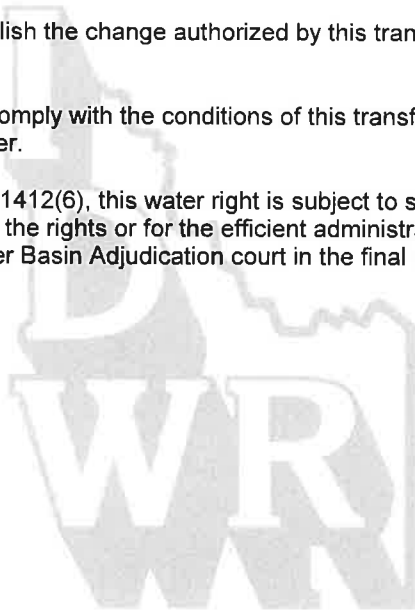
1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-161L
As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right originated as all or part of right no. 30 in the Stewart Decree and the historic Boise River Water Masters records.
7. Water is delivered through the New Dry Creek Ditch.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 63-206

As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-206 is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 6/1/1886

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
15.220 cfs
15.220 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L7 (NESE) Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-206

As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 93 in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-258B

As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-258B is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 5/1/1893

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

to

To

11/15

Diversion Rate

0.690 cfs

0.690 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

L7 (NESE)

Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-258B
As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 124A in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-263

As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-263 is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 6/1/1880

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

to

To

11/15

Diversion Rate

1.816 cfs

1.816 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

L7 (NESE)

Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-263

As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 74A in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-286

As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-286 is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 4/1/1897

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

0.540 cfs

0.540 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

L7 (NESE)

Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. 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.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-286

As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

6. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
7. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
8. This right originated as all or part of right no. 129A in the Stewart Decree and the historic Boise River Water Masters records.
9. Water is delivered through the New Dry Creek Ditch.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-288B
As Modified by Transfer No. 83320

In accordance with the approval of Transfer No. 83320, Water Right No. 63-288B is now described as follows:

Right Holder: NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR, ID 83669

Priority Date: 4/1/1880

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.440 cfs
0.440 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L7 (NESE) Sec 23 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2964 acres within the boundary of New Dry Creek Ditch Co.
2. 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.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. 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.

Transfer No. 83320

WATER RIGHT NO. 63-288B
As Modified by Transfer No. 83320

CONDITIONS OF APPROVAL

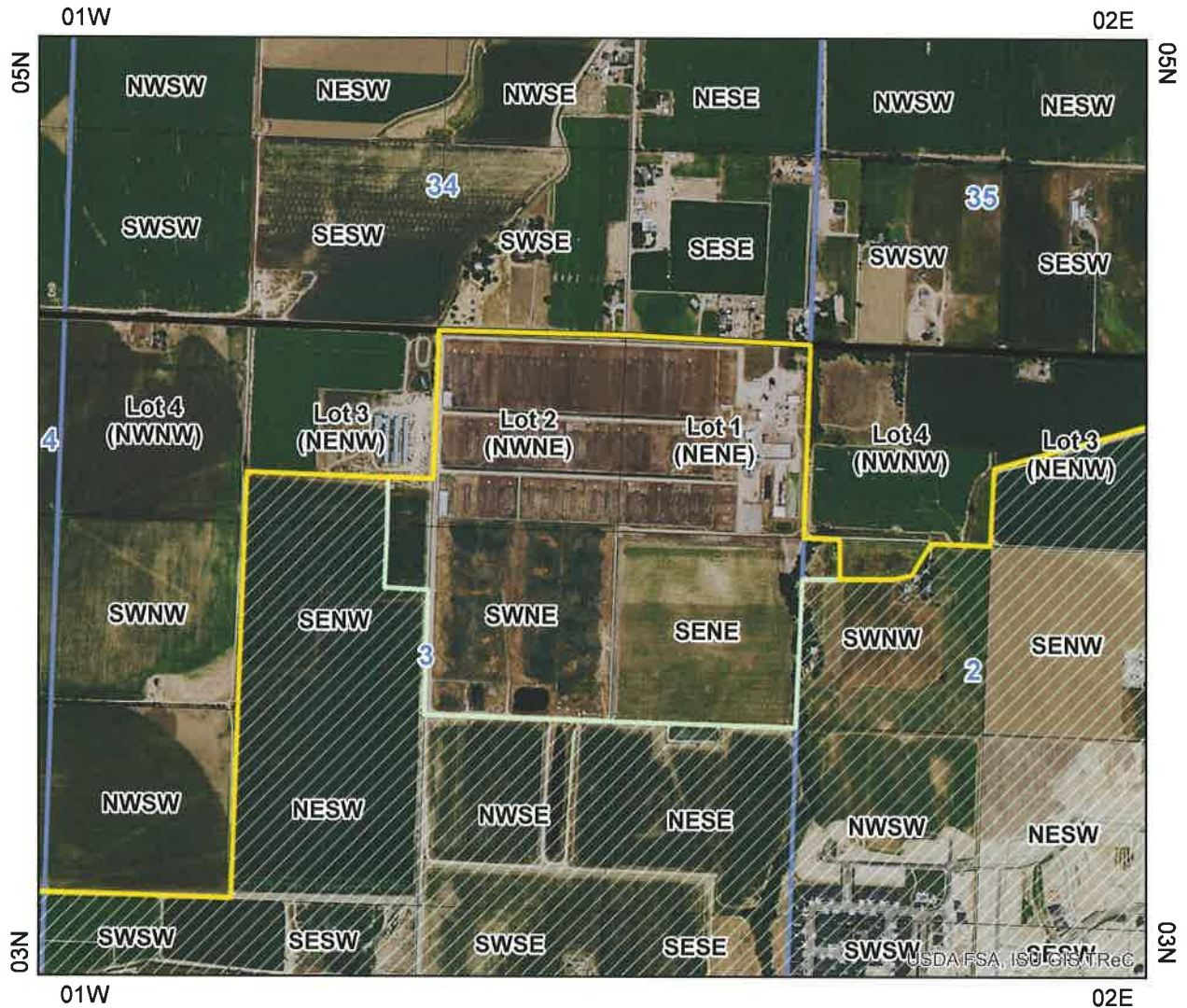
6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. This right originated as all or part of right no. 73A in the Stewart Decree and the historic Boise River Water Masters records.
8. Water is delivered through the New Dry Creek Ditch.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

New Dry Creek Ditch Co

Attachment to Water Right Transfer 83320

New Dry Creek Ditch Co

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



- New Place of Use Boundary
- Old Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.15 0.3 0.6 Miles



New Dry Creek Ditch Co

Attachment to Water Right Transfer 83320

63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263,
63-286, 63-288B, 63-28977, 63-31778 and 63-31806

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



-  Point of Diversion
-  Place of Use Boundary
-  Townships
-  PLS Sections

0 0.75 1.5 3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 22, 2019

NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLORD LN
STAR ID 83669

Re: Transfer No.: 83320

Water Right Nos: 63-125K , 63-126G , 63-161L , 63-205, 63-206, 63-258B , 63-263, 63-286, 63-288B , 63-28977, 63-31778, 63-31806

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,



Anna Kaiser

For Nick Miller
Regional Manager

Enclosure

CC:
SPF WATER ENGINEERING LLC
ATTN: LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2019 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83320

**Water Right No(s): 63-125K , 63-126G , 63-161L , 63-205, 63-206, 63-258B
 , 63-263, 63-286, 63-288B , 63-28977, 63-31778, 63-31806**

NEW DRY CREEK DITCH CO
C/O KARI ROSTI
1460 N POLLARD LN
STAR ID 83669

SPF WATER ENGINEERING
ATTN: LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660



Anna Kaiser
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

TO: Transfer No. 83320
FROM: Patrick Kelly
DATE: 8/2/2019
RE: Evaluation of Application

Summary of Information Submitted

New Dry Creek Ditch Co filed transfer no. 83320 to add 167 acres to their service boundary that overlaps a residential project being built by Toll Southwest. The residential development will irrigate common land using a mix of surface water delivered by the ditch company and ground water via wells. Water from New Creek Ditch Co. will enter the system and irrigate land partially outside the service boundary but within the residential project.

Comment letters were sent to B63 Watermaster.

Lori Graves of SPF Water Engineering is the representative for the transfer. Ms. Graves can be reached at 208-383-4140 or lgraves@spfwater.com.

Authority to File

The application was filed in the name of New Dry Creek Ditch Co. The ditch company is current water right owner to all rights listed in the transfer application. Ron Sedlacek signed the application and is Director according to IDSOS.

Water Right Validity

New Dry Creek Ditch Co rights were decreed in Dec of 2007. Irrigation water has been delivered to shareholders every year since 2007. Validity is not a concern.

Overlap Analysis

All of the New Dry Creek Ditch Co rights are diverted out of govt lot 7 NESE and have been included in the transfer application. No additional rights should be considered for transfer.

Injury to Other Water Rights

None anticipated. The applicant is a large ditch company that has historically been diverting through its delivery canals. No protests were made by either the public or watermaster during the announcement period.

Enlargement of Use

The suite of rights at the New Dry Creek Ditch will still be limited to 62.086 cfs and 2,964 acres. Changes to the delivery system or diversion methods are not proposed.

Local Public Interest

No information has been made available to suggest a conflict with public interest.

Beneficial Use/Conservation of Water Resources

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

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

Summary

Assuming no other undiscovered information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263892	0004261117	The following applications have been filed to appr	63-34702	\$508.48	2	16.22 In

Attention: Anna Kaiser

JENNINGS LYN
12663 W FREEDOM DR
BOISE, ID 837130007

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34702
CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE, ID 83706-2898
Point of Diversion NESE S36 T04N R01E ADA County Source
GROUND WATER
Use: AESTHETIC STORAGE 01/01 to 12/31 8.8 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.32 CFS
Use: IRRIGATION 03/01 to 11/15 0.32 CFS
Use: IRRIGATION FROM STORAGE 03/01 to 11/15 4 AF
Use: IRRIGATION STORAGE 03/01 to 11/15 4 AF
Total Diversion: 0.32 CFS 8.8 AF
Date Filed: 4/5/2019
Place Of Use: IRRIGATION, IRRIGATION STORAGE, AESTHETIC STORAGE, IRRIGATION FROM STORAGE
T04N R01E S36 NESE
Total Acres: 16

Water bearing zone to be appropriated is from 200 to 400 feet.

63-34713
CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY, ID 83714-1347
Point of Diversion SWSW S24 T04N R01E ADA County Source
GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 41.3 AF
Total Diversion: 41.3 AF
Date Filed: 4/15/2019
Place Of Use: AESTHETIC STORAGE
T04N R01E S23 SESE
T04N R01E S24 L5(SWSW)
Water bearing zone to be appropriated is from 0 to 15 feet.
Mitigation is proposed for consumptive use.

63-34714
CITY OF GARDEN CITY
CITY HALL
6015 GLENWOOD ST
GARDEN CITY, ID 83714-1347
Point of Diversion NWNE S25 T04N R01E ADA County Source
GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 24.8 AF
Total Diversion: 24.8 AF
Date Filed: 4/15/2019
Place Of Use: AESTHETIC STORAGE
T04N R01E S24 SWSE
T04N R01E S25 NWNE
Water bearing zone to be appropriated is from 0 to 15 feet.
Mitigation is proposed for consumptive use.

63-34737
GERALD CARLSON
SHERRON CARLSON
912 W HEATHER WOODS DR
NAMPA, ID 83686-2679
Point of Diversion L1(NENE) S1 T02N R01W ADA County Source
GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Date Filed: 5/31/2019
Place Of Use: DOMESTIC
T02N R01W S1 L1(NENE)
Water bearing zone to be appropriated is from 138 to 210 feet.

63-34717
EG JOHNSON FARMS INC

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: 06/20/2019

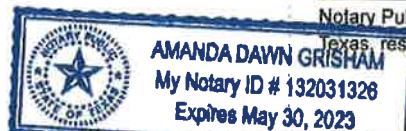
Ending issue of: 06/27/2019

[Signature]
(Legals Clerk)

On this 9th day of July 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.

[Signature]

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



Legal document please do not destroy!

2400 / HIGHWAY 20/26
 PARMA, ID 83660-7221
 Point of Diversion SENE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NESW S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion SESW S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NESE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NWSE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion SWSE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NWSW S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion SESE S3 T05N R04W PAYETTE County Source
 GROUND WATER
 Point of Diversion NENE S10 T05N R04W CANYON County Source
 GROUND WATER
 Point of Diversion SWNE S10 T05N R04W CANYON County Source
 GROUND WATER
 Point of Diversion SENW S10 T05N R04W CANYON County Source
 GROUND WATER
 Point of Diversion NENW S11 T05N R04W CANYON County Source
 GROUND WATER
 Point of Diversion NWNW S11 T05N R04W CANYON County Source
 GROUND WATER
 Use: IRRIGATION 03/01 to 11/15 11 CFS
 Total Diversion: 11 CFS
 Date Filed: 4/18/2019
 Place Of Use: IRRIGATION
 T05N R04W S3 SWNE SENE SWNW SENW NESW NWSW
 SESW NESE NWE SWSE SESE
 T05N R04W S10 NENE NWNE SWNE NENW SENW
 T05N R04W S11 NENW NWNW
 Total Acres: 691.8

Water bearing zone to be appropriated is from 300 to 1000 feet.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
 TRANSFER NO. 83159**

TOLL SOUTHWEST LLC, 3103 W SHERYL DR STE 100, MERIDIAN, ID 83642-5674, has filed Application No. 83159 for changes to the following water rights within ADA County(s): Right No(s): 63-10536, 63-11060, 63-25981, 63-25982, 63-31725; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to convert the stockwater and commercial uses to irrigation for a new subdivision being developed 0.8 miles east of intersection Hwy 16 and W Beacon Light Rd. The user proposes to utilize existing wells with potential to drill one new well. Water bearing zone is from 66 to 620 feet.

JoK
 AK
 7/19/19

TRANSFER NO. 83320

NEW DRY CREEK DITCH CO, C/O KARI ROSTI

1460 N POLLARD LN, STAR, ID 83669, has filed Application No. 83320 for changes to the following water rights within ADA County(s): Right No(s): 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to change the place of use increase the service area of New Dry Creek Ditch Co (company) by 167 acres. All rights owned by the company will remain limited to 2,964 acres and is not an application to increase water diverted or acres irrigated. The increased service boundary will be used at the proposed place of use 0.8 miles east of State Hwy 16, south of Beacon Light Rd. 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) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. 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 7/8/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/20/2019 and 6/27/2019

JoK
 AK
 7/19/19

000426111701

Jerry A. Kiser
Attorney at Law
1365 North Orchard Suite 216
P.O. Box 8389
Boise, Idaho 83707

jkiser@cableone.net

(208) 861-4657

RECEIVED

JUN 21 2019

WATER RESOURCES
WESTERN REGION

June 19, 2019

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

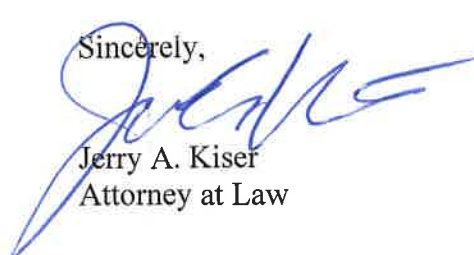
Re: New Dry Creek Ditch Company transfer application

Dear Representative:

I write as attorney for Farmers Union Ditch Company, Ltd. regarding the transfer application prepared by SPF Water Engineering, LLC on behalf of New Dry Creek Ditch Company. The transfer application proposes to change the New Dry Creek boundary/service area to include the former Hormachea feedlot property. The area to be included lies within T04N R01W Section 2 SWNW and Section 3 NE1/4 and E1/2NW1/4. The proposed change will result in the New Dry Creek Ditch Company service area to overlap a portion of the Farmers Union Ditch Company, Ltd. service area. Farmers Union Ditch Company, Ltd. has reviewed the proposed transfer and consents to the application. The property the subject of the transfer application has 1/4 of a share (2.75 miners inches) of Farmers Union water appurtenant to it. Farmers Union requests the owner of the property surrender this 1/4 share to Farmers Union as the quantity is insufficient to enable delivery of the water to the property.

If you have any questions please feel free to contact me.

Sincerely,


Jerry A. Kiser
Attorney at Law

cc: Farmers Union
Scott King/SPF water Engineering