

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 06 2019

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Canyon County Water Co. LTD. Phone 208-455-1735

Mailing address PO Box 11, Star, ID 83669 Email irr.water.3@gmail.com

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

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

☐ No Representative

Name of Representative Bryce Farris, Sawtooth Law Offices, PLLC Phone 208-629-7447

Mailing address 1101 W. River St., Ste. 110, Boise, ID 83707 Email bryce@sawtoothlaw.com

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

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

	Frank Phillips, President	January 11, 2019
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

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

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

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

Applicant proposes changing the nature of use of a 0.64 cfs portion of the identified water right from Irrigation to Water Quality Improvement for use in a water quality improvement project the City of Middleton has proposed under permit application 63-34370.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-21761	75.54	Irrigation	3/1 to 11/15	Boise R/Snake R
☐ ☐		0.59/87.9	Groundwater Recharge	3/1 to 11/15	
☐ ☐		0.64	Water Quality	3/1 to 11/15	
☐ ☐			Improvement	to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 76.77 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.64 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												L4	L4,7	L3,8					
4N	2W	7										X	X	X					
															L1			L1	
4N	3W	12													X			X	

X = Water Quality Improvement place of use to be added to the Company right

Total Acres (for irrigation use)

No change in the Company service area boundary proposed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

Company water will be delivered to Mill Slough to provide Water Quality Improvement water for the City of Middleton's proposed water quality improvement project proposed under permit application 63-34370. The Company's existing diversion and infrastructure are not proposed for change.

- b. Who owns the property at the point(s) of diversion? n/a

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

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

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

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

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

If yes, ☐ complete Attachment WSB.

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

n/a - lands proposed for water quality improvement are currently assessed company water. Change in nature of use will not result in water right expansion as shown in Attachment 8a. See information included with permit application 63-34370 for additional information.

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

Associated application for permit 63-34370 for water quality improvement uses.

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

Yes No

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

If yes, describe:

Attachment 8A

Remarks for Application for Transfer to Change Nature of Use of Canyon County Water Company Water Right 63-21761 from Irrigation to Water Quality Improvement for City of Middleton Water Quality Improvement Project

Proposed Change in Nature of Use. The transfer application proposes changing the nature of use for a 0.64 cfs of right 63-21761 from Irrigation to Water Quality Improvement.

Diversion Volume. The application does not propose a change or quantification of the diversion volume. The right has historically been fully diverted when available at times when the canal is operating. No change to canal operation schedule is proposed. The volume diverted varies from year to year, but in all years the right is fully diverted when the canal is operating. Canyon County Water Company (CCWC) typically diverts 5.6 acre feet per acre (1998-2017 average) from the Boise River, plus drainage water from Lawrence Kennedy Drain and Unnamed Drains. With drain water, total diversions exceed 6 acre feet per acre.

Year	Diversion Volume (af)	Volume Per Irrigated Acre
2017	19620	5.11
2016	21524	5.61
2015	21126	5.50
2014	20953	5.46
2013	20266	5.28
2012	21345	5.56
2011	19188	5.00
2010	18627	4.85
2009	22744	5.92
2008	25153	6.55
2007	19842	5.17
2006	21932	5.71
2005	20870	5.44
2004	23990	6.25
2003	22983	5.99
2002	22640	5.90
2001	19865	5.17
2000	21876	5.70
1999	23734	6.18
1998	21071	5.49
1998-2017 average		5.59

note: 2018 volume not used because of missing data

Right 63-21761, with a priority date of 1867, is never cut below 60%, delivers in excess of 4.5 acre feet every year, and delivers in excess of 5 acre feet per acre in most years.

Consumptive Use. The transfer application does not increase or significantly change consumptive volume on a per acre basis. Annual mean growing season precipitation deficits (ET Idaho Caldwell NWS) are listed below and demonstrate that the City of Middleton's water quality improvement project will have a similar consumptive use as the agricultural crops grown within the service area of Canyon County Water Company.

		Annual Mean Precipitation Deficit		
	% of area	mm	inches	feet
Canyon County Water Company Service Area				
Grass pasture – high management	20	1047	41.2	3.4
Field corn – moderate season length	40	755	29.7	2.5
Alfalfa – frequent cuttings	30	1064	41.9	3.5
Sugar beets	10	988	38.9	3.2
		929	36.6	3.0
City of Middleton Water Quality Improvement				
Wetlands – large stands	60	1050	41.3	3.4
Open water – shallow systems	40	723	28.5	2.4
Average		919	36.2	3.0

Headgate Volume. The application does not propose an increase in headgate volume. CCWC will deliver the same volume as historically delivered. Assuming an average consumptive use of 3.0 acre feet per acre, and an irrigation efficiency of 60%, the historical headgate volume is 5.0 acre feet per acre. Applicant is willing to accept a 4.5 acre foot headgate volume condition for water quality improvement uses.

Proposed Change in Nature of Use. Transferred portion of right 63-21761 will change to the following

- Water Quality Improvement 0.64 cfs

Proposed Transfer Conditions. The following conditions are proposed to prevent enlargement of this water right.

1. The 0.64 cfs Water Quality Improvement portion of this right is not to exceed a field headgate volume of 144 acre feet (4.5 acre feet x 32 acres) and consumptive use of 96 acre feet (3.0 acre feet x 32 acres). The field headgate is the measurement point for delivery of the water into the City of Middleton Water Quality Improvement project.
2. The 0.64 cfs Water Quality Improvement portion of this right is for flow through the City of Middleton Water Quality Improvement Project. Storage of water in the City of Middleton Water Quality Improvement Project is provided under permit 63-34370.

**Explanatory Material for
CCWC Transfer of 63-21761**

RECEIVED

MAY 06 2019

WATER RESOURCES
WESTERN REGION

RECEIVED

JAN 16 2019

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 82980**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Canyon County Water Co. LTD.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

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

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

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

JAN 16 2019

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Canyon County Water Co. LTD. Phone 208-455-1735Mailing address PO Box 11, Star, ID 83669 Email irr.water.3@gmail.com

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

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

☐ No RepresentativeName of Representative Bryce Farris, Sawtooth Law Offices, PLLC Phone 208-629-7447Mailing address 1101 W. River St., Ste. 110, Boise, ID 83707 Email bryce@sawtoothlaw.com

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

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


Signature of Applicant or Authorized Representative

Frank Phillips, President
Print Name and Title if applicable

January 11, 2019
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

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

Applicant proposes changing the nature of use of a portion of the identified water right to provide mitigation for consumptive uses resulting from a water quality improvement project the City of Middleton has proposed under permit application 63-34370.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-21761	75.54	Irrigation	3/1 to 11/15	Boise R/Snake R
☐ ☐		0.59/87.9	Groundwater Recharge	3/1 to 11/15	
☐ ☐		0.64	Mitigation	3/1 to 11/15	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 76.77 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.64 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												L4	L4,7	L3,8					
4N	2W	7										X	X	X					
															L1			L1	
4N	3W	12													X			X	

X = mitigation place of use to be added to the Company right
 No change in the Company service area boundary proposed

Total Acres (for irrigation use)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

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

Company water will be delivered to Mill Slough to provide mitigation water for the City of Middleton's proposed water quality improvement project proposed under permit application 63-34370. The Company's existing diversion and infrastructure are not proposed for change.

- b. Who owns the property at the point(s) of diversion? n/a

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

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

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

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

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

If yes, ☐ complete Attachment WSB.

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

n/a - lands proposed for water quality improvement are currently assessed company water. Change in nature of use will not result in water right expansion as shown in Attachment 8a. See mitigation plan included with permit application 63-34370 for additional information.

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

Associated application for permit 63-34370 for water quality improvement uses.

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

Yes No

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

If yes, describe:

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

Current Water Right No.: 63-21761

Current Owner: CANYON COUNTY WATER CO LTD

Priority Date: 6/1/1867

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use**From To****Diversion Rate****Annual Volume**

IRRIGATION 03/01 to 11/15

76.18 CFS

GROUND WATER 03/01 to 11/15

0.59 CFS

87.9 AF

RECHARGE

Total Diversion

76.77 CFS

Location of Point(s) of Diversion

BOISE RIVER

L4(SW1/4SW1/4)

Sec. 17, Twp 04N, Rge 01W B.M.

ADA County

BOISE RIVER

L1(NE1/4SE1/4)

Sec. 15, Twp 04N, Rge 02W B.M.

CANYON County

Place of Use**IRRIGATION Within CANYON County**

T04N R01W S18	Lot 2	SWNW	T04N R01W S18	Lot 3	NWSW
T04N R02W S5		SWSW	T04N R02W S5		SESW
T04N R02W S5		SWSE	T04N R02W S7		NENE
T04N R02W S7		NWNE	T04N R02W S7		SWNE
T04N R02W S7	Lot 1	SENE	T04N R02W S7		NENW
T04N R02W S7	Lot 6	NWNW	T04N R02W S7	Lot 5	SWNW
T04N R02W S7		SENW	T04N R02W S7	Lot 3	NESW
T04N R02W S7	Lot 4	NWSW	T04N R02W S7	Lot 7	SWSW
T04N R02W S7	Lot 8	SESW	T04N R02W S7	Lot 2	NWSE
T04N R02W S8		NENE	T04N R02W S8		NWNE
T04N R02W S8		SWNE	T04N R02W S8		SENE
T04N R02W S8		NENW	T04N R02W S8		NWNW
T04N R02W S8		SWNW	T04N R02W S8		SENW
T04N R02W S8	Lot 3	NESW	T04N R02W S8	Lot 4	NWSW
T04N R02W S8	Lot 6	SESW	T04N R02W S8		NESE
T04N R02W S8	Lot 2	NWSE	T04N R02W S8	Lot 1	SESE
T04N R02W S9		NENE	T04N R02W S9		NWNE
T04N R02W S9		SWNE	T04N R02W S9		SENE
T04N R02W S9		NENW	T04N R02W S9		NWNW

T04N R02W S9		SWNW
T04N R02W S9		NESW
T04N R02W S9		SWSW
T04N R02W S9		NESE
T04N R02W S9		SWSE
T04N R02W S10		SWNW
T04N R02W S10		NESW
T04N R02W S10		SWSW
T04N R02W S10		NESE
T04N R02W S10		SWSE
T04N R02W S11		NESW
T04N R02W S11		SWSW
T04N R02W S11		NESE
T04N R02W S11		SWSE
T04N R02W S12		NWSW
T04N R02W S12		SESW
T04N R02W S13		NWNE
T04N R02W S13		SENE
T04N R02W S13		NWNW
T04N R02W S13		SENW
T04N R02W S13	Lot 4	NWSW
T04N R02W S13	Lot 1	NESE
T04N R02W S13	Lot 7	SWSE
T04N R02W S14		NWNE
T04N R02W S14		SENE
T04N R02W S14		NWNW
T04N R02W S14	Lot 3	SENW
T04N R02W S14	Lot 5	SWSW
T04N R02W S14	Lot 1	NESE
T04N R02W S14	Lot 7	SWSE
T04N R02W S15		NWNE
T04N R02W S15		SENE
T04N R02W S15		NWNW
T04N R02W S15	Lot 6	NESW
T04N R02W S15		SWSW
T04N R02W S15	Lot 1	NESE
T04N R02W S15	Lot 8	SESE
T04N R02W S16		NWNE
T04N R02W S16	Lot 1	SENE
T04N R02W S16	Lot 4	NWNW
T04N R02W S16	Lot 6	NESW
T04N R02W S17	Lot 1	NENE
T04N R02W S17		SWNE
T04N R02W S17		NENW
T04N R02W S18	Lot 1	NWNW
T04N R03W S1		SESW
T04N R03W S2		SWSE
T04N R03W S10		NENE

T04N R02W S9		SENW
T04N R02W S9		NWSW
T04N R02W S9		SESW
T04N R02W S9		NWSE
T04N R02W S9		SESE
T04N R02W S10		SENW
T04N R02W S10		NWSW
T04N R02W S10		SESW
T04N R02W S10		NWSE
T04N R02W S10		SESE
T04N R02W S11		NWSW
T04N R02W S11		SESW
T04N R02W S11		NWSE
T04N R02W S11		SESE
T04N R02W S12		SWSW
T04N R02W S13		NENE
T04N R02W S13		SWNE
T04N R02W S13		NENW
T04N R02W S13		SWNW
T04N R02W S13	Lot 3	NESW
T04N R02W S13	Lot 6	SESW
T04N R02W S13	Lot 2	NWSE
T04N R02W S14		NENE
T04N R02W S14		SWNE
T04N R02W S14		NENW
T04N R02W S14		SWNW
T04N R02W S14	Lot 4	NWSW
T04N R02W S14	Lot 6	SESW
T04N R02W S14	Lot 2	NWSE
T04N R02W S15		NENE
T04N R02W S15	Lot 2	SWNE
T04N R02W S15	Lot 3	NENW
T04N R02W S15	Lot 4	SWNW
T04N R02W S15	Lot 5	NWSW
T04N R02W S15		SESW
T04N R02W S15	Lot 7	SWSE
T04N R02W S16		NENE
T04N R02W S16	Lot 2	SWNE
T04N R02W S16		NENW
T04N R02W S16	Lot 3	SENW
T04N R02W S16	Lot 8	NESE
T04N R02W S17	Lot 2	NWNE
T04N R02W S17	Lot 3	SENE
T04N R02W S18		NENW
T04N R03W S1		SWSW
T04N R03W S2		NESE
T04N R03W S2		SESE
T04N R03W S10		SWNE

T04N R03W S10		SENE	T04N R03W S10		SENW
T04N R03W S10	Lot 3	NESW	T04N R03W S10	Lot 1	NESE
T04N R03W S10	Lot 2	NWSE	T04N R03W S10	Lot 6	SWSE
T04N R03W S10	Lot 7	SESE	T04N R03W S11		NENE
T04N R03W S11		NWNE	T04N R03W S11		SWNE
T04N R03W S11		SENE	T04N R03W S11		NENW
T04N R03W S11		NWNW	T04N R03W S11		SWNW
T04N R03W S11		SENW	T04N R03W S11	Lot 3	NESW
T04N R03W S11	Lot 4	NWSW	T04N R03W S11	Lot 5	SWSW
T04N R03W S11	Lot 1	NESE	T04N R03W S11	Lot 2	NWSE
T04N R03W S12		NENE	T04N R03W S12		NWNE
T04N R03W S12		SWNE	T04N R03W S12		SENE
T04N R03W S12		NENW	T04N R03W S12		NWNW
T04N R03W S12		SWNW	T04N R03W S12		SENW
T04N R03W S12	Lot 3	NESW	T04N R03W S12	Lot 4	NWSW
T04N R03W S12	Lot 1	NESE	T04N R03W S12	Lot 2	NWSE
T04N R03W S12	Lot 6	SESE			

Total Acres: 3839

GROUND WATER RECHARGE Within CANYON County

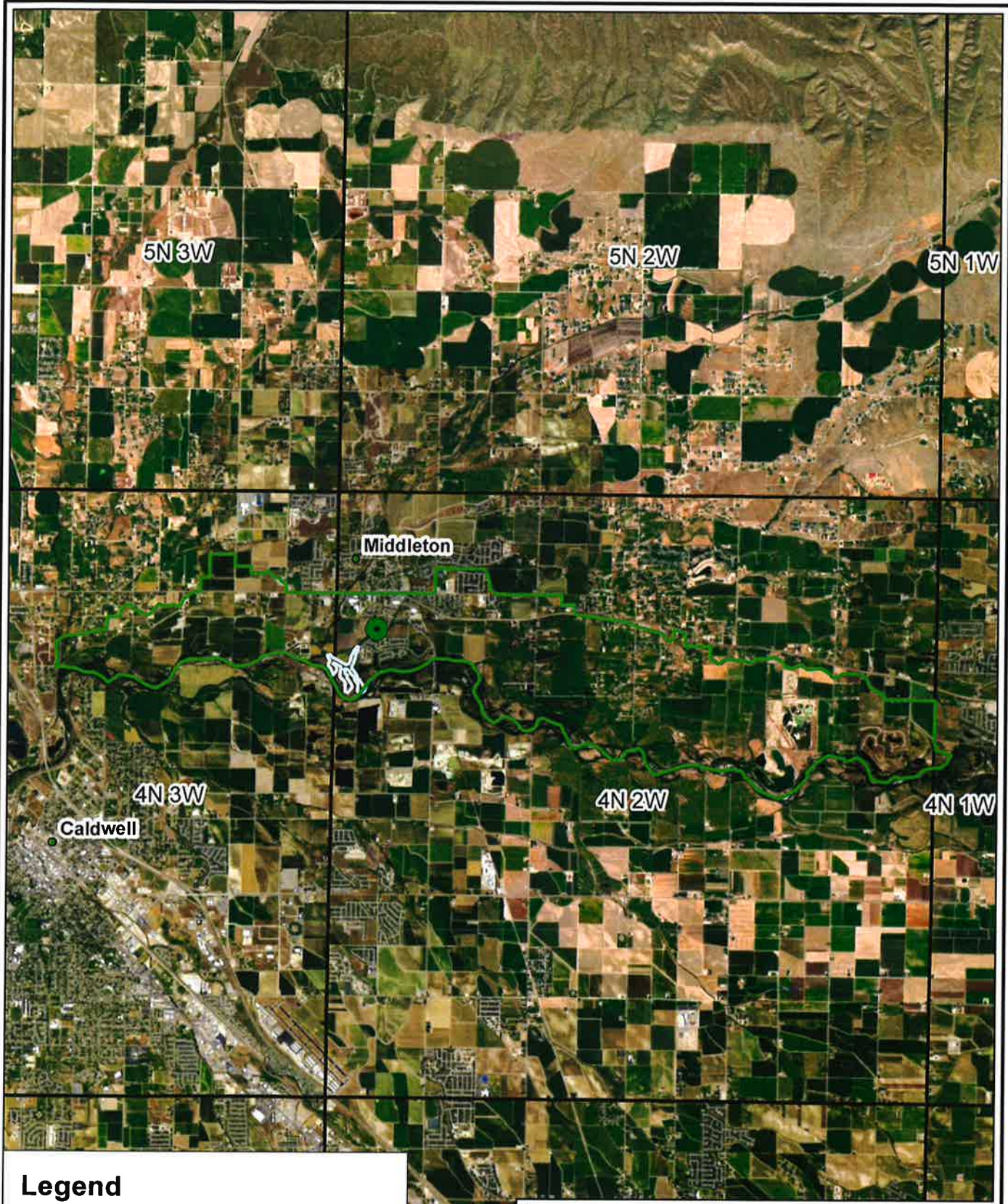
T04N R02W S13	SWNE	T04N R02W S13	SENW
T04N R02W S13	NESW	T04N R02W S13	NWSE

Conditions of Approval:

1. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
2. 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.
3. This right when combined with Right Nos. 63-163 & 63-179B can be used to irrigate up to 3839 acres within the boundary of the Canyon County Water Company, LTD.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands above.

5. 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 proceeding 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 proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. Transfer 72109 authorizes the diversion of water for ground water recharge in the amount of 50.4 af to be used for replacement of losses caused by evaporation from the 16.8 acre total surface area of three (3) aesthetic ponds and the diversion of an additional 37.5 af of water for ground water recharge to mitigate for the diversion and use of 37.5 af of water for supplemental irrigation on 75 acres authorized for irrigation use under Right 63-32142.
8. 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.
9. F06 The following rights are diverted through point(s) of diversion described above: 63-163, 63-179B and 63-21761. Right 63-12550 is also diverted through the point of diversion described above in Section 15.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. SD1 This right originated as all or part of right no. 35 and 35-A in the Stewart Decree and the historic Boise River Water Masters records.
12. Whenever requested by the Department, the right holder shall report the total volume of water diverted into the pond for ground water recharge purposes during the year.
13. 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 diversions.
14. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
15. The diversion rate from the point of diversion in Section 15 is limited to 0.47 cfs.

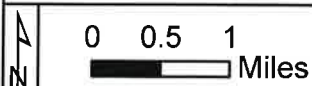
Decreed Date: 1/14/2009

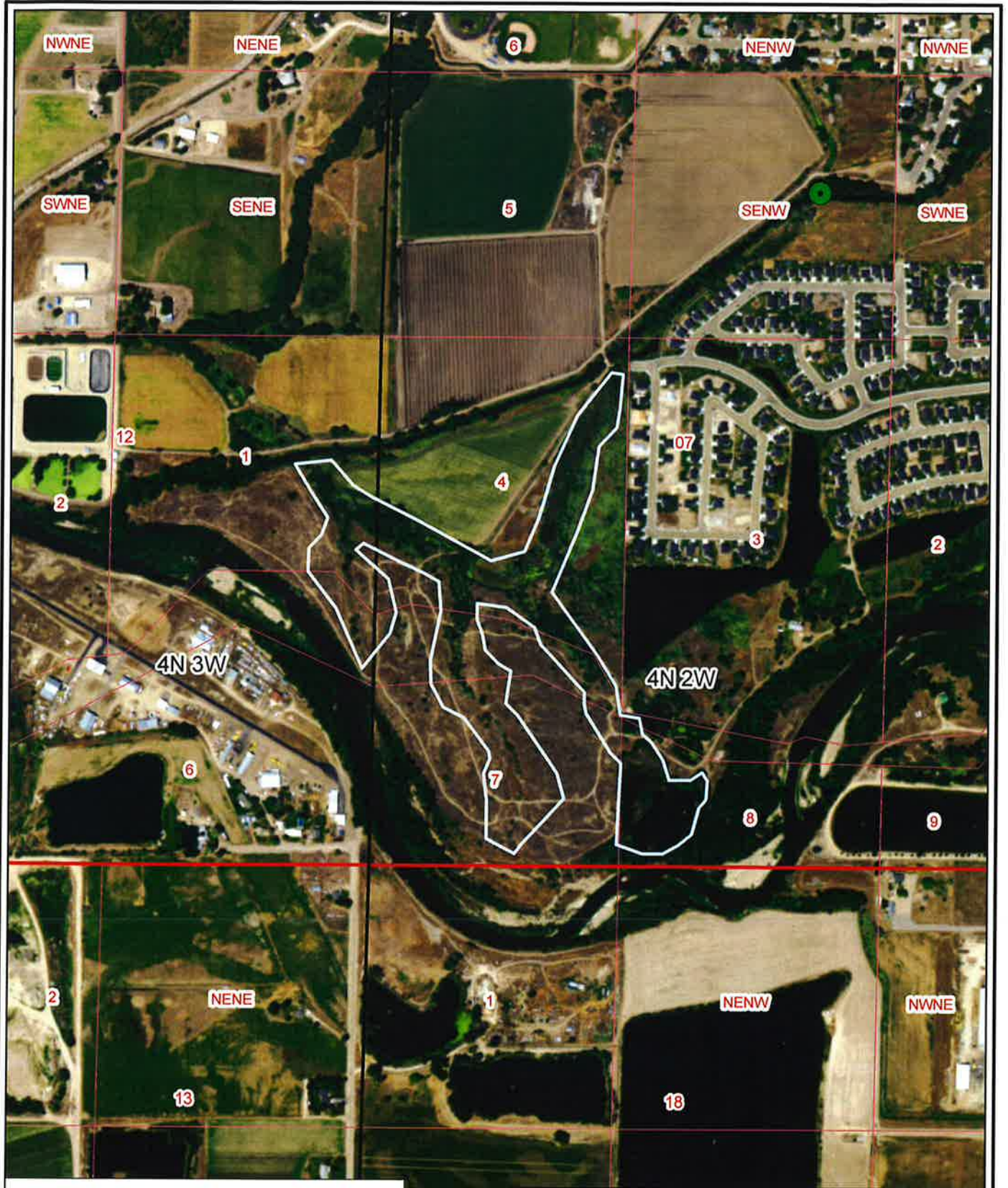


Legend

-  Water Quality Improvement POU
-  CCWC service area
-  Discharge point into Mill Slough

Attachment 7A





Legend

-  Discharge point into Mill Slough
-  Water Quality Improvement POU

Attachment 7B



0 375 750
Feet



Attachment 8A

Caldwell (NWS - 101380)

ETIdaho data - Open water - shallow systems (ponds, streams)

<http://data.kimberly.uidaho.edu/ETIdaho/stcvsstats.py?station=101380&cover=55&stats=Deficit>

7-May-18

	mm/day												growing season	annual	Total
Monthly*	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
days/mo	31	28	31	30	31	30	31	31	30	31	30	31	753		365 days/yr
monthly ET (mm)		5.04	37.82	75.3	115.94	126.6	155.31	132.37	91.8	58.59					798.77 mm/yr
monthly ET(R)	0	0.017	0.124	0.247	0.380	0.415	0.510	0.434	0.301	0.192	0.000	0.000			2.62 af/yr

Expected annual wetland evap

32 acres wetland area

2.62 ft/yr net annual precipitation-deficite wetland consumptive use

83.9 afy, annual wetland consumptive use (32x2.62)

Caldwell (NWS - 101380)

ETIdaho data - Grass Pasture - high management

<http://data.kimberly.uidaho.edu/ETIdaho/stcvsstats.py?station=101380&cover=15&stats=Deficit>

	mm/day												growing season	annual	Total
Monthly*	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec			
days/mo	31	28	31	30	31	30	31	31	30	31	30	31	1069		365 days/yr
monthly ET (mm)		3.92	30.07	119.4	176.7	196.5	222.27	172.98	102	50.53					1074.37 mm/yr
monthly ET(R)	0	0.013	0.099	0.392	0.580	0.645	0.729	0.568	0.335	0.166	0.000	0.000			3.52 af/yr

Expected annual pond evap

32 acres irrigation area

3.52 ft/yr net annual precipitation-deficite grass pasture consumptive use

112.8 afy, annual irrigation consumptive use (32x3.52)

SUPERCEDED

82960

**PROPOSED MITIGATION PLAN FOR
CITY OF MIDDLETON WATER RIGHT APPLICATION 63-34370**

To the Idaho Department of Water Resources (IDWR):

Canyon Water Company ("Company") agrees to dedicate 32 shares representing 0.64 cfs of Boise River water right to mitigate consumptive use of diversions under the above referenced application. Each share of the Company's water rights equals 1 miner's inch or 0.02 cfs of Boise River water right for one acre of irrigation at 100% delivery. The Company and City of Middleton (City) agree to this mitigation plan as follows:

1. The City proposes year-round diversion from Mill Slough for water quality improvement purposes under application for permit 63-34370. Anticipated maximum diversion rate will be 150 cfs. The Mill Slough water will be diverted across a maximum of 32 acres of wetland and storage pond area, and then will return to Mill Slough or the Boise River.
2. Downstream water right holders are concerned that consumptive use by the City water quality improvement project will deplete Boise River flows causing injury to their water rights.
3. The City currently holds 32 shares of Company water for use on lands in the vicinity of their water quality improvement project. The City proposes to utilize these shares for mitigation and thus City agrees the City will not use or be entitled to use the shares or water represented by said shares for irrigation purposes.
4. Company water right 63-21761 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 City's diversions will be provided by delivering the irrigation flow rate associated with 32 shares of Company water right into Mill Slough at a location upstream of the City's diversion point and downstream of the Mill Slough stream flow gages (USGS 13210831 South Middleton Drain at Middleton, ID and USGS 13210831 North Middleton Drain at Middleton, ID). Delivery of mitigation water into Mill Slough can be by rotation or continuous flow, as determined by the Company.
5. The Company will file an application for water right transfer to change the nature of use of 0.64 cfs of water right 63-21761 from irrigation to mitigation purposes. The City will prepare and submit the application on behalf of the Company. The transfer will reduce the allowable irrigated area under water right 63-21761 by 32 acres. The City agrees to reimburse the Company for reasonable attorney fees associated with review and processing of the transfer application.
6. The City and any successors in interest for application or water right 63-34370 will hold a certificate for the water shares and pay the Company assessments for the mitigation shares every year.
7. To the extent development proposed by application 63-34370 is completed on less than 32 acres, the City will consent to a transfer of Company water right 63-21761 to change the nature of use for any excess water shares from mitigation back to irrigation.

8. The City will be responsible for notifying the Company whenever the City intends to begin diverting from Mill Slough and will require delivery of mitigation water. The City shall also be responsible for notifying the Company whenever the City stops diverting water from Mill Slough, and does not require mitigation water. When mitigation water is not needed by the City, the Company may use the water for irrigation purposes in compliance with the Company's water rights.
9. The City agrees to provide a measuring device and diversion structure for the mitigation water. These structures will be subject to a license agreement with the Company. The City will be responsible for all costs associated construction of the diversion and measurement structures, and will reimburse the Company for reasonable attorney fees associated with preparation of the license agreement.

By: **Canyon County Water Company**
Signature: Ken W. Phelan III
Title: Chairman
Date: 1-11-19

By: **City of Middleton**
Signature: Danni Jaylar
Title: Mayor
Date: Jan. 11, 2019

No. C 715 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Feb 28, 2018 Annual Report Form 1. Mailing Address: Correct in this box if needed. CANYON COUNTY WATER COMPANY, LIMITED BETHA I FOSTER PO BOX 11 STAR ID 83669	2. Registered Agent and Address (NO PO BOX) BETHA FOSTER 25584 BIRDIE DR CALDWELL ID 83607 3. <u>New</u> Registered Agent Signature: *				
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
DIRECTOR	HAROLD WATKIN	10083 TURNER DR.	MIDDLETOWN	ID	USA	83644
DIRECTOR	LYNN BENNETT	8495 HWY 44	MIDDLETON	ID	USA	83644
DIRECTOR	WILL MASON	8801 PETRA LANE	MIDDLETON	ID	USA	83644
PRESIDENT	FRANK PHILLIPS, III	7855 N. STAR RD.	MERIDIAN	ID	USA	83642
SECRETARY	BETHA I FOSTER	25584 BIRDIE DRIVE	CALDWELL	ID	USA	83607
DIRECTOR	DAN ALLEN	9374 BLUE HERON	MIDDLETON	ID	USA	83644
5. Organized Under the Laws of: ID C 715		6. Annual Report must be signed.* Signature: Betha Foster Name (type or print): Betha Foster Date: 03/03/2018 Title: Sec/Teas				
Processed 03/03/2018		* Electronically provided signatures are accepted as original signatures.				

Kaiser, Anna

From: Kaiser, Anna
Sent: Tuesday, June 4, 2019 1:27 PM
To: Barker, Albert (IWRB Member)
Subject: Application for Transfer No. 82960
Attachments: 82960.pdf

June 4, 2019

ALBERT P BARKER
BARKER ROSHOLT & SIMPSON LLP
PO BOX 2139
BOISE ID 83701

Application for Transfer No. 82960

Dear Interested Party,

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Statesman* for advertising. I have attached a copy of each application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **June 24, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

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

Kaiser, Anna

From: Kaiser, Anna
Sent: Tuesday, June 4, 2019 1:26 PM
To: 'bryce@sawtoothlaw.com'
Subject: Application for Transfer No. 82960
Attachments: 82960.pdf

June 4, 2019

BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE ID 83701

Application for Transfer No. 82960

Dear Interested Party,

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Statesman* for advertising. I have attached a copy of each application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **June 24, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

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

Kaiser, Anna

From: Kaiser, Anna
Sent: Tuesday, June 4, 2019 1:20 PM
To: 'Terry Scanlan'
Subject: RE: Transfer 82960
Attachments: 82960.pdf

Good Afternoon,

Attached is the Canyon County Water Co's transfer application.

Thank you,

Anna

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

From: Terry Scanlan [mailto:TScanlan@spfwater.com]
Sent: Monday, June 3, 2019 4:15 PM
To: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Subject: Transfer 82960

Hi Anna. Thanks for sending me the attached letter. I prepared the transfer, sent it to Canyon County Water Company for signature, and was expecting to see it come back from them. to me Sounds like maybe they just sent it directly to your office. That is good news.

Can you email a scanned copy of the submitted transfer to me and to Bryce Farris (copied on this email) for our files? Thanks.

Terry M. Scanlan, P.E., P.G. | Principal Engineer/Hydrogeologist

SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350 | Boise, ID 83706
p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2121
e. tscanlan@spfwater.com | w. www.spfwater.com

Kaiser, Anna

From: Kaiser, Anna
Sent: Tuesday, June 4, 2019 1:15 PM
To: 'waterdistrict63@qwestoffice.net'
Subject: Application for Transfer No. 82960
Attachments: 82960.pdf; Watermaster Recommendation Form.docx

June 4, 2019

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Application for Transfer No. 82960

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the application are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **June 24, 2019**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 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

May 31, 2019

CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR, ID 83669

RE: Transfer No. 82960

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the ~~IDAHO~~ ~~STATESMAN~~, PRESS TRIBUNE on 6/6/2019 and 6/13/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Anna Kaiser
Administrative Assistant

CC:

SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
300 E MALLARD DR STE 350
BOISE, ID 83706

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

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, May 30, 2019 3:12 PM
To: 'IDAHO PRESS TRIBUNE'
Subject: CANYON Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 6/6/2019 & 6/13/2019.

Please confirm these are okay to publish as shown.

Thank You,

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

May 30, 2019

LEGAL NOTICE DEPARTMENT

PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application For Permit Nos: 63-34731, 63-34734, 63-34370
Application for Amendment of a Permit No: 63-34079
Application for Transfer No: 82960

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 6/24/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

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

63-34731

PING RICH
KEVIN RICH
22843 BUSKIRK DR
MIDDLETON, ID 83644-5656
Point of Diversion SENE S32 T05N R04W CANYON County Source BOISE RIVER Tributary SNAKE RIVER
Use: IRRIGATION 03/01 to 11/15 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 5/16/2019
Place Of Use: IRRIGATION
T05N R04W S32 L8(SENE)
Total Acres: 3

63-34734

JARED HOEKSEMA
3505 DYNAMITE DR
NAMPA, ID 83686-8486
Point of Diversion SESE S4 T05N R03W CANYON County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.08 CFS
Total Diversion: 0.12 CFS
Date Filed: 5/21/2019
Place Of Use: DOMESTIC, IRRIGATION
T05N R03W S4 SESE
Total Acres: 2.5
Water bearing zone to be appropriated is from 100 to 300 feet.

63-34370

CITY OF MIDDLETON
6 NORTH DEWEY AVE
MIDDLETON, ID 83644
Point of Diversion L1(NESE) S12 T04N R03W CANYON County Source MILL SLOUGH Tributary BOISE RIVER
Point of Diversion L4(NWSW) S7 T04N R02W CANYON County Source MILL SLOUGH Tributary BOISE RIVER
Use: WATER QUALITY IMPROVEMENT 01/01 to 12/31 150 CFS
Use: WATER QUALITY IMPROVEMENT STORAGE 01/01 to 12/31 78.8 AF
Total Diversion: 150 CFS 78.8 AF
Date Filed: 4/27/2017
Place Of Use: WATER QUALITY IMPROVEMENT, WATER QUALITY IMPROVEMENT STORAGE
T04N R02W S7 L4(NWSW) L4(SWSW) L8(SESW)
T04N R03W S12 L1(NESE) SESE

The following application(s) have been filed to amend Permit to Appropriate Water:

63-34079

CHRIS EMMERT
7180 BOWMONT RD
NAMPA, ID 83686
Point of Diversion SENE S35 T02N R02W CANYON County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 1.9 CFS
Total Diversion: 1.9 CFS
Date Filed: 4/17/2019
Place Of Use: IRRIGATION
T02N R02W S35 NENE SWNE SENE
Total Acres: 95

Chris Emmert of 7180 Bowmont Rd Nampa, ID 83686 filed application no. 83235 on 4/17/2019 to amend a water permit no. 63-34079 with a 5/8/2018 priority to divert groundwater totaling 1.90 cfs for irrigation purposes. The permit provides irrigation water for property located on Southside Blvd between Bennett and Bowmont Rd, 5 miles west of Kuna. The applicant proposes to amend the permit to replace the current point of diversion to a new well located on the applicants property. The new well is proposed within SENE of Section 35 of Twp 02N Rge 02W.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82960

CANYON COUNTY WATER CO LTD, C/O BETHA FOSTER PO BOX 11, STAR, ID 83669; has filed Application No. 82960 for changes to the following water rights within ADA, CANYON County(s): Right No(s). 63-21761; 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 0.64 cfs from the applicants' water right from irrigation use to water quality improvement. The water quality improvement use is proposed within the Canyon County Water Co service boundary three quarters of a mile SW of Middleton where Mill Slough enters the Boise River.

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), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A, 42-222 and 42-211. 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 6/24/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/6/2019 and 6/13/2019



RECEIVED

MAY 06 2019

WATER RESOURCES
WESTERN REGION

May 3, 2019

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

Subject: Amended Application for Permit 63-34370 - City of Middleton
Explanatory Information for Transfer of 63-21761 – Canyon County Water Co.

Dear Nick,

This letter presents (1) an amended application for permit 63-34370 in the name of the City of Middleton and (2) explanatory information for a transfer of Canyon County Water Company right 63-21761.

Background

The City of Middleton (City) submitted application for permit 63-34370 on April 27, 2017. Application 63-34370 proposed diversion of 150 cfs from Mill Slough for water quality improvement purposes and storage of 78.8 afa for water quality improvement storage. The proposed season of use was year-round. Application 63-34370 was protested by Drainage District No. 2, Farmers Co-Operative Ditch Company, and Riverside Irrigation District Ltd.

The City of Middleton submitted an amended application for permit 63-34370 on May 18, 2018 that added an additional point of diversion. The application noted that consumptive use from the project (evaporation and transpiration) would be mitigated using Canyon County Water Company (CCWC) shares delivered into Mill Slough and diverted through the project on the basis of one share per wetted acre of the project.

A Stipulation to Resolve Protests and Withdrawal of Protests (Stipulation) was provided to the Department on July 18, 2018. The stipulation provided for, among other things, the City of Middleton to mitigate consumptive uses from the City's water quality improvement project using CCWC water shares.

On January 11, 2019, an application for transfer of CCWC water right 63-21761 was submitted to the Department. The application proposed changing the nature of use of a 0.64 cfs portion of the right from irrigation to mitigation purposes. A mitigation plan for 63-34370, proposing use of the transferred portion of 63-21761 for mitigation, was submitted along with the transfer

Both the amended application for permit 63-34370 and the application for transfer 63-21761 have been held by the Department without processing for various reasons, including characterization of the changed use of 63-21761 as mitigation in an area where mitigation is not required by the Department. Meetings with representatives of the City, protestants, CCWC and the Department were held on April 2 and 16, 2019 to discuss the application, transfer, and Stipulation. As result of those discussions, it was determined that the nature of use of the 0.64 cfs portion of 63-21761 proposed for transfer should be changed to water quality improvement rather than mitigation. The Department requested modifications to the amendment of application 63-34370 to be consistent with the use of 63-21761 as water quality improvement rather than mitigation, and clarification of the transfer to demonstrate no enlargement of 63-21761. These items are discussed in the remainder of this letter.

Amended Application for Permit 63-34370

The enclosed amended Application for Permit 63-34370 supersedes the amended application submitted on May 18, 2018. The present amended Application provides for the following changes to the original application submitted on April 27, 2017.

1. Adds a second point of diversion.
2. Includes proposed conditions of approval that recognize the items in the Stipulation
3. Acknowledges that 30.4 af of the 78.8-af Water Quality Improvement Storage volume will be used to cover evaporation (28.5 inches per year) from open water areas (estimated to be 40% of the project, or 12.8 acres).
4. Changes the active reservoir capacity from 78.8 af to 48.4 af recognizing the 30.4 af required for evaporation. This equates to an average depth of 3.8 feet for open water areas.
5. Notes that CCWC shares will also be delivered through the project.
6. Notes that the City now owns (rather than controls) the place of use and point of diversion.
7. Includes a copy of the Stipulation.

The amended application does not include a mitigation plan because the Department does not recognize a need for mitigation plan. A previously agreed upon mitigation plan between CCWC and the City is enclosed for informational purposes, however, to document the arrangement between CCWC and the City for delivery of the 32 shares (0.64 cfs of 63-21761). The parties (City, CCWC, Riverside Irrigation District, and Farmers Co-Operative) intend that the City will utilize the 32 CCWC shares in the manner described in the mitigation plan (although the nature of use for the 32 shares will be changed to Water Quality Improvement rather than Mitigation as described below).

Explanatory Information for CCWC Transfer of 63-21761

I understand from our meeting on April 16, 2019 and teleconference on April 30 that Bryce Farris, attorney for CCWC, will provide you with CCWC authorization that agrees to a clarification that the change in nature of use for 63-21761 will be described as Water Quality Improvement rather than Mitigation.

Explanatory information for the 63-21761 transfer is provided as Attachment 8a of the attached revised transfer. The purpose of this information is to demonstrate that the change in nature of use from Irrigation to Water Quality Improvement will not result in an enlargement of the water right.

I believe that this covers the items discussed at our recent meetings. Please contact me if anything else is needed to continue processing of these applications.

Sincerely,



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

Enclosures: Amended Application 63-34370
Explanatory Material for CCWC Transfer of 63-21761

Cc: Mayor Darin Taylor, City of Middleton (dtaylor@middletoncity.com)
Bryce Farris, Attorney for CCWC, Drainage Dist. No. 2, and Farmers Co-Operative Ditch
(bryce@sawtoothlaw.com)
Al Barker, Attorney for Riverside Irrigation District, Ltd. (apb@idahowaters.com)
Jack Harrison, City of Middleton Water Quality Consultant (hyqual@cableone.net)

SPF file number: 991.0140

RECEIVED

JAN 16 2019

WATER RESOURCES
WESTERN REGION

January 11, 2019

Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer of 63-21761 and Mitigation Plan for 63-34370

Dear Nick,

On behalf of the City of Middleton, enclosed please find an application for transfer of Canyon County Water Company water right 63-21761. The application proposes changing the nature of use of a 0.64 cfs portion of 63-21761 from irrigation to mitigation. As described by the attached mitigation plan, the City of Middleton will dedicate 32 shares of Canyon County Water Company water represented by water right 63-21761 for mitigation of application for permit 63-34370. Application for permit 63-34370 proposes water quality improvement for water diverted from Mill Slough on 32 acres within the service area of Canyon County Water Company.

A check for \$500 is enclosed for the filing fee. The filing fee is based on the 0.64 cfs portion of water right 63-21761 proposed for change. Please call me if you have any questions.

Sincerely,



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

Cc: Mayor Darin Taylor - City of Middleton
Jack Harrison, HyQual
Bryce Farris – Attorney for Canyon County Water Company
Betha Foster – Secretary for Canyon County Water Company

Enclosures

SPF file number: 991.0140