

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81213**

This is to certify that: **PIONEER DITCH CO LTD**
PO BOX 70
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>
63-183	WR/DECREED	6/1/1870	25.720 cfs	N/A	1283.1	1282.1	BOISE RIVER

Purpose of Transfer (Changes Proposed)

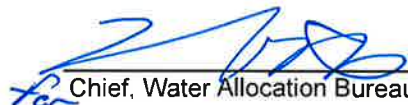
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-183	NO	NO	NO	NO	NO	YES

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>
63-183	63-183	25.720 cfs	N/A	1196.1	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		25.720 cfs	N/A	1196.1	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 20 day of May, 2019.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-183
As Modified by Transfer No. 81213

In accordance with the approval of Transfer No. 81213, Water Right No. 63-183 is now described as follows:

Right Holder: PIONEER DITCH CO LTD
 PO BOX 70
 STAR, ID 83669

Priority Date: 6/1/1870

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	23.920 cfs	
MITIGATION BY NON-USE	03/01	to 11/15	0.600 cfs	
AESTHETIC STORAGE	03/01	to 11/15		130.0 af
DIVERSION TO STORAGE	03/01	to 11/15	1.200 cfs	
			25.720 cfs	

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L3 (NENW) Sec 14 Twp 04N Rge 01W ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	16						X	X										
04N	01W	17	X		X	X				X	X					X			
04N	01W	17														X			
04N	01W	17														L 2			
04N	01W	17														X			
																L 9			

CONDITIONS OF APPROVAL

1. Place of use is within the area served by Pioneer Ditch Co Ltd.
2. 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.
3. This right is limited to the irrigation of 1,196.1 acres of the 1,283.1 acres decreed within the authorized place of use in a single irrigation season. 30 acres have been dedicated to mitigation use for Rights 63-31890, 63-32602 and 63-33031. 60 acres have been dedicated to aesthetic storage for Right 63-34219.

Transfer No. 81213

WATER RIGHT NO. 63-183
As Modified by Transfer No. 81213

CONDITIONS OF APPROVAL

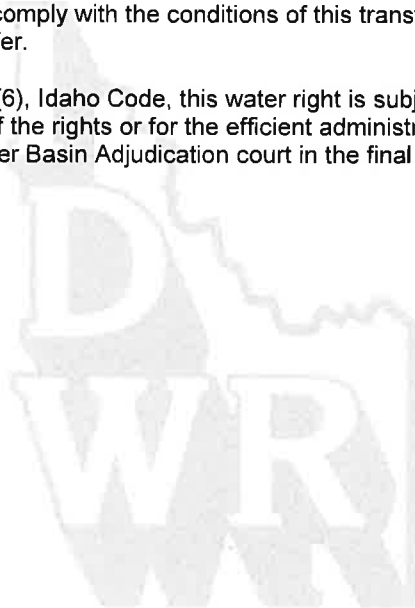
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. 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.
7. 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.
8. Transfer 81213 authorizes the diversion and delivery of 1.20 cfs and 130 af of water to storage for replacement of evaporation losses from nine ponds authorized by Right 63-34219.
9. This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 63-31890, 63-32602 and 63-33031. To prevent injury to other water right holders, the right holder shall cease diverting 0.60 cfs of this right from the Boise River. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Rights 63-31890, 63-32602 and 63-33031. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Rights 63-31890, 63-32602 and 63-33031 that are being mitigated shall be reduced by the same proportion as the reduction to this right.
10. This right originated as all or part of right no. 49 in the Stewart Decree and the historic Boise River Water Masters records.
11. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
12. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 81213

WATER RIGHT NO. 63-183
As Modified by Transfer No. 81213

CONDITIONS OF APPROVAL

13. Water is delivered through the Pioneer Ditch Company canal.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



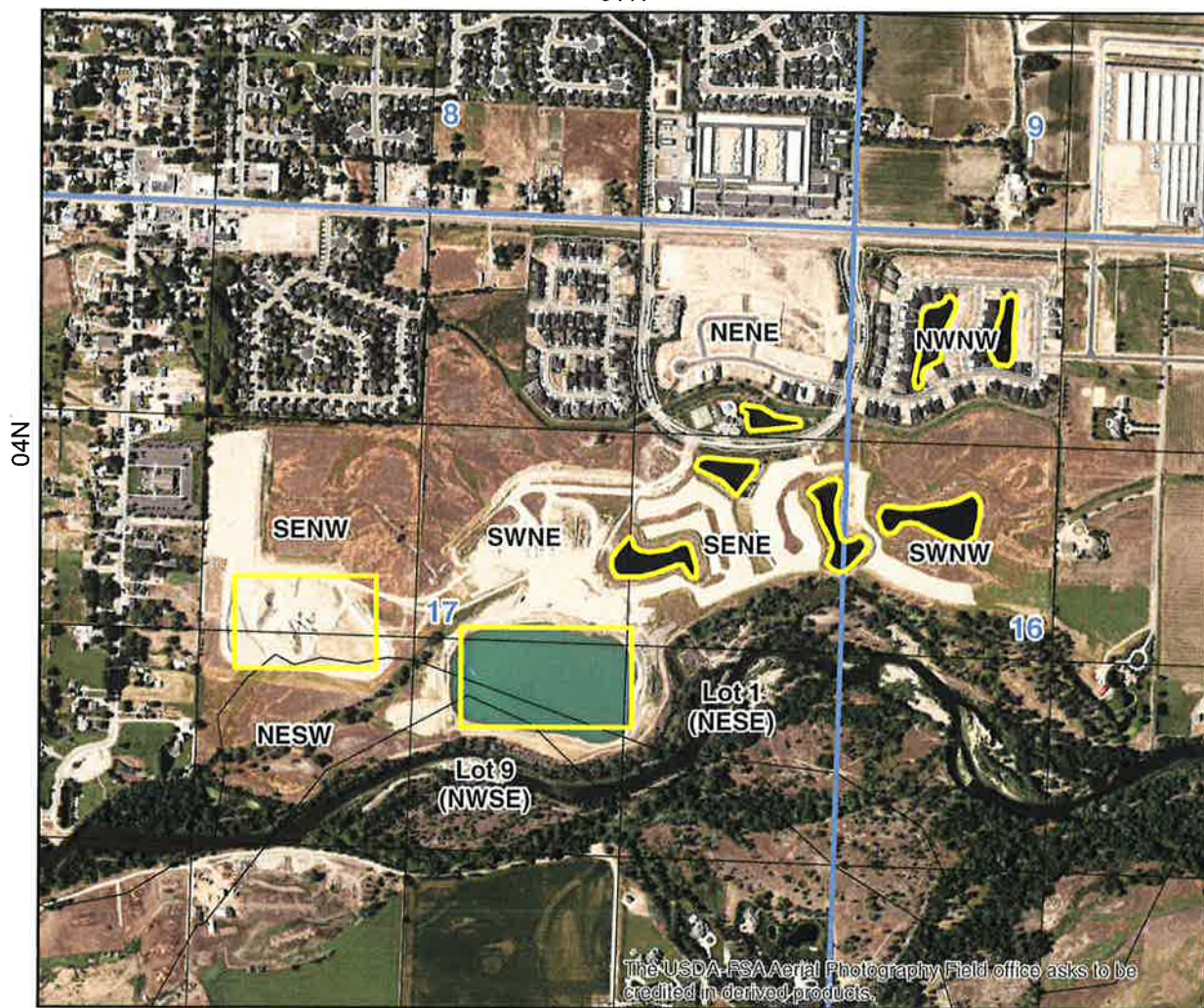
State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 81213

63-183

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

01W



0 0.125 0.25 0.5 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections



Attachment to Water Right Transfer 81213

63-183

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



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 8, 2019

PIONEER DITCH CO LTD
PO BOX 70
STAR ID 83669

Re: Transfer No.: 81213
Water Right Nos: 63-183

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:

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

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 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.: 81213
Water Right No(s): 63-183

PIONEER DITCH CO LTD
PO BOX 70
STAR ID 83669

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

A handwritten signature in blue ink, appearing to read "Anna Kaiser", is written over a horizontal line.

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.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0004012942	63-34620 CREIGHTON WOODS DEVELOPMEN	LEGAL NOTICE	\$163.93	1	101

Attention: Anna Kaiser

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

63-34620
CREIGHTON WOODS DEVELOP-
MENT INC
PO BOX 95
MERIDIAN, ID 83680-0095
Point of Diversion L2(NWNE) S19
T04N R01E ADA County Source
GROUND WATER Tributary
BOISE RIVER
Use: AESTHETIC 01/01 to
12/31 29 AF
Total Diversion: 29 AF
Date Filed: 9/21/2018
Place Of Use: AESTHETIC
T04N R01E S19 L2(NWNE)
SWNE
Water bearing zone to be appro-
priated is from 0 to 15 feet.
Mitigation is proposed for con-
sumptive use.
63-34653
WEST ADA SCHOOL DISTRICT
C/O SPENCER MCLEAN
1303 E CENTRAL DR
MERIDIAN, ID 83642-7991
Point of Diversion SWNW S27
T04N R01W ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to
11/15 0.22 CFS
Total Diversion: 0.22 CFS
Date Filed: 12/20/2018
Place Of Use: IRRIGATION
T04N R01W S27 SWNW
NWSW
Total Acres: 9
Water bearing zone to be appro-
priated is from 200 to 300 ft.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81213
PIONEER DITCH CO. LTD., PO
BOX 70, STAR, ID 83669, has
filed Application No. 81213 for
changes to the following water
rights within ADA County(s):
Right No(s). 63-183; 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 por-
tion of the above rights as fol-
lows: The purpose of the trans-
fer is to change the nature of
use from irrigation to aesthetic
storage by retiring 36 acres.
This action will provide the re-
quired mitigation for consump-
tive losses associated with Appli-
cation for Permit 63-34219.
Aesthetic storage water will be
used within the current Pioneer
Ditch Company place of use
boundary, 0.75 miles SE of Star.
Permits will be subject to all prior
water rights. For additional infor-
mation concerning the property
location, contact Western Region
office at (208) 334-2190. Pro-
tests may be submitted based
on the criteria of Idaho Code S
42-203A. Any protest against the
approval of this application must
be filed with the Director, Dept.
of Water Resources, Western Re-
gion, 2735 W AIRPORT WAY,
BOISE ID 83705-5082 together
with a protest fee of \$25.00 for

, 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: 12/27/2018

Ending issue of: 01/03/2019

Suzanne Beers
(Legals Clerk)

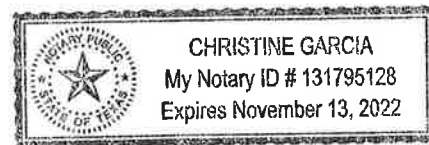
STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 3rd day of January in the year
of 2019 before me, a Notary Public,
personally appeared before me
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.

Christine Garcia



RECEIVED

JAN 14 2019

WATER RESOURCES
WESTERN REGION

each application on or before
1/22/2019. The protestant
must also send a copy of the
protest to the applicant.
GARY SPACKMAN, Director
Published on 1/3/2019 and
1/10/2019

0004012942-01