

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81366**

This is to certify that: **LAGUNA POINTE HOA INC**
9601 W STATE ST #203
BOISE, ID 83714

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>
63-144A	WR/DECREED	6/1/1865	2.030 cfs	251.0 af	23.7	117.2	BOISE RIVER
63-32918	WR/DECREED	6/1/1865	0.320 cfs	46.8 af	10.4	117.2	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>
63-144A	NO	YES	NO	NO	NO	NO
63-32918	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-144A	63-144A	2.030 cfs	251.0 af	23.7	117.2	N/A	N/A	N/A	N/A	N/A
63-32918	63-32918	0.320 cfs	46.8 af	10.4	117.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.350 cfs	297.8 af	34.1	117.2		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 25th day of January, 2012.


for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 63-144A

Transfer No. 81366

WATER RIGHT NO. 63-144A**As Modified by Transfer No. 81366**

In accordance with the approval of Transfer No. 81366, Water Right No. 63-144A is now described as follows:

Right Holder: LAGUNA POINTE HOA INC
9601 W STATE ST #203
BOISE, ID 83714

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.720 cfs	106.7 af
MITIGATION BY NON-USE	01/01	to 12/31	0.000	144.3 af
MITIGATION BY NON-USE	03/01	to 11/15	2.030 cfs	0.0
			2.030 cfs	251.0 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L1 (SENE) Sec 21 Twp 04N Rge 01E ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	16											0.2	0.2					0.4
04N	01E	21		22.4	19.6		28.5	24.7	9.2	12.4				L 1					116.8
				L 2	L 2		L 3	L 4	L 4	L 3									

Right Acre Limit: 23.7

POU Total Acres: 117.2

PLACE OF USE: MITIGATION BY NON-USE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	21		X	X		X	X		X									
				L 2	L 2		L 3	L 4		L 3									

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 23.7 acres within the place of use described above in a single irrigation season.
2. Rights 63-144A and 63-32918 when combined shall not exceed the irrigation of 34.1 acres.

Transfer No. 81366

WATER RIGHT NO. 63-144A

As Modified by Transfer No. 81366

CONDITIONS OF APPROVAL

3. This right authorizes an annual diversion volume of 144.3 af for replacement for evaporation losses from aesthetic ponds authorized under Right 63-32229.
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. Within any 24-hour period, redirection from the pond(s) for irrigation purposes shall not exceed the total volume of water delivered to the pond from the Boise River for irrigation purposes pursuant to this right within the same 24-hour period.
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. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Prior to diversion and use of water for irrigation purposes under this right, the right holder shall install a totalizing measuring device of a type approved by the department on the system for redirecting water from the pond(s) for irrigation. The measuring device shall be read and recorded on a daily basis and the right holder must record and maintain records of all irrigation diversions from the ponds identifying the amount of water diverted by date and the total annual volume. These records must be made available for inspection by the department upon request. Each annual record must be maintained for a minimum of 10 years.
9. 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 for the delivery of water through the Coast 2 Coast Subdivision to other users of the common conveyance system.
10. 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.

WATER RIGHT NO. 63-144A

As Modified by Transfer No. 81366

CONDITIONS OF APPROVAL

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 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.
12. Place of use is the Coast 2 Coast Subdivision.
13. This right originated as all or part of right no. 12 in the Stewart Decree and the historic Boise River Water Masters records.
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 8/26/2014.

WATER RIGHT NO. 63-32918**As Modified by Transfer No. 81366**

In accordance with the approval of Transfer No. 81366, Water Right No. 63-32918 is now described as follows:

Right Holder: LAGUNA POINTE HOA INC
9601 W STATE ST #203
BOISE, ID 83714

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.320 cfs
0.320 cfs

Diversion Volume
46.8 af
46.8 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L1 (SENE) Sec 21 Twp 04N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	16											0.2	0.2					0.4
														L 1					
04N	01E	21		22.4	19.6		28.5	24.7	9.2	12.4									116.8
				L 2	L 2		L 3	L 4	L 4	L 3									

Right Acre Limit: 10.4
POU Total Acres: 117.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10.4 acres within the place of use described above in a single irrigation season.
2. Rights 63-144A and 63-32918 when combined shall not exceed the irrigation of 34.1 acres.
3. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. Use of water 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.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 81366

WATER RIGHT NO. 63-32918

As Modified by Transfer No. 81366

CONDITIONS OF APPROVAL

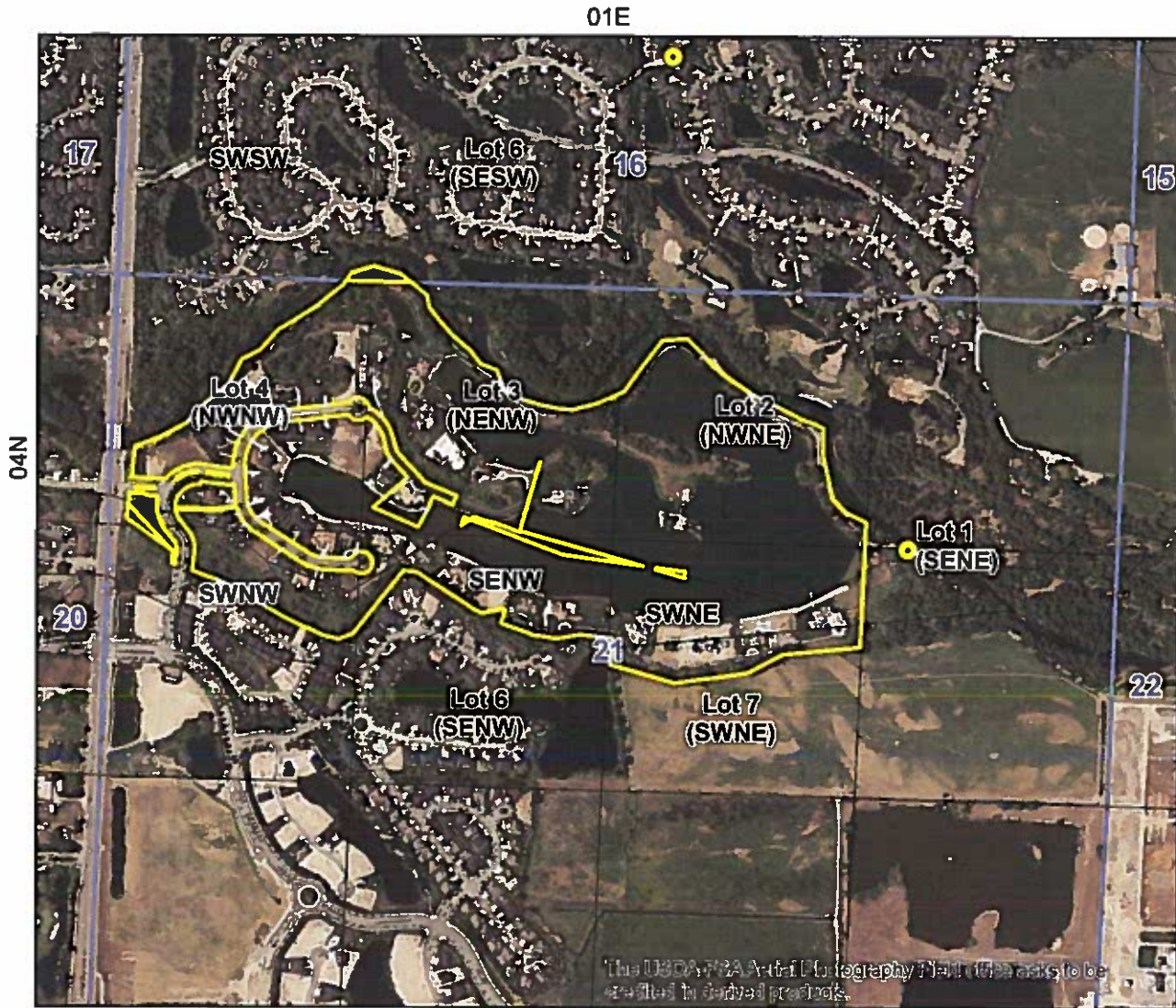
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the amount of water released from the reservoir.
7. Diversion for irrigation under this water right prior to April 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 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.
8. 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.
9. This right originated as all or part of right no. 12 in the Stewart Decree and the historic Boise River Water Masters records.
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 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 8/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 81366

Rights 63-144A and 63-32918

This map depicts the IRRIGATION place of use boundary for the water rights at the time of this approval and is attached to the approval document solely for illustrative purposes. Right 63-144A MITIGATION BY NON-USE place of use boundary is retired use within the IRRIGATION place of use boundary.



Point of Diversion



Place Of Use Boundary



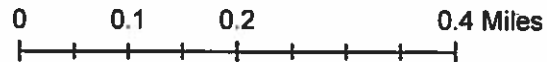
Townships



PLS Sections



Quarter Quarters





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 25, 2017

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

LAGUNA POINTE HOA INC
9601 W STATE ST 203
BOISE ID 83714

Re: Transfer No: 81366
Water Right No(s): 63-144A , 63-32918

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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

The Transfer of Water Right(s) 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,

A handwritten signature in black ink that reads "Rachel Neely for:". To the left of the signature is a stylized, circular scribble or flourish.

Nick Miller

Western Regional Manager

Enclosure

CC:

TO ENGINEERS
C/O DAVID STERLING
2471 S TITANIUM PL
MERIDIAN ID 83642

WATER DISTRICT 63
REX R. BARRIE
10769 W STATE ST
PO BOX 767
STAR ID 83669

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 81366
Water Right No(s): 63-144A , 63-32918**

**LAGUNA POINTE HOA INC
9601 W STATE ST 203
BOISE ID 83714**

**TO ENGINEERS
C/O DAVID STERLING
2471 S TITANIUM PL
MERIDIAN ID 83642**

**REX R. BARRIE
10769 W STATE ST
PO BOX 767
STAR ID 83669**

A handwritten signature in dark ink, appearing to read 'Rachel Neely', is written over a solid horizontal line.

**Rachel Neely
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
283978	0002856548	LEGAL NOTICE The following applications have	US Bur. Reclamation	\$145.40	1	88

Attention: RACHEL NEELY

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

LEGAL NOTICE

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

65-23675
UNITED STATES BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE, ID 83706
Point of Diversion L1(ENE) S22
T07N R01W GEM County Source
PAYETTE RIVER Tributary SNAKE
RIVER
Use: POWER 01/01 to 12/31
2600 CFS
Total Diversion: 2600 CFS

Date Filed: 10/24/2016
Place of Use: POWER
T07N R01W S22 L10(SWNE)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81366
LAGUNA POINTE HOA INC.
9601 W STATE ST #203, BOISE, ID 83714; has filed Application No. 81366 for changes to the following water rights within ADA County(s): Right No(s). 63-144A, 63-32918; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers.aspx. Applicant proposes to move the point of diversion to a new point approximately 700 feet downstream on the Boise River, from the current point of diversion in Gov't Lt 8 to Gov't Lt 1 in the SENE of Section 21, T4N, R1E. Water will be used at the current place of use in Coast 2 Coast Subdivision east of Eagle Rd approximately one mile south of State St Highway 44.

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/WaterManagement/WaterRights. 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 1/23/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Jan. 5, 12, 2017

0002856546-01

✓ OK RN 1/24/17

RECEIVED

JAN 17 2017

WATER RESOURCES
WESTERN REGION

✓ OK RN
1/24/17

JANICE HILDRETH, 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: 01/05/2017

Ending issue of: 01/12/2017

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

On this 12th day of January in the year of 2017 before me, a Notary Public, personally appeared before me Janice Hildreth 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.

Anna Gomm
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 08/17/2022

