

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78885**

This is to certify that: **GARDNER MACE RANCH LC**
101 S CAPITOL BLVD STE 1201
BOISE, ID 83702

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>
63-182	WR/DECREED	6/1/1870	2.600 cfs	N/A	N/A	130.0	BOISE RIVER
63-216A	WR/DECREED	6/1/1889	0.800 cfs	N/A	N/A	40.0	BOISE RIVER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
63-16273	WR/DECREED	12/31/1944	0.220 cfs	34.7 af		6.5	GROUND WATER
63-161CF	WR/DECREED	5/1/1866	0.120 cfs	N/A		52.0	BOISE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>PQU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-182	NO	YES	YES	YES	YES	YES
63-216A	NO	YES	YES	YES	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>
63-182	63-182	2.600 cfs	N/A	106.0	183.0	N/A	N/A	N/A	N/A	N/A
63-216A	63-216A	0.800 cfs	N/A	40.0	183.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.400 cfs	0.0 af	146.0	183.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 63-182

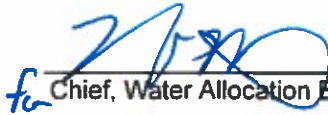
Transfer No. 78885

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78885

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 8th day of November, 2016.


for Chief, Water Allocation Bureau



WATER RIGHT NO. 63-182**As Modified by Transfer No. 78885**

In accordance with the approval of Transfer No. 78885, Water Right No. 63-182 is now described as follows:

Right Holder: GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1201
BOISE, ID 83702

Priority Date: 6/1/1870

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION
AESTHETIC STORAGE
RECREATION STORAGE
DIVERSION TO STORAGE

From

03/01
01/01
01/01
03/01

To

to 11/15
to 12/31
to 12/31
to 11/15

Diversion Rate

2.120 cfs

0.480 cfs
2.600 cfs

Diversion Volume

56.5 af
56.5 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L5 (SWNW) Sec 16 Twp 04N Rge 01E ADA County
BOISE RIVER L2 (NWNE) Sec 21 Twp 04N Rge 01E 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	01E	17			X	X													0
					L2	L1													

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	17	6.0	17.0	26.0	11.0	24.0	30.0	36.0	30.0									180.0
			L1	L2	L2	L1			L4	L3									
04N	01E	18	1.0			2.0													3.0
			L1			L1													

Right Acre Limit: 106.0

POU Total Acres: 183.0

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	17			X	X													0
					L2	L1													

Transfer No. 78885

WATER RIGHT NO. 63-182
As Modified by Transfer No. 78885

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 106 acres within the authorized place of use in a single irrigation season.
2. Rights 63-182, 63-216A, 63-16273, and 63-161CF when combined shall not exceed the irrigation of 146.0 acres.
3. 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.
4. Transfer 78885 authorizes the diversion and delivery of 0.48 cfs and 56.5 af of water to storage for replacement of evaporation losses from twelve ponds authorized by Right 63-33864.
5. 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.
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 diversion(s).
7. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
8. This right originated as all or part of right no. 48 in the Stewart Decree and the historic Boise River Water Masters records.
9. 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.
10. This right is delivered through the Conway-Hamming and Mace-Mace ditches.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 78885

WATER RIGHT NO. 63-182
As Modified by Transfer No. 78885

CONDITIONS OF APPROVAL

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.



WATER RIGHT NO. 63-216A**As Modified by Transfer No. 78885**

In accordance with the approval of Transfer No. 78885, Water Right No. 63-216A is now described as follows:

Right Holder: GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1201
BOISE, ID 83702

Priority Date: 6/1/1889

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

0.800 cfs

0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER
BOISE RIVER

L5 (SWNW)
L2 (NWNE)

Sec 16 Twp 04N Rge 01E ADA County
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	17	6.0	17.0	26.0	11.0	24.0	30.0	36.0	30.0									180.0
			L1	L2	L2	L1			L4	L3									
04N	01E	18	1.0			2.0													3.0
			L1			L1													

Right Acre Limit: 40.0
POU Total Acres: 183.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. Rights 63-182, 63-216A, 63-16273, and 63-161CF when combined shall not exceed the irrigation of 146.0 acres.
3. 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.
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.

Transfer No. 78885

WATER RIGHT NO. 63-216A
As Modified by Transfer No. 78885

CONDITIONS OF APPROVAL

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).
6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and 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.
7. This right originated as all or part of right no. 116 in the Stewart Decree and the historic Boise River Water Masters records.
8. 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.
9. This right is delivered through the Conway-Hamming and Mace-Mace ditches.
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 08/26/2014.

WATER RIGHT NO. 63-16273**As Modified by Transfer No. 78885**

In accordance with the approval of Transfer No. 78885, Water Right No. 63-16273 is now described as follows:

Right Holder: GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1201
BOISE, ID 83702

Priority Date: 12/31/1944

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

03/01
01/01

To

to 11/15
to 12/31

Diversion Rate

0.130 cfs
0.090 cfs
0.220 cfs

Diversion Volume

29.3 af
5.4 af
34.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (SENW) Sec 17 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	17					0.5							6.0					6.5
										L3									

POU Total Acres: 6.5

PLACE OF USE: STOCKWATER

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	17					X			X									
										L3									

CONDITIONS OF APPROVAL

- 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.
- Rights 63-182, 63-216A, 63-16273, and 63-161CF when combined shall not exceed the irrigation of 146.0 acres.

Transfer No. 78885

WATER RIGHT NO. 63-16273
As Modified by Transfer No. 78885

CONDITIONS OF APPROVAL

3. 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.
4. Stockwater use is for 250 range cattle and 150 horses.



WATER RIGHT NO. 63-161CF
As Modified by Transfer No. 78885

In accordance with the approval of Transfer No. 78885, Water Right No. 63-161CF is now described as follows:

Right Holder: GARDNER MACE RANCH LC
 101 S CAPITOL BLVD STE 1201
 BOISE, ID 83702

Priority Date: 5/1/1866

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

0.120 cfs

0.120 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER
 BOISE RIVER

L5 (SWNW)
 L2 (NWNE)

Sec 16 Twp 04N Rge 01E ADA County
 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	17							30.0	22.0									52.0
									L4	L3									

POU Total Acres: 52.0

CONDITIONS OF APPROVAL

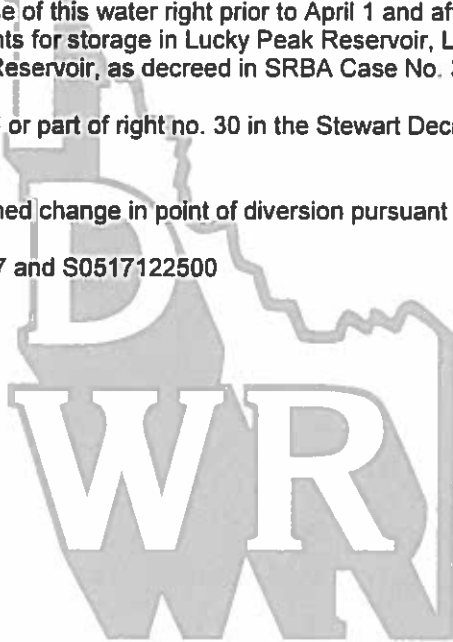
1. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
2. Rights 63-182, 63-216A, 63-16273, and 63-161CF when combined shall not exceed the irrigation of 146.0 acres.
3. 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.

Transfer No. 78885

WATER RIGHT NO. 63-161CF
As Modified by Transfer No. 78885

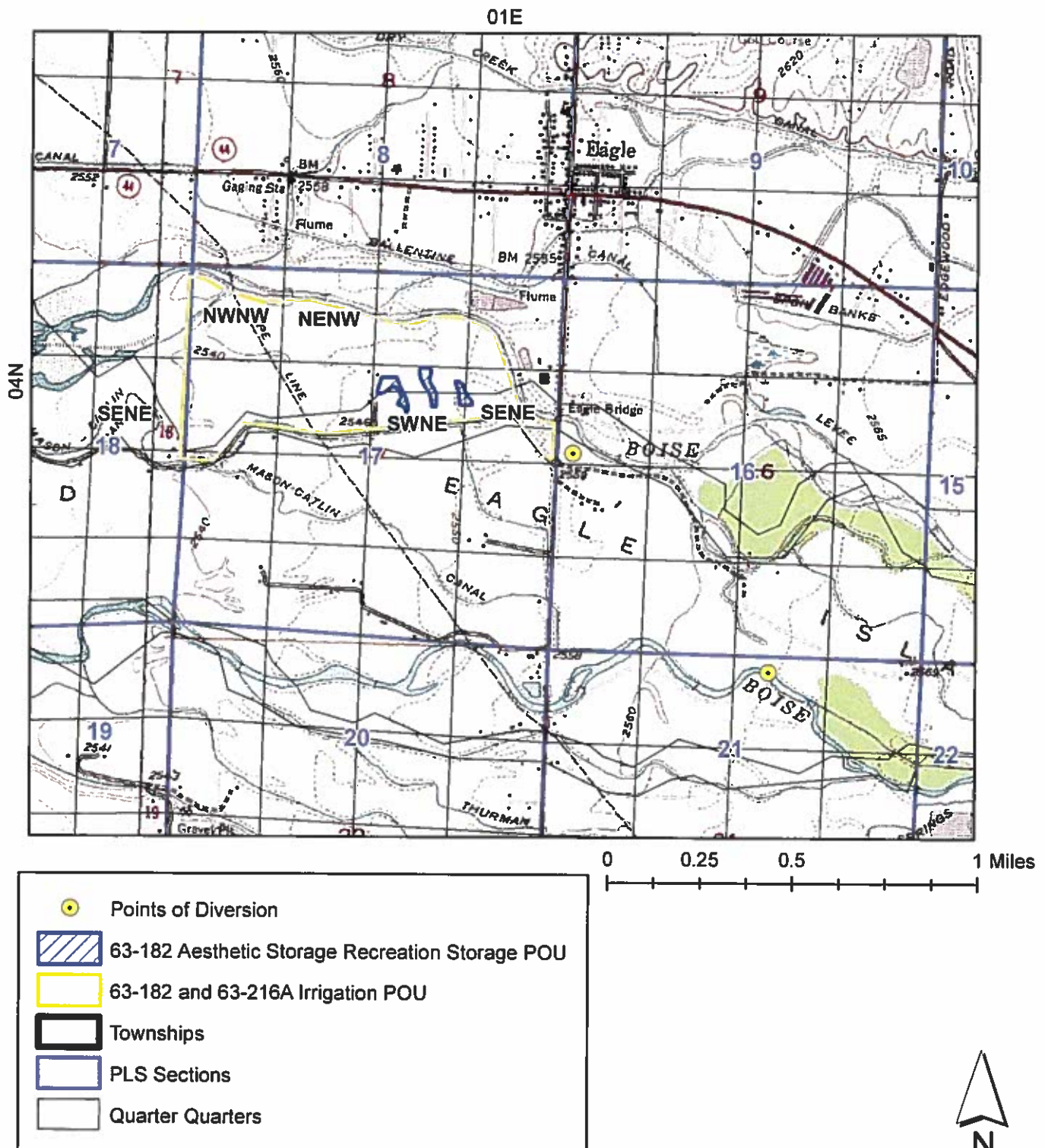
CONDITIONS OF APPROVAL

4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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.
5. This right originated as all or part of right no. 30 in the Stewart Decree and the historic Boise River Water Masters records.
6. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
7. Parcel Nos. S0517141807 and S0517122500



State of Idaho
Department of Water Resources
Attachment to Transfer No. 78885
63-182 and 63-216A

This map depicts the 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.





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

November 8, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1201
BOISE ID 83702

Re: Transfer No: 78885
Water Right No(s): 63-161CF, 63-182, 63-216A , 63-16273
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,

 Rachel Neely for:

Nick Miller

Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78885

Water Right No(s): 63-161CF, 63-182, 63-216A , 63-16273

**GARDNER MACE RANCH LC
101 S CAPITOL BLVD STE 1201
BOISE ID 83702**

**SPF WATER ENGINEERING LLC
C/O SCOTT KING
300 E MALLARD DR STE 350
BOISE ID 83706**

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



**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.

Memorandum

To: Transfer 78885 File

From: Nick Miller

Date: 11/7/2016

RE: Associated rights and combined limits

Water Right 63-16CF was decreed by the SRBA court on June 19, 2014 – after the transfer was filed. That right authorizes 52 acres of irrigation that is completely within the 130 acre place of use for 63-182. Additionally, right 63-16273 authorizes 6.5 acres of irrigation. Six acres of that overlies both 63-161CF and 63-182. The remaining 0.5 acres overlies the place of use for 63-216A. No overlap existed between 63-216A and 63-182 or 63-161CF. All four of these rights were decreed with language that limited each right to no more than an inch to the acre with one or more of the other rights. I added 63-161CF and 63-16273 as associated rights to transfer 78885 and placed a combined acre limit of 146 between all four rights. Additionally, all four were limited to providing no more than one inch and 4.5 acre feet per acre. These conditions will help recognize the historical overlap and prevent enlargement of the rights.

MEMORANDUM

Date: October 12, 2016
To: Transfer 78885
From: Angie Grimm
Re: Amendment/Re-Adv 63-182 NOU WR and Final Transfer Review

Requesting applicant amend application to utilize the senior Boise River water right, 63-182, for the nature of use change providing mitigation for ponds associated with permit application 63-33864. This request was based on IDWR's policy and WD 63 Watermaster comments provided for permit application 63-33864. As stated in IDWR's 8/16/16 letter, even the senior right 63-182 will not provide full mitigation based on current IDWR policy/standards, but this was an acceptable mitigation proposal when the application was filed in 2014 and therefore will be accepted. However, the user will likely need to supplemental mitigation via Bs 63 Rental Pool rentals to provide adequate mitigation when right 63-182 is cut back and/or curtailed.

No new watermaster comments were received during the re advertisement period of the amended application. A lien holder letter was received prior to the first amendment to the application. The letter acknowledged the lien holder was aware of the transfer and ok with the proposed changes. Although the application was amended twice after this letter was received, it's reasonable to assume the lien holder is likely ok with the changes still since the transfer is necessary provide water right authorization for the existing ponds on this property. Plus, the lien holder will get a copy of the transfer approval since a security interest is on file. A second lien holder letter is not required.

Application form states Mace-Mace Ditch POD in Gov't Lot 5 (NWSW), however this point has been historically recognized as in Gov't Lot 5 (SWNW) as appears on right 63-216a pre-transfer. Based on the map, narrative, and cover letter submitted with the application it's clear the intent is to record the historic Mace-Mace Ditch POD on both rights and it appears the most accurate QQ qualifier for this Gov't Lot at the POD is SWNW. Therefore, the approval will be drafted accordingly. The applicant will not be required to amend the application form as the intent is clear.

Based on the POU for recreation/aesthetic storage proposed for right 63-182, it appears it is the applicant's intent to place the Boise River water meant to offset evaporative losses for the twelve ponds proposed under permit application 63-33864 in only one to three ponds located within the SWNE and/or SENE of Sec 17 T4N R1E. This practice is approvable so long as all the offsetting surface water is diverted into a pond in the area/system the resource should still be considered whole (less ground water diverted into the pond with all the surface water in it, while more ground water in the ponds with no surface water considered to equal out).