

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80611

**APPLICATION FOR TRANSFER OF WATER RIGHT
ATTACHMENT WSB:
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
63-365	see below	6.99	1572.3	349.4	Attached? ☐ or No Change ☒
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

Additional Information:

Right is in bank indefinitely. On September 30, 2015, the Department received applicant's lease contract update specifying 1 year.

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.

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:

n/a

- b. Who owns the property at the point(s) of diversion? Applicants

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:
An additional 1.9 acres will be irrigated within the current permissible place of use.

- 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:

63-7103, 63-8627, 63-32966, Boise-Kuna Irrigation District surface water

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

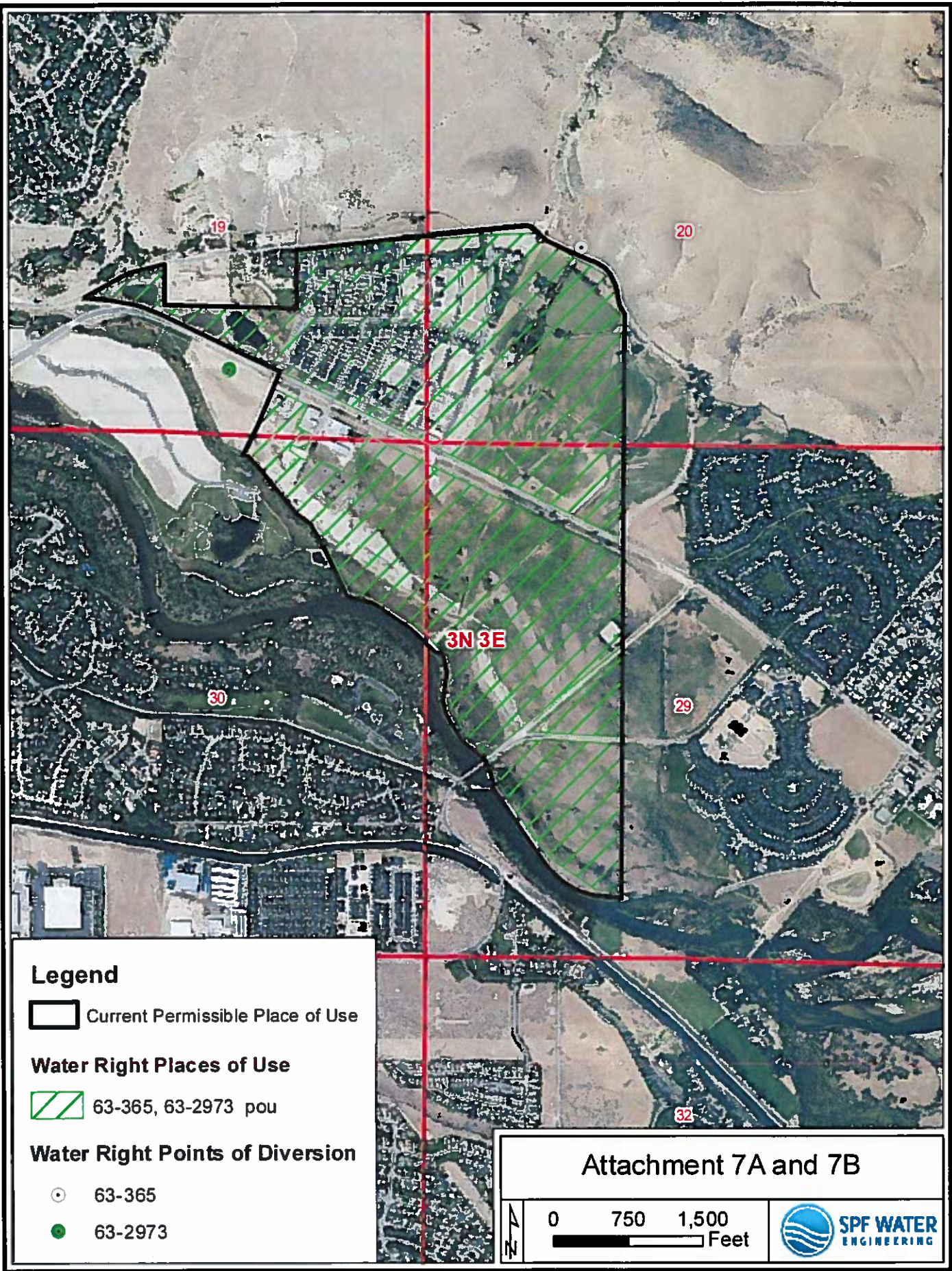
Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | 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:

Irrigation authorized under 63-365 is currently leased to the bank. The additional 1.9 acres irrigation resulting from this transfer application will not be leased to the bank.

No change in current ppu proposed. Mitigation water equivalent to 1.9 acres to be converted back to irrigation use allowing 20.3 acres irrigation (rather than 18.4 currently authorized) within the 355-acre ppu and 351.3 acres irrigation (rather than 349.4 acres currently authorized) when combined with rights 63-365, 63-7103 and 63-8627.



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

Current Water Right No.: 63-365

Current Owner: HARRIS FAMILY LTD PARTNERSHIP

Priority Date: 7/2/1902

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

WARM SPRINGS CREEK

Tributary

BOISE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 03/01 to 11/15

6.99 CFS

1572.3 AF

MITIGATION 03/01 to 11/15

0.11 CFS

25.2 AF

Total Diversion

7.1 CFS

1597.5 AF

Location of Point(s) of Diversion

WARM SPRINGS CREEK

NE1/4SW1/4

Sec. 20, Twp 03N, Rge 03E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T03N R03E S19	Lot 4	NESW	4.00	T03N R03E S19	Lot 5	SESW	0.50
T03N R03E S19		NESE	18.00	T03N R03E S19		SWSE	15.70
T03N R03E S19		SESE	32.50	T03N R03E S20		NESW	7.00
T03N R03E S20		NWSW	24.00	T03N R03E S20		SWSW	38.00
T03N R03E S20		SESW	20.00	T03N R03E S29		NENW	16.70
T03N R03E S29		NWNW	34.00	T03N R03E S29	Lot 5	SWNW	38.00
T03N R03E S29		SENW	17.30	T03N R03E S29	Lot 3	NESW	19.00
T03N R03E S29	Lot 4	NWSW	19.00	T03N R03E S29	Lot 4	SWSW	2.00
T03N R03E S29	Lot 3	SESW	8.00	T03N R03E S30	Lot 9	NENE	27.00
T03N R03E S30		NWNE	7.30	T03N R03E S30	Lot 8	SENE	7.00

Total Acres: 355

Place of Use: MITIGATION same as IRRIGATION

Conditions of Approval:

1. E61 Use of this right with rights listed below is limited to a total combined diversion rate of 6.99 cfs and to a total combined annual diversion volume of 1572.3 AF. Combined Right Nos.: 63-365, 63-2973, 63-7103 and 63-8627.

2. E11 Use of this right with Right Nos. 63-2973, 63-7103 and 63-8627 is limited to the irrigation of a combined total of 349.4 acres in a single irrigation season.

3. T18 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.

4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 63-32966. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.11 cfs of this right, which shall remain undiverted in Warm Springs Creek.

If the mitigation portion of this right and right 63-2973 are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Right 63-32966 that is being mitigated shall be reduced by the same proportion as the reduction to this right.

Rights 63-365 and 63-2973 when combined for mitigation shall not exceed a total diversion rate of 0.11 cfs and a total annual maximum diversion volume of 25.2 af for the reduction of 5.6 acres of irrigation.

5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 3/10/2008

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

Current Water Right No.: 63-2973

Current Owner: HARRIS FAMILY LTD PARTNERSHIP

Priority Date: 12/28/1953

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

BOISE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.32 CFS	82.8 AF
MITIGATION	03/01 to 11/15	0.1 CFS	25.2 AF
	<u>Total Diversion</u>	0.42 CFS	108 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 19,	Twp 03N,	Rge 03E B.M.
ADA County				
GROUND WATER	NE1/4SW1/4	Sec. 19,	Twp 03N,	Rge 03E B.M.
ADA County				
GROUND WATER	SW1/4SE1/4	Sec. 19,	Twp 03N,	Rge 03E B.M.
ADA County				
GROUND WATER	SW1/4SE1/4	Sec. 19,	Twp 03N,	Rge 03E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 20,	Twp 03N,	Rge 03E B.M.
ADA County				

Place of Use**IRRIGATION Within ADA County**

T03N R03E S19	Lot 4	NESW	4.00	T03N R03E S19	Lot 5	SESW	0.50
T03N R03E S19		NESE	18.00	T03N R03E S19		SWSE	15.70
T03N R03E S19		SESE	32.50	T03N R03E S20		NESW	7.00
T03N R03E S20		NWSW	24.00	T03N R03E S20		SWSW	38.00
T03N R03E S20		SESW	20.00	T03N R03E S29		NENW	16.70
T03N R03E S29		NWNW	34.00	T03N R03E S29	Lot 5	SWNW	38.00
T03N R03E S29		SESW	17.30	T03N R03E S29	Lot 3	NESW	19.00
T03N R03E S29	Lot 4	NWSW	19.00	T03N R03E S29	Lot 4	SWSW	2.00
T03N R03E S29	Lot 3	SESW	8.00	T03N R03E S30	Lot 9	NENE	27.00
T03N R03E S30	Lot 9	NWNE	7.30	T03N R03E S30	Lot 8	SENE	7.00

Total Acres: 355

Place of Use: MITIGATION same as IRRIGATION

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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. 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.
4. Ground water diverted under this right shall not exceed a water bearing zone greater than 200 feet below land surface.
5. Prior to diversion and use of water under Transfer approval 74506, the right holder shall install lockable controlling works and an acceptable measuring device for the irrigation pump station located in T3N, R3E, Section 19, SW ¼ of SE ¼ associated with the ponds authorized under this approval. The measuring device shall be equipped to measure the rate of flow and total volume of water diverted from this point of diversion. The measuring device and the lockable controlling works must be acceptable to the watermaster. After specific notification by the Department, the right holder shall install similar equipment acceptable to the watermaster on the other points of diversion authorized under this approval.
6. R65 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 lands above.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. X35 Rights 63-365, 63-2973 and 63-7103 when combined for irrigation shall not exceed a total diversion rate of 6.99 cfs, a total annual maximum diversion volume of 1572.3 af at the field headgate, and the irrigation of 349.4 acres in a single irrigation season.
9. X27 This right is limited to the irrigation of 18.4 acres within the place of use described above in a single irrigation season.
10. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
11. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 63-32966. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.10 cfs of this right, which shall remain undiverted in the aquifer.

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 use of Right 63-32966 that is being mitigated shall be reduced by the same proportion as the reduction to this right.

Rights 63-365 and 63-2973 when combined for mitigation shall not exceed a total diversion rate of 0.11 cfs and a total annual maximum diversion volume of 25.2 af for the reduction of 5.6 acres of irrigation.
12. 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.

Transfer Attachment 8a

From: Ragan, Brian [<mailto:Brian.Ragan@idwr.idaho.gov>]
Sent: Monday, December 07, 2015 3:52 PM
To: Jim Conger
Cc: Terry Scanlan
Subject: Harris Family license 63-32966: excess mitigation

Jim,

In discussing your licensure with the water rights section manager it was noticed that you are currently mitigating a total of 25.2 acre-feet whereas the losses from the ponds we calculated are no more than 16.5 acre-feet. This leaves an excess mitigation amount of 8.7 acre-feet coming from water rights 63-365 and 63-2973.

I wanted to make you aware of this and ask What would you like to do with this excess amount you're entitled to?

Regards,
Brian

Brian W. Ragan, P.G.
Idaho Department of Water Resources
322 East Front St., PO Box 83720
Boise, ID 83720-0098

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