

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79654

This is to certify that: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83646

SUPPORT DATA
IN FILE # 63-192

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>
63-192	WR/DECREED	6/1/1876	2.300 cfs	N/A	N/A	435.0	BOISE RIVER
63-19425	WR/DECREED	6/1/1882	5.060 cfs	N/A	N/A	435.0	BOISE RIVER
63-216C	WR/DECREED	6/1/1889	0.400 cfs	N/A	N/A	435.0	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>
63-192	NO	NO	NO	NO	YES	YES
63-19425	NO	NO	NO	NO	YES	YES
63-216C	NO	NO	NO	NO	YES	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>
63-192	63-192	2.300 cfs	N/A	431.5	N/A	N/A	N/A	N/A	N/A	N/A
63-19425	63-19425	5.060 cfs	N/A	431.5	N/A	N/A	N/A	N/A	N/A	N/A
63-216C	63-216C	0.400 cfs	N/A	431.5	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		7.760 cfs	N/A	431.5	431.5		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 18th day of May, 2015.


JEFF PEPPERSACK
Interim Western Region Manager

Transfer No. 79654

WATER RIGHT NO. 63-192

As Modified by Transfer No. 79654

In accordance with the approval of Transfer No. 79654, Water Right No. 63-192 is now described as follows:

Right Holder: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83646

Priority Date: 6/1/1876

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

AESTHETIC STORAGE
DIVERSION TO STORAGE
IRRIGATION

From

01/01 to 12/31
03/01 to 11/15
03/01 to 11/15

To

Diversion Rate

0.150 cfs
2.150 cfs
2.300 cfs

Diversion Volume

26.3 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L11 (NESE) Sec 5 Twp 03N Rge 02E ADA County
BOISE RIVER L6 (SENW) Sec 22 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	19	X			X													0
			L 1																
04N	01E	20			X			X	X	X					X	X			0
					L 7			L 5		L 6									
04N	01E	21			X				X	X	X	X							0
					L 7			L 5	L 6										

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Warm Springs Ditch Co.
3. This right is limited to the irrigation of 431.5 acres within the boundary of Warm Springs Ditch Co.

WATER RIGHT NO. 63-192

As Modified by Transfer No. 79654

CONDITIONS OF APPROVAL

4. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 48.0 af to be used for the replacement of losses caused by evaporation from the 16.5 acre total surface area of ponds established under Right 63-31690 and Right 63-34002.
5. Rights 63-192, 63-216C and 63-19425 also authorize the diversion of an annual total of 40.7 af to be used for the replacement of losses caused by evaporation from the 14.0 acre total surface area of ponds established under Right 63-32366.
6. 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.
7. 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.
8. Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
9. 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.
10. The following rights are diverted through point of diversion described above as the NESE, S5, T3N, R2E: 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131, and 63-31936.
11. The following rights are diverted through point of diversion described above as the SENW, S22, T4N, R1E: 63-192, 63-216C and 63-19425.
12. This right originated as all or part of right no. 61 in the Stewart Decree and the historic Boise River Water Masters records.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 63-192
As Modified by Transfer No. 79654

CONDITIONS OF APPROVAL

14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.



WATER RIGHT NO. 63-216C**As Modified by Transfer No. 79654**

In accordance with the approval of Transfer No. 79654, Water Right No. 63-216C is now described as follows:

Right Holder: WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN, ID 83646

Priority Date: 6/1/1889

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

AESTHETIC STORAGE
DIVERSION TO STORAGE
IRRIGATION

From

01/01 to 12/31
03/01 to 11/15
03/01 to 11/15

To**Diversion Rate**

0.030 cfs
0.370 cfs
0.400 cfs

Diversion Volume

4.6 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L11 (NESE) Sec 5 Twp 03N Rge 02E ADA County
BOISE RIVER L6 (SENV) Sec 22 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	19	X			X													
			L 1																0
04N	01E	20			X			X	X	X					X	X			
					L 7			L 5		L 6									0
04N	01E	21			X			X	X	X	X	X							
					L 7			L 5	L 6										0

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Warm Springs Ditch Co.
3. This right is limited to the irrigation of 431.5 acres within the boundary of Warm Springs Ditch Co.

Transfer No. 79654

WATER RIGHT NO. 63-216C
As Modified by Transfer No. 79654

CONDITIONS OF APPROVAL

4. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 48.0 af to be used for the replacement of losses caused by evaporation from the 16.5 acre total surface area of ponds established under Right 63-31690 and Right 63-34002.
5. Rights 63-192, 63-216C and 63-19425 also authorize the diversion of an annual total of 40.7 af to be used for the replacement of losses caused by evaporation from the 14.0 acre total surface area of ponds established under Right 63-32366.
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. Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
9. 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.
10. The following rights are diverted through point of diversion described above as the NESE, S5, T3N, R2E: 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131, and 63-31936.
11. The following rights are diverted through point of diversion described above as the SENW, S22, T4N, R1E: 63-192, 63-216C and 63-19425.
12. This right originated as all or part of right no. 116 in the Stewart Decree and the historic Boise River Water Masters records.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 63-216C
As Modified by Transfer No. 79654

CONDITIONS OF APPROVAL

14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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.



WATER RIGHT NO. 63-19425
As Modified by Transfer No. 79654

In accordance with the approval of Transfer No. 79654, Water Right No. 63-19425 is now described as follows:

Right Holder: WARM SPRINGS DITCH CO
 C/O BRIAN HOFF
 1840 N LAKES AVE
 MERIDIAN, ID 83646

Priority Date: 6/1/1882

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

AESTHETIC STORAGE
 DIVERSION TO STORAGE
 IRRIGATION

From

01/01
 03/01
 03/01

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

Diversion Rate

0.330 cfs
 4.730 cfs
 5.060 cfs

Diversion Volume

57.8 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER L11 (NESE) Sec 5 Twp 03N Rge 02E ADA County
 BOISE RIVER L6 (SENV) Sec 22 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	19	X			X													
			L 1																0
04N	01E	20			X			X	X	X					X	X			
					L 7			L 5		L 6									0
04N	01E	21			X				X	X	X	X							
					L 7				L 5	L 6									0

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the area served by Warm Springs Ditch Co.
3. This right is limited to the irrigation of 431.5 acres within the boundary of Warm Springs Ditch Co.

WATER RIGHT NO. 63-19425

As Modified by Transfer No. 79654

CONDITIONS OF APPROVAL

4. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 48.0 af to be used for the replacement of losses caused by evaporation from the 16.5 acre total surface area of ponds established under Right 63-31690 and Right 63-34002.
5. Rights 63-192, 63-216C and 63-19425 also authorize the diversion of an annual total of 40.7 af to be used for the replacement of losses caused by evaporation from the 14.0 acre total surface area of ponds established under Right 63-32366.
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. Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
9. 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.
10. The following rights are diverted through point of diversion described above as the NESE, S5, T3N, R2E: 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131, and 63-31936.
11. The following rights are diverted through point of diversion described above as the SENW, S22, T4N, R1E: 63-192, 63-216C and 63-19425.
12. This right is a combination of old Water Right Nos. 63-217, 63-218, 63-220 and parts of 63-214 and 63-219.
13. This right originated as all or part of right no. 81, 82, 83, 84 and 85 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-19425
As Modified by Transfer No. 79654

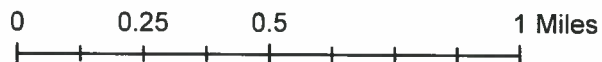
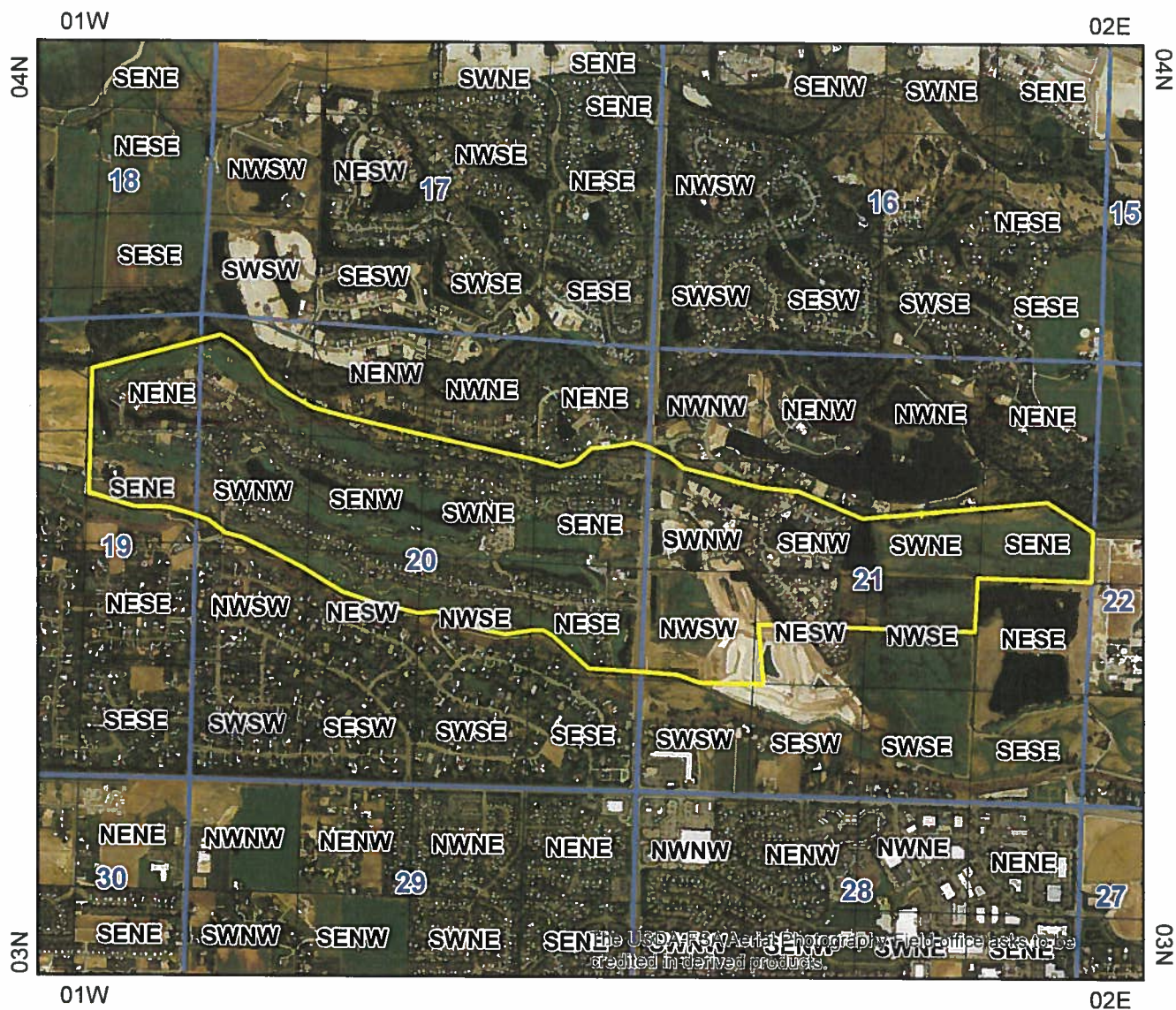
CONDITIONS OF APPROVAL

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 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 No. 79654

Water Service Area Boundary for Warm Springs Ditch Co
Rights: 63-192, 63-19425, 63-216C



-  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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 19, 2015

WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83646

ERO RESOURCES CORP
C/O DAVID SHAW
4001 E MAIN ST
EMMETT ID 83617

Re: Transfer No. 79654
Water Right No's. 63-192, 63-216C , 63-19425

Transfer Approval Notice

Dear Water Right Holder:

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:

Jeff Peppersack

Interim Manager, Western Region

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79654
Water Right No's. 63-192, 63-216C , 63-19425**

**WARM SPRINGS DITCH CO
C/O BRIAN HOFF
1840 N LAKES AVE
MERIDIAN ID 83646**

**ERO RESOURCES CORP
C/O DAVID SHAW
4001 E MAIN ST
EMMETT ID 83617**

A handwritten signature in black ink, appearing to read 'R. Neely', is written over a horizontal line.

**Rachel Neely
Administrative Assistant I**

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.



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 19, 2015

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

RE: Application for Transfer No's. 79654

Dear Rex Barrie:

I have attached a permit approval for your convenience. This was sent to the applicants and to other interested parties on May 19, 2015.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'RNeely', is enclosed within a large, loopy oval shape. A long, thin horizontal line extends from the right side of the oval.

Rachel Neely
Administrative Assistant I
Western Regional Office

Enclosures

Date Filed: 1/27/2015
Place of Use: IRRIGATION
T03N R01W S14 NESW NWSW
Total Acres: 76
Water bearing zone to be appropriated is from 50 to 300 feet. Applicant proposes irrigating 38 acres. Applicant proposes using a single well in either location.

63-34034

CITY OF MERIDIAN
33 E BROADWAY STE 206
MERIDIAN, ID 83642
Point of Diversion L4(SWSW) S7
T03N R01E ADA County Source
GROUND WATER Tributary
NINEMILE CREEK
Use: IRRIGATION 03/01 to 11/15
0.9 CFS
Total Diversion: 0.9 CFS
Date Filed: 1/29/2015
Place of Use: IRRIGATION
T03N R01E S18 NENW
L1(NWNW) SENW
Total Acres: 19
Water bearing zone to be appropriated is from 1 to 80 feet. Applicant proposes supplemental irrigation of 16 acres within the proposed place of use.

PROPOSED CHANGE OF WATER RIGHTS

Warm Springs Ditch Co. of 1840 N. Lakes Ave., Meridian, ID, 83646, filed Application No. 79654 to transfer three water rights with 1876 to 1889 priority dates from the Boise River totaling 7.76 cfs. The purpose of the transfer is to change the nature of use for 3.5 acres, 0.07 cfs and 10.2 af to aesthetic storage and diversion to storage uses. The proposed change will mitigate for evaporative losses from the ponds in Banbury Meadows. An application for permit 63-34002 was filed for the Banbury pond system. Water will be used in the Warm Springs Ditch Co. service area in the Banbury Meadows subdivision located south of W. Colchester Drive, west of N. Locust Grove Road and east of S. Eagle Road.

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 rights &/or proposed transfer, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this 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 4/6/2015. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Pub. Mar. 19, 26, 2015

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MAR 30 2015

WATER RESOURCES
WESTERN REGION

OK
4-8-15
RS.