

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

TRANSFER NO. 77545

This is to certify that: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713
(208)376-3769

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-135	WR/Decreed	06/01/1864	3.3 cfs	N/A	N/A	1,773.8	BOISE RIVER
63-176	WR/Decreed	06/01/1869	1.6 cfs	N/A	N/A	1,773.8	BOISE RIVER
63-193	WR/Decreed	06/01/1876	0.44 cfs	N/A	N/A	1,773.8	BOISE RIVER
63-210	WR/Decreed	06/01/1880	2.4 cfs	N/A	N/A	1,773.8	BOISE RIVER
63-211	WR/Decreed	10/20/1880	0.9 cfs	N/A	N/A	1,773.8	BOISE RIVER
63-221	WR/Decreed	06/01/1883	0.9 cfs	N/A	N/A	1,773.8	BOISE RIVER
63-250	WR/Decreed	07/01/1895	0.66 cfs	N/A	N/A	1,773.8	BOISE RIVER
63-30125	WR/Decreed	06/01/1865	1.86 cfs	N/A	N/A	1,773.8	BOISE RIVER
63-30129	WR/Decreed	06/01/1872	2.1 cfs	N/A	N/A	1,773.8	BOISE RIVER
63-30130	WR/Decreed	06/01/1868	15.48 cfs	N/A		1,773.8	BOISE RIVER
63-30131	WR/Decreed	06/01/1882	6 cfs	N/A		1,773.8	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>
63-135	NO	NO	YES	YES	NO	NO
63-176	NO	NO	YES	YES	NO	NO
63-193	NO	NO	YES	YES	NO	NO
63-210	NO	NO	YES	YES	NO	NO
63-211	NO	NO	YES	YES	NO	NO
63-221	NO	NO	YES	YES	NO	NO
63-250	NO	NO	YES	YES	NO	NO
63-30125	NO	NO	YES	YES	NO	NO
63-30129	NO	NO	YES	YES	NO	NO
63-30130	NO	NO	YES	YES	NO	NO
63-30131	NO	NO	YES	YES	NO	NO

SUPPORT DATA

IN FILE # 63-135

SCANNED

OCT 01 2014

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-135	63-135	3.3 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
63-176	63-176	1.6 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
63-193	63-193	0.44 cfs	N/A	N/A	1,777.8		N/A	N/A	N/A	N/A
63-210	63-210	2.4 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
63-211	63-211	0.9 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
63-221	63-221	0.9 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
63-250	63-250	0.66 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
63-30125	63-30125	1.86 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
63-30129	63-30129	2.1 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
63-30130	63-30130	15.48 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
63-30131	63-30131	6.0 cfs	N/A	N/A	1,773.8		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		35.64 cfs	N/A	N/A	1773.8		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 15th day of September, 20 14


 John Westra, Western Regional Manager

WATER RIGHT NO. 63-135
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-135 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: June 01, 1864

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	3.30 CFS
			3.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-135
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as No. 7 in the Stewart Decree and the Boise River Water Masters records.

This water right 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.

Dated this 15th day of September, 20 14


John Westra, Western Regional Manager

WATER RIGHT NO. 63-176
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-176 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: June 01, 1869

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	1.60 CFS
			1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-176
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as No. 42 in the Stewart Decree and the Boise River Water Masters records.

This water right 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.

Dated this 15th day of September, 20 14


John Westra, Western Regional Manager

WATER RIGHT NO. 63-193
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-193 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: June 01, 1876

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	0.44 CFS
			0.44 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

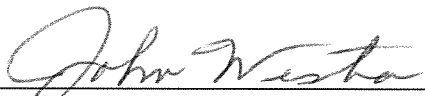
WATER RIGHT NO. 63-193
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as No. 62 in the Stewart Decree and the Boise River Water Masters records.

This water right 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.

Dated this 15th day of September, 20 14



John Westra, Western Regional Manager

WATER RIGHT NO. 63-210
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-210 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: June 01, 1880

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	2.40 CFS
			2.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-210
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as No. 75 in the Stewart Decree and the Boise River Water Masters records.

This water right 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.

Dated this 15th day of September, 20 14


John Westra, Western Regional Manager

WATER RIGHT NO. 63-211
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-211 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: October 20, 1880

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	0.90 CFS
			0.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-211
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as No. 76 in the Stewart Decree and the Boise River Water Masters records.

This water right 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.

Dated this 15th day of September, 2014



John Westra, Western Regional Manager

WATER RIGHT NO. 63-221
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-221 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: June 01, 1883

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	0.90 CFS
			0.90 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-221
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as No. 87 in the Stewart Decree and the Boise River Water Masters records.

This water right 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.

Dated this 15th day of September, 20 14


John Westra, Western Regional Manager

WATER RIGHT NO. 63-250
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-250 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: July 01, 1895

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.50 CFS	
DIVERSION TO STORAGE	03/01	to 11/15	0.16 CFS	
AESTHETIC STORAGE	01/01	to 12/31		23.9 AF
			0.66 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-250
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. Pursuant to a call in times of scarcity, this right is senior to Bryan decreed Right No. 63-297 and any future splits of this right.
10. This right does not grant any right-of-way or easement across the land of another.
11. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
12. 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.
13. 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.
14. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
15. Water is delivered through the Thurman Mill Canal.
16. This right is designated as No. 128 in the Stewart Decree and the Boise River Water Masters records.
17. Aesthetic storage is for amenity ponds in Lakemoor Subdivision.

This water right 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.

Dated this 15th day of September, 20 14


John Westra, Western Regional Manager

WATER RIGHT NO. 63-30125
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-30125 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: June 01, 1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	1.86 CFS
			1.86 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-30125
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as Nos. 10 and 11 in the Stewart Decree and the Boise River Water Masters records. This right is a combination of Rights 63-139 and 63-141.

This water right 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.

Dated this 15th day of September, 2014


John Westra, Western Regional Manager

WATER RIGHT NO. 63-30129
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-30129 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: June 01, 1872

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	2.10 CFS
			2.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-30129
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as Nos. 55 and 56 in the Stewart Decree and the Boise River Water Masters records. This right is a combination of Rights 63-142 and 63-143.

This water right 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.

Dated this 15th day of September, 20 14


John Westra, Western Regional Manager

WATER RIGHT NO. 63-30130
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-30130 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: June 01, 1868

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	15.48 CFS
			15.48 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-30130
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as Nos. 36 and 37 in the Stewart Decree and the Boise River Water Masters records. This right is a combination of Rights 63-169E and 63-170B.

This water right 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.

Dated this 15th day of September, 20 14


John Westra, Western Regional Manager

WATER RIGHT NO. 63-30131
As Modified by Transfer No. 77545

In accordance with the approval of Transfer No. 77545, Water Right No. 63-30131 is now described as follows.

Right Holder: THURMAN MILL DITCH CO LTD
10611 W TREELINE CT
BOISE ID 83713

Priority Date: June 01, 1882

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	6.00 CFS
			6.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County
BOISE RIVER	L11 (NESE)	Sec. 5	Twp 03N	Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Thurman Mill Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. This right is limited to the irrigation of 1773.8 acres within the authorized place of use in a single irrigation season.
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.

WATER RIGHT NO. 63-30131
As Modified by Transfer No. 77545

CONDITIONS OF APPROVAL

8. 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).
9. This right does not grant any right-of-way or easement across the land of another.
10. 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.
11. 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.
12. 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.
13. The following rights are diverted through points of diversion described above: 63-135, 63-176, 63-193, 63-210, 63-211, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131.
14. Water is delivered through the Thurman Mill Canal.
15. This right is designated as Nos. 78, 79 81 and 84 in the Stewart Decree and the Boise River Water Masters records. This right is a combination of Rights 63-140, 63-212, 63-214B and 63-219(part).

This water right 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.

Dated this 15th day of September, 20 14


John Westra, Western Regional Manager

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 77545 IN THE NAME OF)
THURMAN MILL DITCH CO. LTD.)
_____)

**PRELIMINARY ORDER AMENDING
APPROVAL OF TRANSFER APPLICATION**

FINDINGS OF FACT

1. On December 12, 2011, the Idaho Department of Water Resources (IDWR) approved Application for Transfer No. 73900 for the Thurman Mill Ditch Company, Ltd. (Ditch Company). The transfer changed the nature of use and period of use for Water Right No. 63-250 from 0.66 cubic feet per second (cfs) irrigation to 0.50 cfs irrigation, 0.16 cfs diversion to storage, and 23.9 acre-feet (af) aesthetic storage. Uses were from March 1 through November 15, except aesthetic storage was approved for year around use.
2. The development requiring this change was Lakemoor Subdivision, although not identified in a transfer condition of approval typically expected in such situations.
3. IDWR approved Application for Transfer No. 77545 for the Ditch Company on January 13, 2012, including but not limited to a change in the place of use for Water Right No. 63-250.
4. Due to the almost simultaneous final processing for approval of both transfers, approval of Transfer 77545 inadvertently did not include the nature of use change previously authorized under Transfer 73900. The error was solely the result of this IDWR oversight.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, authorizes a change in one or more elements of a water right.
2. The Director is authorized to approve transfer applications to change an element(s) of a water right, including conditions of approval pertinent to the change.
3. IDWR water right records should be accurate.
4. IDWR should amend Application for Transfer 77545 consistent with Finding of Fact No. 1. IDWR should also amend Application for Transfer 77545 to include a condition of approval referencing Lakemoor Subdivision for non-irrigation use of water.

ORDER

IT IS HEREBY ORDERED that approval of Water Right No. 63-250 in Application for Transfer No. 77545 in the name of Thurman Mill Ditch Co., Ltd., is **AMENDED** as follows:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.50 CFS	
DIVERSION TO STORAGE	03/01	11/15	0.16 CFS	
AESTHETIC STORAGE	01/01	12/31		23.9 AF
TOTAL AMOUNT			0.66 CFS	

Condition of Approval

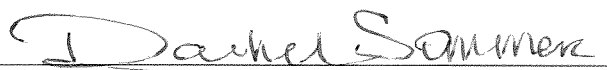
Aesthetic storage is for amenity ponds in Lakemoor Subdivision.

Dated this 15th day of September, 2014


 John Westra
 Manager, Western Regional Office

CERTIFICATE OF SERVICE

I certify that on this 19TH day of SEPTEMBER, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER** to the person(s) listed below:


 Rachel Sommer
 Administrative Assistant I

THURMAN MILL DITCH CO LTD
 10611 W TREELINE CT
 BOISE ID 83713

DAVID SHAW P E
 ERO RESOURCES CORP
 4001 E MAIN ST
 EMMETT ID 83617

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.