STATE OF IDAHO

CORRECTED **DEPARTMENT OF WATER RESOURCES** CORRECTED

TRANSFER OF WATER RIGHT
TRANSFER NO. 78263

This is to certify that: RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY, ID 83714

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
63-9718	WR/DECREED	4/3/1981	3.210 cfs	127.5 af	11.0	66.6	VILLAGE LAKE
63-9751	WR/DECREED	6/23/1981	3.210 cfs	2324.0 af	N/A	N/A	BOISE RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-9718	NO	NO	YES	NO	NO	NO
63-9751	NO	NO	YES	NO	NO	NO

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
63-9718	63-9718	3.210 cfs	127.5 af	11.0	66.6	N/A	N/A	N/A	N/A	N/A
63-9751	63-9751	3.210 cfs	2324.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**6.420 cfs**	**2451.5 af**	**11.0**	**66.6**		**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 5th day of April, 2013.

John Weston
Western Regional Manager

SUPPORT DATA
IN FILE # 63-9718

Transfer No. 78263

CORRECTED

WATER RIGHT NO. 63-9751

CORRECTED

As Modified by Transfer No.

In accordance with the approval of Transfer No. 78263, Water Right No. 63-9751 is now described as follows:

Right Holder: RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY, ID 83714

Priority Date: 6/23/1981

Source: BOISE RIVER **Tributary:** SNAKE RIVER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
AESTHETIC	01/01	to 12/31	3.210 cfs	2324.0 af
			3.210 cfs	2324.0 af

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER NENE Sec 25 Twp 04N Rge 01E ADA County

PLACE OF USE: AESTHETIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	23													X			X	
04N	01E	24											X	X					0.0
													L 4	L 3					

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five (5) years of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. The point of diversion for this water right is unsurveyed accretion land. The quarter-quarter description has been protracted from the adjacent public land survey.
5. This right does not grant any right-of-way or easement across the land of another.

CORRECTED

WATER RIGHT NO. 63-9751

CORRECTED

As Modified by Transfer No.

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

7. The right holder shall maintain measuring devices at the point of diversion and at the point of discharge and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

8. Return flow is discharged into the Boise River in lot 6, SENW, S23, T04N, R01E.

9. Diversion and use of water is authorized only when flows in the Boise River warrant delivery of water under a date of priority of June 23, 1981. If this priority cannot be satisfied, diversion must cease unless:
   a) the use is entirely non-consumptive and all water is returned to the river, or
   b) the consumptive amount of water is replaced from another source or right which is deliverable. In such case, a determination of consumptive use must be made and an acceptable method of replacement must be approved by the department prior to delivery under another source or right.

CORRECTED

WATER RIGHT NO. 63-9718

CORRECTED

As Modified by Transfer No.

In accordance with the approval of Transfer No. 78263, Water Right No. 63-9718 is now described as follows:

Right Holder: RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY, ID 83714

Priority Date: 4/3/1981

Source: VILLAGE LAKE **Tributary:** BOISE RIVER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
AESTHETIC STORAGE	01/01	to	12/31		78.0 af
DIVERSION TO STORAGE	01/01	to	12/31	3.210 cfs	
IRRIGATION	04/01	to	11/01	0.440 cfs	49.5 af
				3.210 cfs	127.5 af

LOCATION OF POINT(S) OF DIVERSION

VILLAGE LAKE L2 (SWSE) Sec 24 Twp 04N Rge 01E ADA County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	23													X			X	
04N	01E	24											X	X					
													L 4	L 3					

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	23													1.3			4.7	6
																		L 11	
04N	01E	24									3.2		14.4	35.5			7.5		60.6
													L 4	L 3			L 2		

Right Acre Limit: 11.0
POU Total Acres: 66.6

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within five (5) years of the date of this approval.

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

Transfer No. 78263

CORRECTED

WATER RIGHT NO. 63-9718

CORRECTED

As Modified by Transfer No.

CONDITIONS OF APPROVAL

3. 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.

4. This right does not grant any right-of-way or easement across the land of another.

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

7. The 12 ponds established by the storage of water under this right shall not exceed a total capacity of 78 acre-feet or a total surface area of 4.8 acres.

8. This right is limited to the irrigation of 11 acres within the authorized place of use in a single irrigation season.

9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/16/2007.

10. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

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
Interim Director

April 5, 2013

RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY ID 83714

Re: Transfer No: 78263
Water Right No's: 63-9718, 63-9751

Corrected Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed corrected approved Transfer of Water Rights to replace the transfer approval of March 22, 2013. 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.

We apologize for the inconvenience. If you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra

John Westra
Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

Re: Transfer No. 78263
Water Right No's: 63-9718, 63-9751

RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
5537 N GLENWOOD ST STE A
GARDEN CITY ID 83714

MICHAEL C CREAMER
GIVENS PURSLEY LLP
277 N 6TH ST STE 200
PO BOX 2720
BOISE ID 83701-2720

DOROTHY DOUGLAS
4810 LAKES EDGE PL
GARDEN CITY ID 83714

C THOMAS ARKOOSH
PO BOX 2900
BOISE ID 83701

REX R BARRIE
WATER MASTER
10769 W STATE ST
PO BOX 767
STAR ID 83669

CITY HALL
ATTN: MAYOR JOHN G EVANS
6015 GLENWOOD ST
GARDEN CITY ID 83714-1347

Rachel Sommer

Rachel Sommer
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.