

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 78067

This is to certify that: OSPREY PROPERTY OWNERS ASSN INC
 104 FALCON DR
 BOISE ID 83716
 (208) 375-5389

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>
63-5332	WR/Decreed	07/23/1900	0.2 cfs	59.6 af	10.0	215.0	CORRAL CREEK, MORES CREEK
63-5334	WR/Decreed	08/15/1889	1.94 cfs	221.6 af	46.0	215.0	MINNEHA CREEK, MORES CREEK

Purpose of Transfer (Changes Proposed)

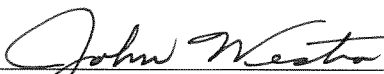
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-5332	NO	NO	YES	NO	NO	NO
63-5334	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-5332	63-5332	0.2 cfs	59.6 af	10.0	223.0		N/A	N/A	N/A	N/A
63-5334	63-5334	1.94 cfs	221.6 af	46.0	223.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.14 cfs	281.2 af	56	223.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of November, 2012


 JOHN WESTRA, Western Regional Manager

SCANNED
 NOV 09 2012

SUPPORT DATA

IN FILE # 103-5332

WATER RIGHT NO. 63-5332
As Modified by Transfer No. 78067

In accordance with the approval of Transfer No. 78067, Water Right No. 63-5332 is now described as follows.

Right Holder: OSPREY PROPERTY OWNERS ASSN INC
 104 FALCON DR
 BOISE ID 83716

Priority Date: July 23, 1900

Source: CORRAL CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.10 CFS	14.6 AF
IRRIGATION	04/01	to 11/01	0.10 CFS	45.0 AF
			0.20 CFS	59.6 AF

LOCATION OF POINT(S) OF DIVERSION:

CORRAL CREEK SENE Sec. 2 Twp 04N Rge 04E BOISE County
 MORES CREEK NWNESW Sec. 35 Twp 05N Rge 04E BOISE County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04E	2	X	X	X	X	X	X											
05N	04E	35									X	X	X				X		

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04E	2	10.0	30.0	34.0	14.0	28.0	8.0											124.0
05N	04E	35									20.0	38.0	27.0				14.0		99.0

Total Acres: 223

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year 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. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
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.

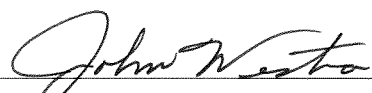
WATER RIGHT NO. 63-5332
As Modified by Transfer No. 78067

CONDITIONS OF APPROVAL

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.
7. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.
8. The total diversion of water from Mores Creek under Rights 63-5332 and 63-5334 shall not exceed 1.12 cfs.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
12. Rights 63-5332 and 63-5334 when combined shall not exceed a total diversion rate of 2.14 cfs, a total irrigation annual maximum diversion volume of 266.6 af at the field headgate, and the irrigation of 56 acres in a single irrigation season.
13. 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 10/29/2004.
14. 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 and/or Lake Lowell as decreed in SRBA Case No. 39576.

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 7th day of November, 20 12


JOHN WESTRA, Western Regional Manager

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 78067

In accordance with the approval of Transfer No. 78067, Water Right No. 63-5334 is now described as follows.

Right Holder: OSPREY PROPERTY OWNERS ASSN INC
 104 FALCON DR
 BOISE ID 83716

Priority Date: August 15, 1889

Source: MINNEHA CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.94 CFS	207.0 AF
STOCKWATER	01/01	to 12/31	0.03 CFS	14.6 AF
			1.94 CFS	221.6 AF

LOCATION OF POINT(S) OF DIVERSION:

MORES CREEK NWNESW Sec. 35 Twp 05N Rge 04E BOISE County
 MINNEHA CREEK NWSE Sec. 36 Twp 05N Rge 04E BOISE County

PLACE OF USE: IRRIGATION

TwP	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04E	2	10.0	30.0	34.0	14.0	28.0	8.0											124.0
05N	04E	35									20.0	38.0	27.0				14.0		99.0

Total Acres: 223

PLACE OF USE: STOCKWATER

TwP	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	04E	2	X	X	X	X	X	X											
05N	04E	35									X	X	X				X		

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year 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. This right is limited to the irrigation of 46 acres within the place of use described above in a single irrigation season.
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.

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 78067

CONDITIONS OF APPROVAL

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.
7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the 10/29/2004.
8. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.
9. The total diversion of water from Mores Creek under Rights 63-5332 and 63-5334 shall not exceed 1.12 cfs.
10. The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.
11. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
12. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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 lands above.
14. Rights 63-5332 and 63-5334 when combined shall not exceed a total diversion rate of 2.14 cfs, a total irrigation annual maximum diversion volume of 266.6 af at the field headgate, and the irrigation of 56 acres in a single irrigation season.
15. 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 and/or Lake Lowell as decreed in SRBA Case No. 39576.

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 7th day of November, 20 12


JOHN WESTRA, Western Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

November 8, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

OSPREY PROPERTY OWNERS ASSN INC
104 FALCON DR
BOISE ID 83716

RE: Transfer No.: 78067
Water Right No(s): 63-5332 63-5334

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage 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,

A handwritten signature in cursive script, appearing to read "John Westra", with the word "for" written in smaller cursive below it.

John Westra

Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 78067
WATER RIGHTS NOS. 63-5332 63-5334

OSPREY PROPERTY OWNERS ASSN INC
104 FALCON DR
BOISE ID 83716

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706



Mandi Pearson
Office Specialist II

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.

The Idaho World

P.O. Box 50248
Boise, ID 83705
(208) 429-1606

Rev'd 10/11/12

State of Idaho)
County of Boise)

Wayne Hart, being duly sworn, deposes and says: that he is the Publisher of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Oct 3, 2012 and ending with the issue of Oct 10, 2012.

OK
MP
10/18/12

Wayne Hart

State of Idaho)
County of Ada)

On this 15th day of October in the year 2012, before me, a notary public, personally appeared Wayne Hart known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Nancy Bee Rotman
Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires 8-3-2013

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33677

OSPREY PROPERTY OWNERS ASSN
INC
104 FALCON DR
BOISE, ID 83716

2 Points of Diversion SWNE S2 T04N
R04E BOISE County Source GROUND
WATER

Use: DOMESTIC 01/01 to 12/31 0.04
CFS

Total Diversion: 0.04 CFS

Date Filed: 7/30/2012

Place Of Use: DOMESTIC

T04N R04E S2 L4(NWNW)

Water bearing zone to be appropriated
is from 200 to 240 feet.

PROPOSED CHANGE OF WATER RIGHTS

Osprey Property Owners Assn. Inc. of 104 Falcon Dr., Boise ID 83716 filed Application No. 78067 to transfer two water rights with 1889 and 1900 priority dates from Corral Creek, Minneha Creek and Mores Creek totaling 2.14 cs. The purpose of the transfer is to change the permissible place of use to include property recently annexed into the subdivision. Water will continue to be used at the current place of use just south of the confluence of Grimes Creek and Mores Creek.

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/apps/ExtSearch/WRFiling.asp. 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 10-22-2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published in the Idaho World on 10/3 and 10/10/12



State of Idaho

Department Of Water Resources

RECOMMENDATION FORM -- WATER DISTRICT NO. 63

Application # **Transfer # 78067**_____

Applicant Name **Osprey Property Owners**

Watermaster Recommendation:

- a) XX I do not oppose approval of this application(s).
- b) _____ I do not oppose approval of this application(s) if it is conditioned as follows:
-
-
- c) _____ I oppose approval of this application(s) for the following reasons:
-
-
- d) _____ Additional comments:

Dated this __2 day of October__, 2012

Rex R. Barrie

Watermaster Signature

Printed Name