

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78067

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes N/A * Means the item is always required and must be included with the application.
- ☒ * Completed Application for Transfer of Water Right form, Part 1.
 - ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
 - ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
 - ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Declaration of Annexation for additional proposed POU & property owner authorization

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78067

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Osprey Property Owners Association Inc. Phone 208-375-5389Mailing address 104 Falcon Drive, Boise, ID 83716 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Lori Graves, SPF Water Engineering Phone 208-383-4140Mailing address 300 E. Mallard Dr., Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

William R. Whitney
OPOA Board

Print Name and Title if applicable

7/24/12

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Expand the authorized permissible place of use to include property (aka the Freeman Property) recently annexed into the subdivision that will have access to the pressurized irrigation system.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-5332	0.10/45.0	Irrigation	4/1 to 11/1	Corral Cr. trib to Mores Cr. &
☐ ☐		0.10/14.6	Stockwater	1/1 to 12/31	Mores Cr. trib to Boise R.
☒ ☐	63-5334	1.94/207.0	Irrigation	3/15 to 11/15	Minneha Cr. trib to Mores Cr.
☐ ☐		0.03/14.6	Stockwater	1/1 to 12/31	& Mores Cr. trib to Boise R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.14 cfs and/or 281.2 ac-ft

2. Total amount of water proposed to be transferred or changed 2.14 cubic feet per second and/or 281.2 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	4E	35										20	38	27			14		99
4N	4E	2	10	30	34	14	28	8											124
			Lt 1	Lt 2			Lt 3	Lt 4											

Total Acres (for irrigation use) 223

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: _____

Weirs and gravity ditches for Minneha and Corral Creeks, pump station and buried pipes for Mores Creek.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No change. Irrigation will be limited to 56 total acres within the proposed permissible place of use.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Water appurtenant to the lands within the proposed boundary are managed by the applicant via two separate systems; one system for diversion of surface water for irrigation use as described on this application and the other for diversion of ground water for internal domestic uses authorized under water rights 63-12537 and 63-32945.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

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

Current Water Right No.: 63-5332

Current Owner: OSPREY PROPERTY OWNERS ASSN INC
Priority Date: 7/23/1900
Origin: Water Right
Status: Active
Basis: Decreed

Source

CORRAL CREEK
MORES CREEK

Tributary

MORES CREEK
BOISE RIVER

Beneficial Use

IRRIGATION
STOCKWATER

From To

04/01 to 11/01
01/01 to 12/31

Total Diversion

Diversion Rate

0.1 CFS
0.1 CFS
0.2 CFS

Annual Volume

45 AF
14.6 AF
59.6 AF

Location of Point(s) of Diversion

CORRAL CREEK
BOISE County
MORES CREEK
BOISE County

SE1/4NE1/4 Sec. 2, Twp 04N, Rge 04E B.M.
NW1/4NE1/4SW1/4 Sec. 35, Twp 05N, Rge 04E B.M.

Place of Use

IRRIGATION Within BOISE County

T04N R04E S2	Lot 1	NENE	10.00	T04N R04E S2	Lot 2	NWNE	30.00
T04N R04E S2		SWNE	34.00	T04N R04E S2		SENE	14.00
T04N R04E S2	Lot 3	NENW	28.00	T05N R04E S35		NWSW	20.00
T05N R04E S35		SWSW	38.00	T05N R04E S35		SESW	27.00
T05N R04E S35		SWSE	14.00				

Total Acres: 215

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. S43 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.
2. 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.
3. X61 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 the date of this approval.
4. X35 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.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. X27 This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
7. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. The total diversion of water from Mores Creek under Rights 63-5332 and 63-5334 shall not exceed 1.12 cfs.
11. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
12. R43 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.
13. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
14. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Decreed Date: 10/29/2004

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

Current Water Right No.: 63-5334

Current Owner: OSPREY PROPERTY OWNERS ASSN INC
Priority Date: 8/15/1889
Origin: Water Right
Status: Active
Basis: Decreed

Source

MINNEHA CREEK
MORES CREEK

Tributary

MORES CREEK
BOISE RIVER

Beneficial Use

IRRIGATION
STOCKWATER

From To

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

Diversion Rate

1.94 CFS
0.03 CFS
1.94 CFS

Annual Volume

207 AF
14.6 AF
221.6 AF

Location of Point(s) of Diversion

MINNEHA CREEK

BOISE County

NW1/4SE1/4

Sec. 36, Twp 05N, Rge 04E B.M.

MORES CREEK

BOISE County

NW1/4NE1/4SW1/4

Sec. 35, Twp 05N, Rge 04E B.M.

Place of Use

IRRIGATION Within BOISE County

T04N R04E S2	Lot 1	NENE	10.00	T04N R04E S2	Lot 2	NWNE	30.00
T04N R04E S2		SWNE	34.00	T04N R04E S2		SENE	14.00
T04N R04E S2	Lot 3	NENW	28.00	T05N R04E S35		NWSW	20.00
T05N R04E S35		SWSW	38.00	T05N R04E S35		SESW	27.00
T05N R04E S35		SWSE	14.00				

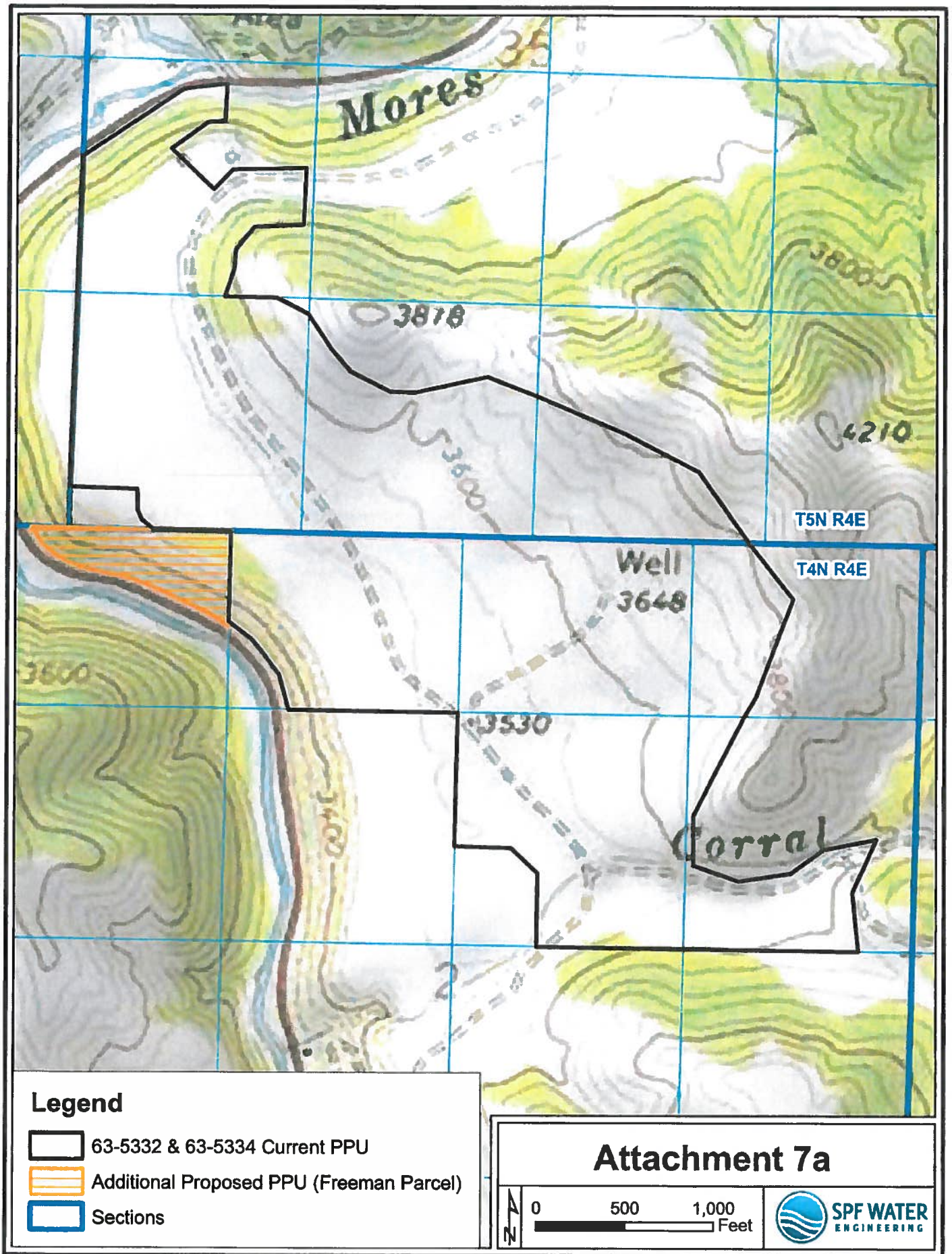
Total Acres: 215

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. R43 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.
5. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
6. S43 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.
7. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. X56 The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.
9. X35 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.
10. X61 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 5/1 and after 10/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
11. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
12. The total diversion of water from Mores Creek under Rights 63-5332 and 63-5334 shall not exceed 1.12 cfs.
13. X27 This right is limited to the irrigation of 46 acres within the place of use described above in a single irrigation season.
14. T08 Failure of the right holder to comply with the conditions of Transfer 69538 is cause for the Director to rescind approval of the transfer.
15. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Minneha Creek. Availability of water from Minneha Creek shall be determined based on the lesser of the flow in Minneha Creek at the authorized point of diversion or at the mouth of Minneha Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.94 cfs.

Total Acres (for irrigation use)



2011 Photo

T5N R4E

T4N R4E

Legend

-  63-5332 & 63-5334 Current PPU
-  Additional Proposed PPU (Freeman Parcel)
-  Sections

Attachment 7b



ATTACHMENT 9

**DECLARATION OF ANNEXATION &
PROPERTY OWNER AUTHORIZATION**

DECLARATION OF ANNEXATION

FREEMAN PARCEL

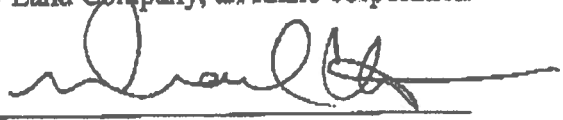
The "Freeman Parcel" is that certain parcel of real property that is described on Exhibit A, attached hereto and by this reference made a part hereof. The Freeman Parcel adjoins the west boundary of Lot 12, Osprey Subdivision No. 2, the official plat of which is recorded in Boise County, Idaho as Instrument No. 183480.

The Freeman Parcel is hereby annexed into the Osprey Subdivision Development and is made a part of the property governed by The Second Amended Declaration of Covenants, Conditions and Restrictions for Osprey Subdivision, recorded in Boise County, Idaho as Instrument No. 186167, together with any amendments thereto ("The Covenants"). This annexation is made pursuant to Article VI of The Covenants. The Freeman Property shall be bound by The Covenants as provided in Article VI. The Freeman Parcel shall be served by the Association's community water systems as provided in sections 3.7 and 3.8 of The Covenants.

Dated this 26 day of July, 2011.

Osprey Land Company, an Idaho corporation

By


Its President

Attest:

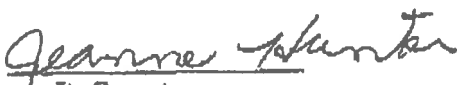

Its Secretary

Osprey Property Owners Association, Inc.

By


Its Vice President

Attest:


Its Secretary

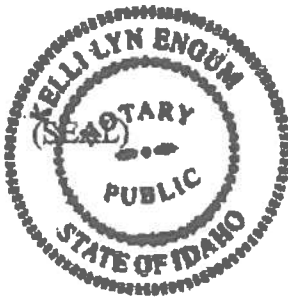
STATE OF IDAHO)

: ss.

County of Ada)

On this 27th day of July, 2011, before me, the undersigned, a Notary Public in and for said state, personally appeared Michael Christian and Dan R. Hardee known or identified to me to be the President and Secretary of Osprey Land Company, the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that Osprey Land Company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Kelli Lyn Engum
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 10/28/16

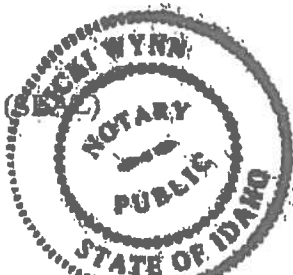
STATE OF IDAHO)

: ss.

County of ~~Boise~~ ^{ADA})

On this 26th day of July, 2011, before me, the undersigned, a Notary Public in and for said state, personally appeared Jeff Treadwell and Seanne Hunter known or identified to me to be the Vice President and Secretary of Osprey Property Owners Association Inc., the persons who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that Osprey Property Owners Association Inc executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Kelli Wynn
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 3.13.2015

**ANNEXATION DESCRIPTION
FOR
FREEMAN PARCEL ANNEXATION INTO
OSPREY PROPERTY OWNERS ASSOCIATION**

A description for a parcel to be annexed into the Osprey Property Owners Association located in Government Lot 4 of Section 2, Township 4 North, Range 4 East, Boise Meridian, Boise County Idaho, more particularly described as follows:

BEGINNING at a 5/8 inch diameter iron pin marking the northeasterly corner of said Government Lot 4, from which a 5/8 inch diameter iron pin marking the southeasterly corner of said Government Lot 4 bears S 0°12'40" W a distance of 1009.05 feet;

Thence S 0°12'40" W along the easterly boundary of said Government Lot 4 a distance of 525.2 feet, more or less, to a point on the northeasterly right-of-way of State Highway 21;

Thence leaving said easterly boundary northwesterly along said northeasterly right-of-way a distance of 359.4 feet, more or less, to a point on the northerly boundary of said Government Lot 4;

Thence S 89°50'48" E along said northerly boundary a distance of 216.2 feet, more or less, to a brass cap monument marking the southeasterly corner of Section 34, Township 5 North, Range 4 East, Boise Meridian;

Thence continuing along said northerly boundary S 89°45'08" E a distance of 918.85 feet to the POINT OF BEGINNING.

This parcel contains 7.6 acres, more or less.

This description was prepared using information contained on the Osprey Subdivision No. 2 plat and aerial mapping prepared for the design of said subdivision.

Prepared by: Glenn K. Bennett, PLS
Civil Survey Consultants, Inc.
July 12, 2011



Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Osprey Subdivision Water Rights

To Whom It May Concern:

I, LLOYD J. FREEMAN, owner of
Print Name

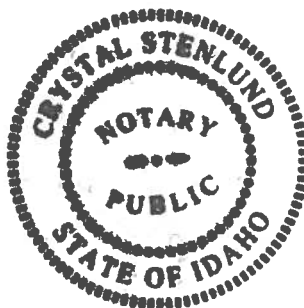
the Freeman Parcel, annexed into, and adjacent to, the Osprey Subdivisions, described
per Attachment A, hereby authorize the
Osprey Property Owners Association to include and serve my property with the
Subdivision's potable and non-potable water systems with the understanding that Osprey
Property Owners Association will hold the associated ground water and surface water
rights in trust for the benefit of my parcel and other lots within the Osprey Subdivisions.

Lloyd J. Freeman
Signature

1-16-12
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16 day of January, 2012



Crystal Stenlund
Notary Public

Residing at Boise, Idaho

My Commission Expires 05.21.13

October 1, 2012

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

RE: Applications for Transfer Nos. 78067

Dear Watermaster:

A copy of the above referenced application(s) is enclosed with this email. Please review the application(s) and provide your comments, if any, to this office within 30 days.

If the application(s) is approved, IDWR will include appropriate standard conditions of approval for a water right located within your water district, such as regulation by the Watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application(s) should be specifically addressed in your recommendation.

This office can finish reviewing an unprotested application(s) shortly after the protest period has ended. Your prompt response to this request will ensure your recommendation will be considered. If IDWR has not received your written recommendation within 30 days, IDWR will presume you do not oppose approval of the application(s).

Sincerely,

Mandi Pearson
Office Specialist II



Pearson, Mandi

From: Pearson, Mandi
Sent: Wednesday, September 26, 2012 4:21 PM
To: 'editor@idahoworld.com'
Subject: Legal Ad
Attachments: Boise Cover Letter.docx; Boise Legal Ad.docx

Teri,

Please see the attached legal ads for publication 10-3-12 and 10-10-12.

Please confirm that these are ok to publish as shown.

Thanks!

Mandi Pearson

Office Specialist 2
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

September 26, 2012

LEGAL NOTICE DEPARTMENT
IDAHO WORLD
PO BOX 50248
BOISE, ID 83705

RE: Transfer No. 78067, Water Right No(s): 63-5332, 63-5334
Application For Permit No.(s): 63-33677

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/22/2012. Your cooperation is appreciated.

Sincerely,

Mandi Pearson
Office Specialist II

Enclosure(s)

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 on 10/3/2012 and 10/10/2012

MEMORANDUM

TO: Transfer No. 78067
FROM: Sharla Curtis
DATE: September 24, 2012
RE: Evaluation of Application

The transfer proposes to expand the permissible place of use to include property (known as the Freeman Property) recently annexed into the subdivision. The site is south of the confluence of Grimes Creek and Mores Creek.

Contact person for the applicant is Lori Graves at SPF.

Summary of Information Submitted

Authority to File: The applicant is the water right owner of record for both rights.

Water Right Validity: Rights presumed to be valid; partial decrees were issued more than 5 years ago, however, current (Bing Map) photography as well as 2009 and 2006 aerial photrography confirm irrigation of domestic lots.

Injury to Other Water Rights: None anticipated.

Enlargement of Use: No enlargement will occur; rates of diversion, volumes and number of acres allowed to be irrigated per irrigation season remain the same.

Local Public Interest: Aesthetic value to homesites within a subdivision can certainly be considered as being in the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Watermaster comments will be solicited.

Discussion (combine with previous section if prefer)

Data entry affected the correct records. Partial decrees were previously migrated to Water Rights.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.



SPF WATER
ENGINEERING

July 27, 2012

RECEIVED

JUL 30 2012

WATER RESOURCES
WESTERN REGION

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit and Transfer

Dear Steve,

Enclosed on behalf of Osprey Property Owner's Association, Inc., are an *Application for Permit and Transfer* seeking to add an additional parcel to the Association's domestic and irrigation water systems.

Check No. 1974 for \$760 is enclosed for the filing fees. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Butch Freeman, Dave Roylance and Russ Whitney via email

Enclosures

SPF file number: 955.0010