Rev. 10/09

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76824

RECEIVED
SEP 17 2010
WATER RESOURCES
WESTERN REGION

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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
☑	*	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.
☐	☑	**#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).
☐	☑	**#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/wrt_default.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.)
☐	☑	**#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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76824

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Pleasant Valley Irrigation Company Phone 208-342-3658

Mailing address c/o Terry Copple Esq, PO Box 1583, Boise, ID 83701 Email tc@davisoncopple.com

- ☐ 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 Representative

Name of Representative Lori Graves, SPF Water Engineering Phone 208-383-4140

Mailing 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	Print Name and Title if applicable	Date
	ERIC A. BODILY PRES.	9/2/10
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.** Applicants wish to expand their service area boundary to reflect actual delivery and use of their surface water within the Tyson Foods integrated irrigation system.

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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. All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ ☐	See Attached			to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 26.0 cfs and/or 7900.0 ac-ft

2. Total amount of water proposed to be transferred or changed 8.62 cubic feet per second and/or 2018.8 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.) See Attached

☐ 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	

Total Acres (for irrigation use) _____

Attachment 1B. 1. Continued						
All or Part	**Number**	**Amount**	**Nature of Use**	**Period of Use**	**Source**	**Tributary**
All	63-329B	4.0 cfs	Irrigation	3/1-11/15	Tenmile Cr.	Fifteenmile Cr.
		0.28 cfs	Stockwater	1/1-12/31		
All	63-330B	4.0 cfs	Irrigation	3/1-11/15	Tenmile Cr.	Fifteenmile Cr.
		0.28 cfs	Stockwater	1/1-12/31		
All	63-331B	5.0 cfs	Irrigation	3/1-11/15	Tenmile Cr.	Fifteenmile Cr.
		0.28 cfs	Stockwater	1/1-12/31		
All	63-332	13.0 cfs	Irrigation	3/1-11/15	Tenmile Cr.	Fifteenmile Cr.
		0.28 cfs	Stockwater	1/1-12/31		
All	63-379	7900.0 af	Irrigation Storage	1/1-12/31	Blacks Cr.	Tenmile Cr.
		7900.0 af	Irrigation fr Storage	3/1-11/15		
		25.0 af	Stockwater Storage	1/1-12/31		
		25.0 af	Stockwater fr Storage	1/1-12/31		

Attachment 1B. 4. Continued

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	2E	4			X	X									X	X			
		5									X	X	X	X	X	X	X		
		6	X	X	X	X	X			X	X	Lt 6 X	Lt 7 X	X	X	X	X	X	
		7	X	X		X	X	X	X		X		X	X			X		
		8					X	X	X	X									
		18	X	X		X	X	X	X	X	X	X	X	X					
2N	2E	19										Lt 3 X	Lt 4 X	X			X	X	
		26						S											
		27													S				
		29	X	X	X	X	X	X	X	X	X								
		30	X	X	X	X	X	Lt 1 X											
		31									X	Lt 3 X	Lt 4 X	X, S			X	X	
		36							S						S				
TOTAL																			1148

(Proposed expanded service area highlighted)

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: Up to 495 shares of surface water are delivered to an on-site pond located on Tyson Foods property, where it is combined with ground water and pumped into a pressurized irrigation system.

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

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

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. Expanded service area will allow Tyson Foods irrigation flexibility for use of their shares within an integrated irrigation system.

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: Ground water rights 63-3362, 63-7531, 63-10383 and 63-11347 are also used in the Tyson Foods integrated irrigation system.

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.: 63-329b

Current Owner: PLEASANT VALLEY IRR CO

Priority Date: 4/1/1907

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary
TENMILE CREEK	FIFTEENMILE CREEK

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/01 to 11/15	4 CFS	
STOCKWATER	01/01 to 12/31	0.28 CFS	
	Total Diversion	4 CFS	

Location of Point(s) of Diversion

TENMILE CREEK L3(NW1/4SW1/4) Sec. 31, Twp 02N, Rge 03E B.M.
ADA County

Place of Use

IRRIGATION Within ADA County

T01N	R02E	S4		SWNE	T01N	R02E	S4		SENE
T01N	R02E	S4		NESE	T01N	R02E	S4		NWSE
T01N	R02E	S5		NESW	T01N	R02E	S5		NWSW
T01N	R02E	S5		SWSW	T01N	R02E	S5		SESW
T01N	R02E	S5		NWSE	T01N	R02E	S5		SWSE
T01N	R02E	S6	Lot 6	NWSW	T01N	R02E	S6	Lot 7	SWSW
T01N	R02E	S6		NESE	T01N	R02E	S6		SESE
T01N	R02E	S7		NENE	T01N	R02E	S7		NWNE
T01N	R02E	S7		SENE	T01N	R02E	S8		NENW
T01N	R02E	S8		NWNW	T01N	R02E	S8		SWNW
T01N	R02E	S8		SENW	T02N	R02E	S19	Lot 3	NWSW
T02N	R02E	S19	Lot 4	SWSW	T02N	R02E	S19		SESW
T02N	R02E	S19		SWSE	T02N	R02E	S19		SESE
T02N	R02E	S29		NENE	T02N	R02E	S29		NWNE
T02N	R02E	S29		SWNE	T02N	R02E	S29		SENE
T02N	R02E	S29		NENW	T02N	R02E	S29		NWNW
T02N	R02E	S29		SWNW	T02N	R02E	S29		SENW
T02N	R02E	S29		NESW	T02N	R02E	S30		NENE
T02N	R02E	S30		NWNE	T02N	R02E	S30		SWNE
T02N	R02E	S30		SENE	T02N	R02E	S30		NENW
T02N	R02E	S30	Lot 1	NWNW	T02N	R02E	S31		NESW
T02N	R02E	S31	Lot 3	NWSW	T02N	R02E	S31	Lot 4	SWSW
T02N	R02E	S31		SESW	T02N	R02E	S31		SWSE
T02N	R02E	S31		SESE					

Total Acres: 1148

STOCKWATER Within ADA County

T02N	R02E	S26		NWSW	T02N	R02E	S27		NESE
T02N	R02E	S31		SESW	T02N	R02E	S36		SWNW
T02N	R02E	S36		NESE					

Conditions of Approval:

1.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1148 ACRES WITHIN THE BOUNDARY OF THE PLEASANT VALLEY IRRIGATION COMPANY.
3.	135	The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD -ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4.	F06	THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-330B, 63-331B & 63-332.

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

Current Water Right No.: 63-330b

Current Owner: PLEASANT VALLEY IRR CO

Priority Date: 4/1/1908

Origin: Water Right

Status: Active

Basis: Decreed

Source	**Tributary**
TENMILE CREEK	FIFTEENMILE CREEK

Beneficial Use	**From To**	**Diversion Rate**	**Annual Volume**
IRRIGATION	03/01 to 11/15	4 CFS	
STOCKWATER	01/01 to 12/31	0.28 CFS	
	Total Diversion	4 CFS	

Location of Point(s) of Diversion

TENMILE CREEK L3(NW1/4SW1/4) Sec. 31, Twp 02N, Rge 03E B.M.
ADA County

Place of Use

IRRIGATION Within ADA County

T01N	R02E	S4		SWNE	T01N	R02E	S4		SENE
T01N	R02E	S4		NESE	T01N	R02E	S4		NWSE
T01N	R02E	S5		NESW	T01N	R02E	S5		NWSW
T01N	R02E	S5		SWSW	T01N	R02E	S5		SESW
T01N	R02E	S5		NWSE	T01N	R02E	S5		SWSE
T01N	R02E	S6	Lot 6	NWSW	T01N	R02E	S6	Lot 7	SWSW
T01N	R02E	S6		NESE	T01N	R02E	S6		SESE
T01N	R02E	S7		NENE	T01N	R02E	S7		NWNE
T01N	R02E	S7		SENE	T01N	R02E	S8		NENW
T01N	R02E	S8		NWNW	T01N	R02E	S8		SWNW
T01N	R02E	S8		SENW	T02N	R02E	S19	Lot 3	NWSW
T02N	R02E	S19	Lot 4	SWSW	T02N	R02E	S19		SESW
T02N	R02E	S19		SWSE	T02N	R02E	S19		SESE
T02N	R02E	S29		NENE	T02N	R02E	S29		NWNE
T02N	R02E	S29		SWNE	T02N	R02E	S29		SENE
T02N	R02E	S29		NENW	T02N	R02E	S29		NWNW
T02N	R02E	S29		SWNW	T02N	R02E	S29		SENW
T02N	R02E	S29		NESW	T02N	R02E	S30		NENE
T02N	R02E	S30		NWNE	T02N	R02E	S30		SWNE
T02N	R02E	S30		SENE	T02N	R02E	S30		NENW
T02N	R02E	S30	Lot 1	NWNW	T02N	R02E	S31		NESW
T02N	R02E	S31	Lot 3	NWSW	T02N	R02E	S31	Lot 4	SWSW
T02N	R02E	S31		SESW	T02N	R02E	S31		SWSE
T02N	R02E	S31		SESE					

Total Acres: 1148

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1148 ACRES WITHIN THE BOUNDARY OF PLEASANT VALLEY IRRIGATION COMPANY.
4.	F06	THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-329B, 63-331B & 63-332.

Decreed Date: 9/21/2007

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

Current Water Right No.: 63-331b

Current Owner: PLEASANT VALLEY IRR CO

Priority Date: 4/1/1910

Origin: Water Right

Status: Active

Basis: Decreed

Source	**Tributary**
TENMILE CREEK	FIFTEENMILE CREEK

Beneficial Use	**From To**	**Diversion Rate**	**Annual Volume**
IRRIGATION	03/01 to 11/15	5 CFS	
STOCKWATER	01/01 to 12/31	0.28 CFS	
	Total Diversion	5 CFS	

Location of Point(s) of Diversion

TENMILE CREEK L3(NW1/4SW1/4) Sec. 31, Twp 02N, Rge 03E B.M.
ADA County

Place of Use

IRRIGATION Within ADA County

T01N	R02E	S4		SWNE	T01N	R02E	S4		SENE
T01N	R02E	S4		NESE	T01N	R02E	S4		NWSE
T01N	R02E	S5		NESW	T01N	R02E	S5		NWSW
T01N	R02E	S5		SWSW	T01N	R02E	S5		SESW
T01N	R02E	S5		NWSE	T01N	R02E	S5		SWSE
T01N	R02E	S6	Lot 6	NWSW	T01N	R02E	S6	Lot 7	SWSW
T01N	R02E	S6		NESE	T01N	R02E	S6		SESE
T01N	R02E	S7		NENE	T01N	R02E	S7		NWNE
T01N	R02E	S7		SENE	T01N	R02E	S8		NENW
T01N	R02E	S8		NWNW	T01N	R02E	S8		SWNW
T01N	R02E	S8		SENW	T02N	R02E	S19	Lot 3	NWSW
T02N	R02E	S19	Lot 4	SWSW	T02N	R02E	S19		SESW
T02N	R02E	S19		SWSE	T02N	R02E	S19		SESE
T02N	R02E	S29		NENE	T02N	R02E	S29		NWNE
T02N	R02E	S29		SWNE	T02N	R02E	S29		SENE
T02N	R02E	S29		NENW	T02N	R02E	S29		NWNW
T02N	R02E	S29		SWNW	T02N	R02E	S29		SENW
T02N	R02E	S29		NESW	T02N	R02E	S30		NENE
T02N	R02E	S30		NWNE	T02N	R02E	S30		SWNE
T02N	R02E	S30		SENE	T02N	R02E	S30		NENW
T02N	R02E	S30	Lot 1	NWNW	T02N	R02E	S31		NESW
T02N	R02E	S31	Lot 3	NWSW	T02N	R02E	S31	Lot 4	SWSW
T02N	R02E	S31		SESW	T02N	R02E	S31		SWSE
T02N	R02E	S31		SESE					

Total Acres: 1148

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1.	F06	THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-329B, 63-330B & 63-332.
2.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1148 ACRES WITHIN THE BOUNDARY OF PLEASANT VALLEY IRRIGATION COMPANY.

Decreed Date: 9/21/2007

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

Current Water Right No.: 63-332

Current Owner: PLEASANT VALLEY IRR CO

Priority Date: 5/16/1912

Origin: Water Right

Status: Active

Basis: Decreed

Source	**Tributary**
TENMILE CREEK	FIFTEENMILE CREEK

Beneficial Use	**From To**	**Diversion Rate**	**Annual Volume**
IRRIGATION	03/01 to 11/15	13 CFS	
STOCKWATER	01/01 to 12/31	0.28 CFS	
	Total Diversion	13 CFS	

Location of Point(s) of Diversion

TENMILE CREEK L3(NW1/4SW1/4) Sec. 31, Twp 02N, Rge 03E B.M.
ADA County

Place of Use

IRRIGATION Within ADA County

T01N	R02E	S4		SWNE	T01N	R02E	S4		SENE
T01N	R02E	S4		NESE	T01N	R02E	S4		NWSE
T01N	R02E	S5		NESW	T01N	R02E	S5		NWSW
T01N	R02E	S5		SWSW	T01N	R02E	S5		SESW
T01N	R02E	S5		NWSE	T01N	R02E	S5		SWSE
T01N	R02E	S6	Lot 6	NWSW	T01N	R02E	S6	Lot 7	SWSW
T01N	R02E	S6		NESE	T01N	R02E	S6		SESE
T01N	R02E	S7		NENE	T01N	R02E	S7		NWNE
T01N	R02E	S7		SENE	T01N	R02E	S8		NENW
T01N	R02E	S8		NWNW	T01N	R02E	S8		SWNW
T01N	R02E	S8		SENW	T02N	R02E	S19	Lot 3	NWSW
T02N	R02E	S19	Lot 4	SWSW	T02N	R02E	S19		SESW
T02N	R02E	S19		SWSE	T02N	R02E	S19		SESE
T02N	R02E	S29		NENE	T02N	R02E	S29		NWNE
T02N	R02E	S29		SWNE	T02N	R02E	S29		SENE
T02N	R02E	S29		NENW	T02N	R02E	S29		NWNW
T02N	R02E	S29		SWNW	T02N	R02E	S29		SENW
T02N	R02E	S29		NESW	T02N	R02E	S30		NENE
T02N	R02E	S30		NWNE	T02N	R02E	S30		SWNE
T02N	R02E	S30		SENE	T02N	R02E	S30		NENW
T02N	R02E	S30	Lot 1	NWNW	T02N	R02E	S31		NESW
T02N	R02E	S31	Lot 3	NWSW	T02N	R02E	S31	Lot 4	SWSW
T02N	R02E	S31		SESW	T02N	R02E	S31		SWSE
T02N	R02E	S31		SESE					

Total Acres: 1148

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1148 ACRES WITHIN THE BOUNDARY OF PLEASANT VALLEY IRRIGATION COMPANY.
2.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4.	F06	THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-329B, 63-330B & 63-331B.

Decreed Date: 9/21/2007

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

Current Water Right No.: 63-379

Current Owner: PLEASANT VALLEY IRR CO

Priority Date: 5/16/1912

Origin: Water Right

Status: Active

Basis: Decreed

Source	**Tributary**
BLACKS CREEK	TENMILE CREEK

Beneficial Use	**From To**	**Diversion Rate**	**Annual Volume**
IRRIGATION STORAGE	01/01 to 12/31		7900 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		7900 AF
STOCKWATER STORAGE	01/01 to 12/31		25 AF
STOCKWATER FROM STORAGE	01/01 to 12/31		25 AF
	Total Diversion		7900 AF

Location of Point(s) of Diversion

BLACKS CREEK ADA County	SE1/4SW1/4	Sec. 31,	Twp 02N,	Rge 03E B.M.
BLACKS CREEK ADA County	L3(NW1/4SW1/4) (Rediversion)	Sec. 31,	Twp 02N,	Rge 03E B.M.
BRYANS RUN ADA County	L3(NW1/4SW1/4) (Rediversion)	Sec. 31,	Twp 02N,	Rge 03E B.M.
BRYANS RUN ADA County	SE1/4SW1/4	Sec. 31,	Twp 02N,	Rge 03E B.M.

Place of Use

IRRIGATION FROM STORAGE Within ADA County

T01N R02E S4		SWNE	T01N R02E S4		SENE
T01N R02E S4		NESE	T01N R02E S4		NWSE
T01N R02E S5		NESW	T01N R02E S5		NWSW
T01N R02E S5		SWSW	T01N R02E S5		SESW
T01N R02E S5		NWSE	T01N R02E S5		SWSE
T01N R02E S6	Lot 6	NWSW	T01N R02E S6	Lot 7	SWSW
T01N R02E S6		NESE	T01N R02E S6		SESE
T01N R02E S7		NENE	T01N R02E S7		NWNE
T01N R02E S7		SENE	T01N R02E S8		NENW
T01N R02E S8		NWNW	T01N R02E S8		SWNW
T01N R02E S8		SENW	T02N R02E S19	Lot 3	NWSW
T02N R02E S19	Lot 4	SWSW	T02N R02E S19		SESW
T02N R02E S19		SWSE	T02N R02E S19		SESE
T02N R02E S29		NENE	T02N R02E S29		NWNE
T02N R02E S29		SWNE	T02N R02E S29		SENE
T02N R02E S29		NENW	T02N R02E S29		NWNW
T02N R02E S29		SWNW	T02N R02E S29		SENW
T02N R02E S29		NESW	T02N R02E S30		NENE
T02N R02E S30		NWNE	T02N R02E S30		SWNE
T02N R02E S30		SENE	T02N R02E S30		NENW
T02N R02E S30	Lot 1	NWNW	T02N R02E S31		NESW
T02N R02E S31	Lot 3	NWSW	T02N R02E S31	Lot 4	SWSW
T02N R02E S31		SESW	T02N R02E S31		SWSE
T02N R02E S31		SESE			

Total Acres: 1148

STOCKWATER FROM STORAGE Within ADA County

T02N R02E S26	NWSW	T02N R02E S27	NESE
T02N R02E S31	SESW	T02N R02E S36	SWNW
T02N R02E S36	NESE		

Place of Use: IRRIGATION STORAGE same as IRRIGATION FROM STORAGE

Place of Use: STOCKWATER STORAGE same as IRRIGATION FROM STORAGE

Conditions of Approval:

1.	G01	THE POINT OF REDIVERSION IS ON TENMILE CREEK
2.		THE STORAGE RESERVOIR IS KNOWN AS BLACKS CREEK RESERVOIR.
3.	B01	SOURCES ARE KNOWN AS BLACKS CREEK AND BRYANS RUN. TENMILE CREEK BEGINS AT THE FACE OF THE DAM FOR BLACKS CREEK RESERVOIR
4.	K06	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1148 ACRES WITHIN THE BOUNDARIES OF THE PLEASANT VALLEY IRRIGATION CO. LTD.
5.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
6.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 2/21/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ http://www.idwr.idaho.gov/ , Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ http://www.idwr.idaho.gov/ , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number:_____

1. amount_____(cfs/ac-ft) for _____purposes from _____ to _____
   amount_____ for _____purposes from _____ to _____
   amount_____ for _____purposes from _____ to _____
   amount_____ for _____purposes from _____ to _____
   amount_____ for _____purposes from _____ to _____
   amount_____ for _____purposes from _____ to _____
   amount_____ for _____purposes from _____ to _____
   amount_____ for _____purposes from _____ to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☑ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☑ 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. Label it **Attachment #7b.** If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

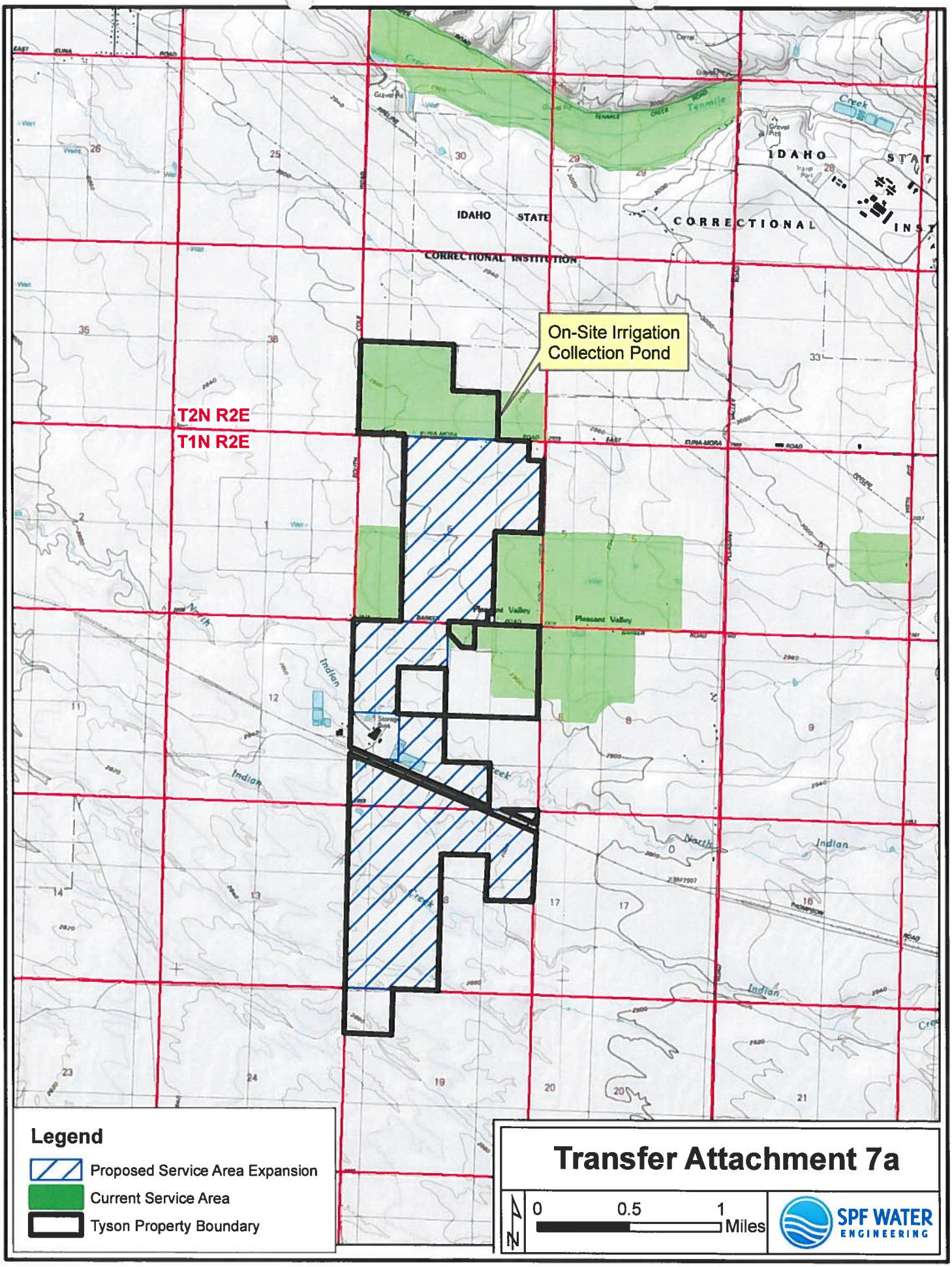
C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

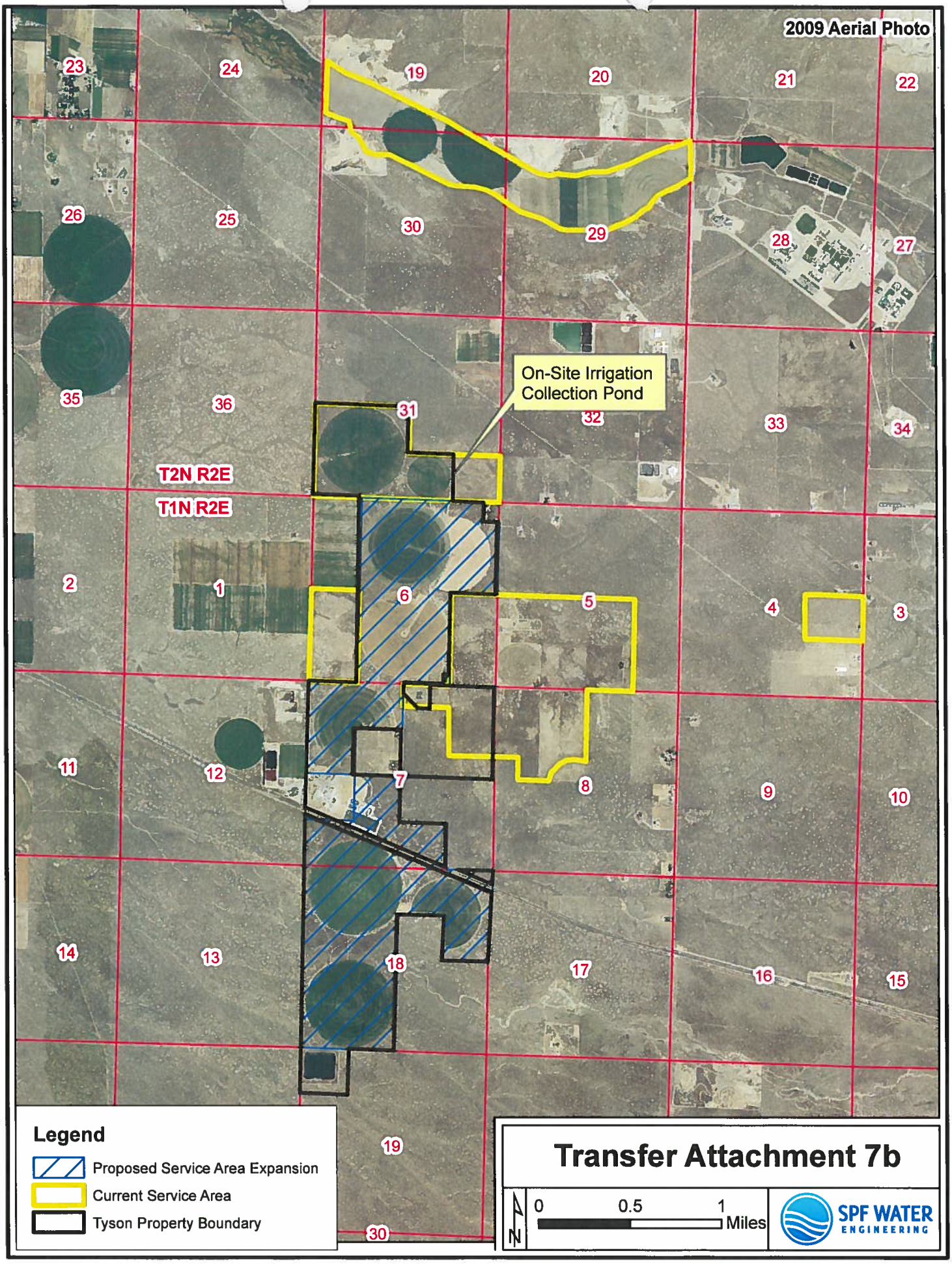
☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains 19 pages and 2 attachments.
Received by JMH Date 9-17-10 Prelim. Check by VLM Date 12/10/10
Fee Paid $610- Date 9-17-10 Receipted by DB Receipt # W038737
Add'l Fee Paid _____ Date _____ Receipted by _____ Receipt # _____


On-Site Irrigation Collection Pond
T2N R2E
T1N R2E
IDAHO STATE CORRECTIONAL INSTITUTION
Legend
Proposed Service Area Expansion
Current Service Area
Tyson Property Boundary
Transfer Attachment 7a
0
0.5
1
Miles
N
SPF WATER ENGINEERING


2009 Aerial Photo
On-Site Irrigation Collection Pond
T2N R2E
T1N R2E
Legend
Proposed Service Area Expansion
Current Service Area
Tyson Property Boundary
Transfer Attachment 7b
N
0
0.5
1
Miles
SPF WATER ENGINEERING

Lester, Steve

From: Lester, Steve
Sent: Friday, April 13, 2012 10:34 AM
To: 'Rex Barrie (waterdistrict63@qwestoffice.net)'
Subject: Watermaster comments for applications
Attachments: Watermaster comment letter.docx; 63-33631.pdf; Transfer 75286.pdf; Transfer 76824.pdf; 75286_76824 transfer ad.docx

Contacts: Rex Barrie

Rex:

Attached information summarizes three applications for your review as follows.

Application 63-33631 for shallow ground water ponds.
Application 75286 for 8 acres of New Union Ditch Co. water to mitigate consumptive use from ponds in above application.
Application 76824 to change irrigation boundary for Pleasant Valley Irrigation Co.

Latter 2 applications for transfer: have attached only relevant pages of applications, left out deeds etc. that don't help much. However, complete application documents will be on dept. website by about middle of next week if you want to see them.

Please let me know if you need more information. Thanks for your help.

Steve

p.s. on another matter, have not forgotten about Graham-Gilbert Ditch research, just have not had time yet, will do soon as can.

Comment letter to watermaster

April 13, 2012

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

RE: Application for Permit No. 63-33631
Applications for Transfer Nos. 75286 and 76824

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,

Steve Lester
Water Rights Supervisor

Lester, Steve

From: Lester, Steve
Sent: Friday, April 13, 2012 10:42 AM
To: 'pdonalds@idoc.idaho.gov'; roger.dittus@unitedwater.com
Subject: Application for Transfer # 76824
Attachments: Transfer 76824.pdf; 75286_76824 transfer ad.docx

Hello Pat & Roger:

Attached is information for a transfer application regarding irrigation ditch company water and Tyson Foods property. You are welcome to comment or take other action in this regard.

Only relevant portions of the application were copied to you – deeds etc. were not. But the entire application file will be scanned to the dept. website in a few days if you want to see more documents.

Please let me know if you need more information.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

T. 76824

Comment letter to IDOC (PAT)
UW (ROGER)

Lester, Steve

From: Lester, Steve
Sent: Thursday, April 12, 2012 4:31 PM
To: 'BOI Legals'
Subject: Legal Ads
Attachments: Ada County letter.docx; Ada County combined ads.docx; Extension 63-10403 ad.docx; Injection Well Draft Permit.docx

Hi Janice:

Please publish many ads 4/19 & 4/26/2012 in 3 stand alone formats as follows:

1. Applications in "Ada County combined ads" need to be grouped together with the same closing paragraph seen in that document.

2. Application in "Extension 63-10403 ad" needs to have its own closing paragraph seen in that document.

3. Draft Permits in "Injections Well Draft Permit" need to be separate from other 2 categories.

An unusual assortment! Please confirm this will work for you. Let me know if you need more information. Thank you for your help.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

Legal notice Ada County
(other statewide Ad Anchor)

April 12, 2012

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer Nos. 75286 and 76824
Application for Permit Nos. 63-33616, 63-33620 thru 63-33624 and 63-33631
Extension of Time to Avoid Forfeiture 63-10403
Injection Well Draft Permit

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 5/7/2012. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

63-33623

MERIDIAN JOINT SCHOOL DISTRICT #2
OPERATIONS & MAINTENANCE
1303 E CENTRAL DR
MERIDIAN, ID 83642
Point of Diversion: SENE S14 T03N R01W ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.42 CFS
Total Diversion: 0.42 CFS
Date Filed: 2/17/2012
Place Of Use: IRRIGATION
T03N R01W S14 SENE
Total Acres: 7
Water bearing zone to be appropriated is from 200 to 350 feet for Peregrine School.

63-33624

MERIDIAN JOINT SCHOOL DISTRICT #2
OPERATIONS & MAINTENANCE
1303 E CENTRAL DR
MERIDIAN, ID 83642
Point of Diversion: SENE S16 T03N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.18 CFS
Total Diversion: 0.18 CFS
Date Filed: 2/17/2012
Place Of Use: IRRIGATION
T03N R01E S16 SENE
Total Acres: 3
Water bearing zone to be appropriated is from 200 to 350 feet Eliza Hart Spalding School.

63-33631

TAUNTON PROPERTIES
724 S LONE BROOK WAY
EAGLE, ID 83616
Point of Diversion: 2 points in L1 (SENE) & 1 point in L1 (NESE) S16 T04N R01E ADA County
Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 140 AF
Total Diversion: 140 AF
Date Filed: 3/16/2012
Place Of Use: AESTHETIC STORAGE
T04N R01E S16 L2 (SWNE) L1 (SENE) L1 (NESE)
Water bearing zone to be appropriated is from 1 to 25 feet for shallow ground water ponds.
Mitigation is proposed by Application 75286 (New Union Ditch Company).

PROPOSED CHANGE OF WATER RIGHTS

Pleasant Valley Irrigation Co. c/o Terry Copple, Esq., PO Box 1583, Boise, ID 83701, filed Application No. 76824 to transfer five water rights with 1907 to 1912 priority dates from Tenmile Creek and Blacks Creek totaling 26 cfs and 7900 af of storage. The purpose of the transfer is to expand the service area to include Tyson Food property located near South Cole and Kuna-Mora Roads. The transfer affects 8.62 cfs/2010.8 afa which reflect delivery of Tyson shares.

New Union Ditch Company Ltd. of PO Box 31, Eagle ID 83616 filed Application No. 75286 to transfer a water right with an 1865 priority date from the Boise River totaling 13.76 cfs. The purpose of the transfer is to change the nature of use for an 8 acre portion of the right to mitigate consumptive use for 3 ponds in Lonesome Dove Subdivision (Application 63-33631) located along Riverside Dr southeast of Hwy 44 (State St) about 1 mile from Eagle. The unchanged portion of the right will remain within the ditch company service area.

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 5/7/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 4/19/2012 and 4/26/2012

Lester, Steve

From: Lester, Steve
Sent: Friday, April 13, 2012 8:40 AM
To: 'legalnotices@postregister.com'
Subject: Legal Ads
Attachments: Bonneville County letter.docx; Transfers ads 75286 and 76824.docx

Hi Staci:

Please confirm you can publish the attached ad 4/19 and 4/26/2012. This is billing account #00042190 for the Western Region office in Boise.

Let me know if you need anything else. Thank you for your help.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

Legal Notice 3 other statewide papers

April 12, 2012

LEGAL NOTICE DEPARTMENT
POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Transfer Nos. 75286 and 76824

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 5/7/2012. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

Lester, Steve

From: Lester, Steve
Sent: Friday, April 13, 2012 8:42 AM
To: 'Karen Lewis'
Subject: Legal Ads
Attachments: Nez Perce County letter.docx; Transfers ads 75286 and 76824.docx

Hi Karen:

Please confirm you can publish the attached ad 4/19 and 4/26/2012. Let me know if you need anything else. Thank you for your help.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

April 12, 2012

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

RE: Transfer Nos. 75286 and 76824

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 5/7/2012. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

Lester, Steve

From: Lester, Steve
Sent: Friday, April 13, 2012 8:43 AM
To: 'legals@magicvalley.com'
Subject: Legal Ads
Attachments: Twin Falls County letter.docx; Transfers ads 75286 and 76824.docx

Hi Ruby:

Please confirm you can publish the attached ad 4/19 and 4/26/2012. Let me know if you need anything else. Thank you for your help.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190

April 12, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer Nos. 75286 and 76824

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 5/7/2012. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor

PROPOSED CHANGE OF WATER RIGHTS

Pleasant Valley Irrigation Co. c/o Terry Copple, Esq., PO Box 1583, Boise, ID 83701, filed **Application No. 76824** to transfer five water rights with 1907 to 1912 priority dates from Tenmile Creek and Blacks Creek totaling 26 cfs and 7900 af of storage. The purpose of the transfer is to expand the service area to include Tyson Food property located near South Cole and Kuna-Mora Roads. The transfer affects 8.62 cfs/2010.8 afa which reflect delivery of Tyson shares.

New Union Ditch Company Ltd. of PO Box 31, Eagle ID 83616 filed **Application No. 75286** to transfer a water right with an 1865 priority date from the Boise River totaling 13.76 cfs. The purpose of the transfer is to change the nature of use for an 8 acre portion of the right to mitigate consumptive use for 3 ponds in Lonesome Dove Subdivision (Application 63-33631) located along Riverside Dr southeast of Hwy 44 (State St) about 1 mile from Eagle. The unchanged portion of the right will remain within the ditch company service area.

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, 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 5/7/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 4/19/2012 and 4/26/2012

↑

this was to email to:

Bonneville
Ray Reece
Twin Falls

> Rogers

-fz

MEMORANDUM

TO: Transfer No. 76824 File

FROM: Vicky Music

DATE: March 26, 2012

RE: Evaluation of Sufficiency of Information Submitted

The applicant, Pleasant Valley Irrigation Co. (PVIC), filed the transfer to enlarge their service area authorized under five surface water rights: 63-329B, 63-330B, 63-331B, 63-332 and 53-379. The transfer proposes a change in place of use only. The new service area will include the place of use owned by Tyson Foods and the change will accurately reflect the delivery and use of PVIC surface water on the Tyson land.

The site is approximately 8 miles south of the Boise city center.
Contact person for the applicant is consultant Lori Graves, SPF Water Engineering, LLC.

Deviations from Transfer Policy Standards

There were a couple of minor errors in the place of use land list of the application. The consultant cured the errors by deleting T2N R2E S19 SESE and T2N R2E S5 NESE from the land list and adding T2N R2E S5 SWSE to the application.

Otherwise, the application is very complete and there were no deficiencies or deviations from IDWR transfer policy that would delay processing of this application.

Summary of Information Submitted

Authority to File:
Applicant is the IDWR owner of record.

Water Right Validity:
Right presumed to be valid because the partial decrees for all of the rights were issued by the SRBA Court in 2007, within the past five year period.

Injury to Other Water Rights:
No injury to other rights is expected.

Enlargement of Use:
The application does not propose an increase in quantity, diversion rate or in the total number of acres irrigated.

Local Public Interest:
There are no apparent public interest issues.

Beneficial Use/Conservation of Water Resources:
The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information/Analysis and Discussion

The applicant provided all information necessary to process this application. The application will not be parallel processing with the SO, and there is no need to consult other programs within IDWR.

Watermaster comments will be solicited from the Watermaster of WD 63, Boise River. Comments will also be solicited from the Idaho Department of Corrections, protestant in the Tyson Foods application for permit 63-12546, and the intervener in same matter, United Water.

Data entry affected the correct records - the wr records. The partial decrees were issued and the results were migrated to wr records prior to data entry.

SRBA status was provided previously in this memo.

There are no overlapping rights at existing &/or proposed POD. Overlapping rights on the POU are the Tyson groundwater rights: 63-3362, 63-7531, 63-10383 and 63-11347.

There are no mitigation or Water Bank issues.

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.

Condition 046 n/a because a new well is not proposed.

Music, Vicky

From: Music, Vicky
Sent: Monday, March 26, 2012 1:05 PM
To: Marston, Sascha
Subject: Refund request transfer no. 76824
Attachments: DOC007.pdf

Tracking:

Recipient	Delivery
Marston, Sascha	Delivered: 3/26/2012 1:05 PM

Sascha –

Attached is a refund memo and receipt for the request referenced above.

Thank you -

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
2735 Airport Way
Boise, ID 83705
208.334.2190

MEMORANDUM

TO: Sascha Marston

FROM: Vicky Music

DATE: March 26, 2012

RE : Refund Request

SPF Water Engineering, on behalf of their client, Pleasant Valley Irrigation Company, paid $610.00 for an Application for Transfer on September 17, 2010. The transfer was to include shareholder Tyson Foods place of use in the irrigation company service area. SPF miscalculated the fee due, which should have been $570 based on Tyson Foods 495 shares for 8.62 cfs. A partial refund should be issued to SPF for the $40 overpayment.

Please issue a refund of $40 to:

SPF WATER ENGINEERING
300 MALLARD DR, STE 350
BOISE, ID 83706
208-383-4156

RECEIPT #

W038737, copy attached

Copy: TRANSFER 76824

Idaho Department of Water Resources Receipt

Receipt ID: W038737

Payment Amount	$610.00	Date Received	9/17/2010 12:11 PM	Region	WESTERN
Payment Type	Check	Check Number	5660		

Payer SPF WATER ENGINEERING

Comments APPLICATION FOR TRANSFER FOR PLEASANT VALLEY IRRIGATION COMPANY. 63-329B, 63-330B, 63-331B, 63-332, 63-379

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
$610.00	TRANSFERS	62105	0229	21		1155

Signature Line (Department Representative)

Lori Graves

From: Music, Vicky [Vicky.Music@idwr.idaho.gov]
Sent: Thursday, March 22, 2012 2:58 PM
To: Lori Graves
Subject: RE: PVIC Transfer

RECEIVED
MAR 23 2012
WATER RESOURCES
WESTERN REGION

Hi Lori – so to clarify the POU, you will amend the application by:
1 – deleting the T2N R2E S 19 SESE from the application ✓ LG
2 – deleting T2N R2E S 5 NESE and add the SWSE ✓ LG
3 – show more clearly on the application map where the pond is. I can't tell what QQs it will be in. ✓ LG
See attached 2011 GIS photo map labeled "Close-up of Collection Pond"
The Dept corrected the storage location for Black Canyon storage.

The file is at the front desk whenever you want to make those changes.
Thank you
Vicky

From: Lori Graves [mailto:LGraves@spfwater.com]
Sent: Thursday, March 22, 2012 12:16 PM
To: Terry; Music, Vicky
Cc: Christian Petrich
Subject: RE: PVIC Transfer

Thank you very much Terry. I don't believe I need Eric's signature. I am sending this email trail to Vicky Music with IDWR to indicate PVIC's agreement to IDWR's proposed changes.

Vicky, based on your February 7, 2012 letter, it is my understanding that the Department will take care of item 1 described below. If you leave the file at the front desk, I will take care of item 2. Please let me know if I can come by today or tomorrow to make the requested change. Thank you for extending our response deadline.

From: Terry [mailto:tc@davisoncopple.com]
Sent: Thursday, March 22, 2012 9:14 AM
To: Lori Graves
Subject: RE: PVIC Transfer

Hi,

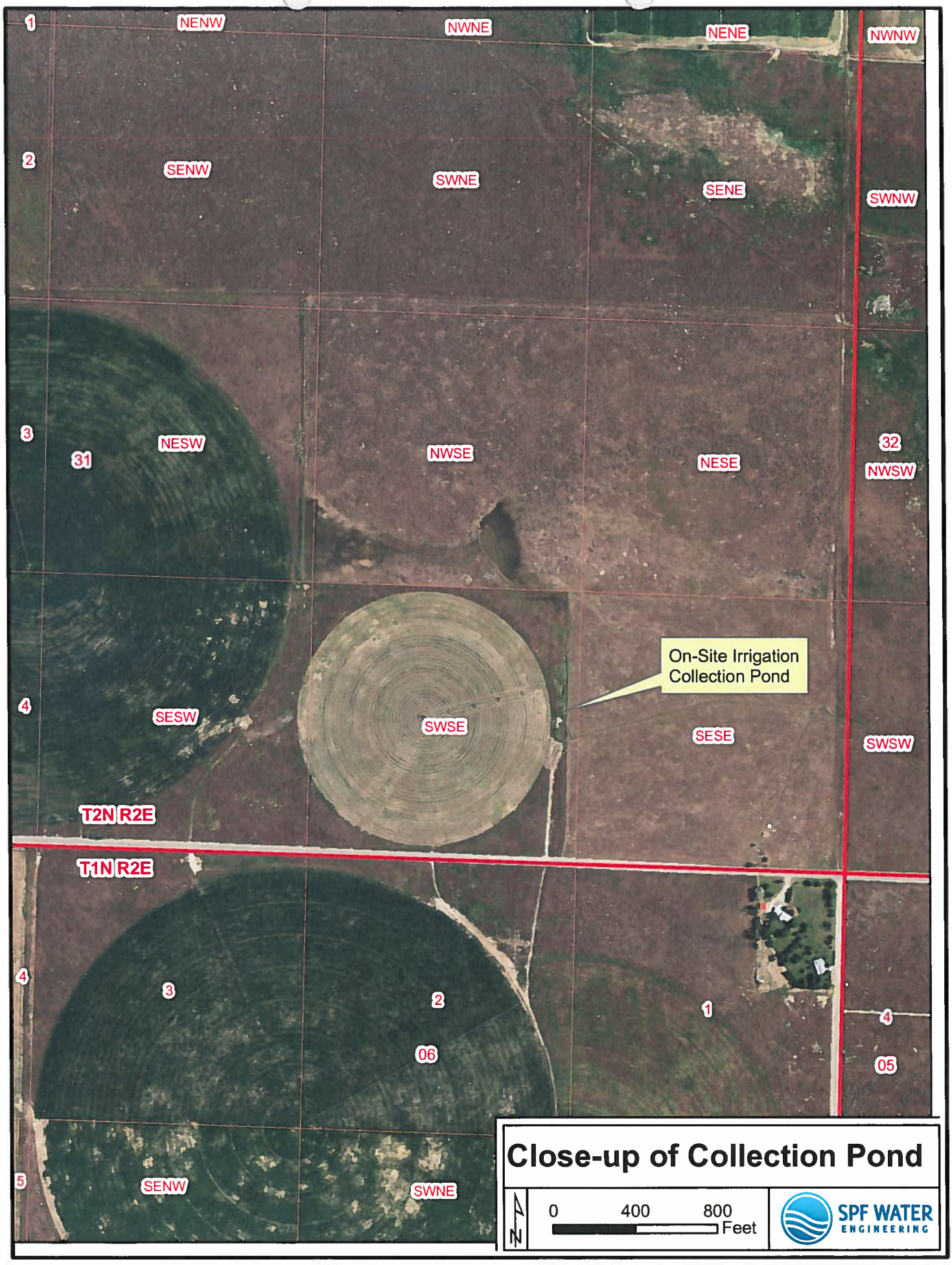
Eric says he will agree so do you have something for him to sign?

Terry

Terry C. Copple, Esq.
Attorney at Law
Davison, Copple, Copple & Copple, LLP

199 North Capitol Blvd, Ste 600
Boise, ID 83702

Mailing Address: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On-Site Irrigation Collection Pond
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Feet
SPF WATER ENGINEERING

Music, Vicky

From: Music, Vicky
Sent: Monday, February 13, 2012 11:16 AM
To: 'Lori Graves'
Subject: RE: Transfer 76824

Thanks, Lauri. The file will be waiting for you at the front desk.
Vicky

From: Lori Graves [mailto:LGraves@spfwater.com]
Sent: Monday, February 13, 2012 11:09 AM
To: Music, Vicky
Subject: RE: Transfer 76824

It's coming off. Thanks for the clarification Vicky. I'll be by this afternoon, probably sometime after 2:00 if that's ok. Thanks Vicky.

From: Music, Vicky [mailto:Vicky.Music@idwr.idaho.gov]
Sent: Monday, February 13, 2012 11:09 AM
To: Lori Graves
Subject: RE: Transfer 76824

Hi Lauri –
Actually I sent the email asking you to check out Section 19 SESE on behalf of your client. It is owned by the BLM and we know it is on the land list, however, it is not shown to be in the POU in ArcMap. I cannot tell from the application map if you included in the applicant's POU because the legend is partially obscuring the SESE 19.

When will you be by the office so I can leave the file up front?
Thank you.
Vicky

From: Lori Graves [mailto:LGraves@spfwater.com]
Sent: Monday, February 13, 2012 10:56 AM
To: Music, Vicky
Subject: FW: Transfer 76824

Vicky,

I'll be swinging by to drop off our response letter for the Jesse application and will correct the pou for transfer 76824 while I'm there. Could you take a look at the SESE and let me know if you agree that listing this tract is ok. Thanks Vicky.

From: Lori Graves
Sent: Friday, February 10, 2012 9:09 AM
To: 'Music, Vicky'
Cc: Christian Petrich
Subject: Transfer 76824

Vicky,

Good catch on section 5. With regards to the SESE, section 19, it appears that Pleasant Valley's service area catches the SW corner of the SESE quarter. Please have a look-see and let me know what you think. Their original POU land list included the SESE, section 19.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082
Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 7, 2012

Pleasant Valley Irrigation Co.
c/o Lori Graves
SPF Water Engineering, LLC
300 Mallard Dr., Ste. 350
Boise, ID 83706

Re Application for Transfer No. 76824

Dear Ms. Graves,

I have a few questions before I send this application to advertising. Application Attachment 1B.4, the land list, and the map, do not quite correspond. It appears from the map that the NESE, Section 5, T1N, R2E, should be deleted from the land list and the SWSE, Section 5, added instead. Also, it appears from the map that the SESE, Section 19, T2N, R2E should be deleted from the land list. Will you please contact me to amend the original application?

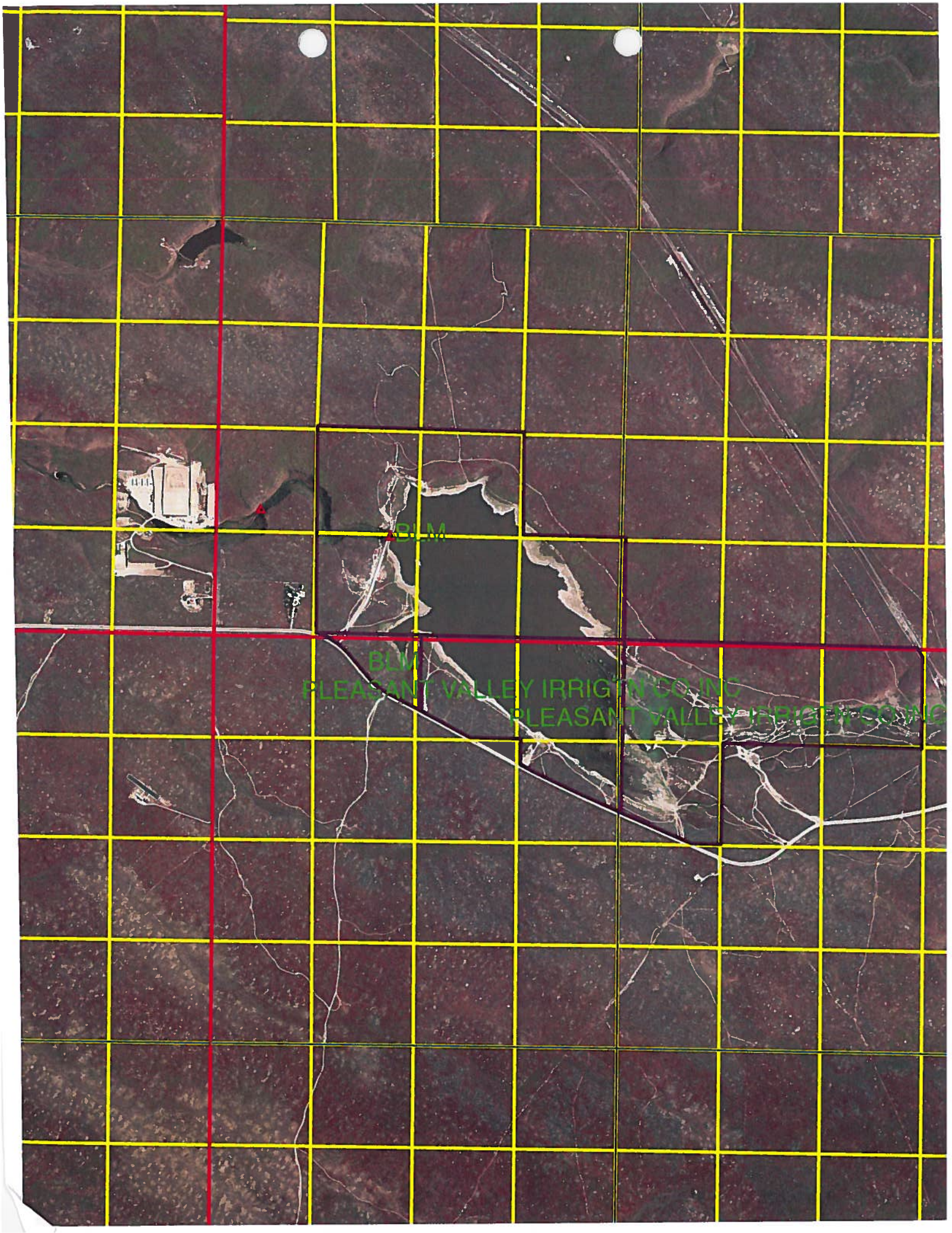
Another issue is that the storage location, Blacks Creek Reservoir, has never been identified in the water right legal descriptions or Department shapefiles. IDWR would like to correct this in the transfer. The reservoir is partially located in quarter-quarters owned by the BLM. IDWR will describe the storage component for the irrigation company as being located in the three quarter-quarters that taxlot data show as owned by the irrigation company unless the Department hears otherwise from you, in writing. Attached is a map generated by IDWR to illustrate.

The requested information is due March 8, 2012. Please contact me if you have questions or concerns. Thank you.

Sincerely,

Vicky Music
Sr. Water Resource Agent

cc: aerial photo of Blacks Creek Reservoir


BLM
BLM
PLEASANT VALLEY IRRIGTN CO INC
PLEASANT VALLEY IRRIGTN CO INC

Music, Vicky

From: Music, Vicky
Sent: Monday, January 24, 2011 8:28 AM
To: 'Lori Graves'
Subject: RE: Transfer 76824

I'll forward to the appropriate staff to process the refund. Thank you for your response, Lori.

Vicky Music

From: Lori Graves [mailto:LGraves@spfwater.com]
Sent: Friday, January 21, 2011 2:00 PM
To: Music, Vicky
Cc: Christian Petrich
Subject: Transfer 76824

Vicky,

Thank you for your attention to the transfer application that we filed on behalf of Pleasant Valley Irrigation Company (PVIC). The amounts listed on the transfer application are correct and based on the following information that we received from Terry Copple, Treasurer for PVIC and Eric Bodily, President for PVIC.

PVIC has a total of 1,493 shares. In aggregate, PVIC water rights authorize irrigation of 1,148 acres. Divided among the 1,493 total shares, each share entitles the owner to irrigate up to approximately 0.77 acres per share. PVIC water rights authorize a maximum diversion (when water is available) of up to 26.0 cfs. As such, if equally distributed, each share authorizes a share owner to a maximum diversion of approximately 0.0174 cfs/acre. Thus, when water is available and if it is equally distributed, Tyson's 495 company shares provide up to 8.62 cfs for irrigation.

The 9.9 cfs referenced in the application cover letter was an oversight based 495 shares equivalent to 0.02 cfs/acre rather than the actual Company rate of 0.0174 cfs/acre. Fortunately the amounts listed on the transfer application are correct, however the $610 filing fee paid by SPF was based on 9.9 cfs, rather than 8.62 cfs, resulting in extra payment of $40. Please refund the additional fees paid to SPF at the address listed below.

Thanks Vicky.

Lori Graves
Water Rights Specialist
300 E. Mallard, Ste 350
Boise, ID 83706
208.383.4140 x219
fax 208.383.4156
e-mail lgraves@spfwater.com
www.spfwater.com

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082
Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

January 20, 2011

Pleasant Valley Irrigation Company
c/o Lori Graves
SPF Water Engineering, LLC
300 Mallard Dr., Ste. 350
Boise, ID 83706

Re Application for Transfer No. 76824 (Water Right Nos. 63-329B, 63-330B, 63-331B, 63-332 and 63-379)

Dear Ms. Graves,

The application referenced above has been assigned to me for review and processing. In the cover letter that accompanied the application, you state that Tyson Foods has 495 shares or 9.9 cfs of Pleasant Valley Irrigation Co. water. The application fee of $610 that was paid is based on this quantity.

In Part 1(2) of the application, the total amount of water the applicant proposes to transfer is 8.62 cfs and/or 2018.8 afa. Is this an error? If so, please contact me and make arrangements to amend the application or otherwise, to explain application item. Thank you.

Sincerely,

Vicky Music
Sr. Water Resource Agent

SPF WATER ENGINEERING

RECEIVED
SEP 17 2010
WATER RESOURCES
WESTERN REGION

September 16, 2010

John Westra
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer

Dear John,

Enclosed on behalf of Pleasant Valley Irrigation Company is an Application for Transfer proposing an expansion of the Company's service area to include all of Tyson Foods integrated irrigation system.

Tyson Foods has 495 shares of Company water or 9.9 cfs. Check No. 5660 is enclosed for $610 filing fee based on 9.9 cfs of Company water affected by the application.

Please let me know if there are any questions. Thanks John.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Terry Copple, Davison, Copple, Copple & Copple
Eric Bodily, Pleasant Valley Irrigation Company
Kim Dirks, Tyson Foods Inc.
Kevin Beaton, Stoel Rives

Enclosures: Application for Transfer, Check No. 5660

SPF file number: 843.0020

300 E. Mallard Drive, Suite 350, Boise, Idaho 83706 Tel: 208-383-4140 Fax: 208-383-4156