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DEC 16 2011

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77710**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: Area & Volume Calculations for Aesthetic Bonds.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77710APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPARTMENT OF
WATER RESOURCESName of Applicant(s) Riverside Village Homeowners Assn., Inc. Phone 323-1080Mailing address 5537 Glenwood, Suite A, Garden City, Id 83714 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 Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ 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.

Donald C. Anton

Signature of Applicant or Authorized Representative

DONALD C. ANTON
PRESIDENT RVHDA

Print Name and Title if applicable

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**.

Update POV description to reflect historical practices.

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.

I.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ ☐	63-9718	3.21/121.5	01, 55, 53	1/1 to 12/31	Glenwood Lake
☒ ☐	63-9751	3.21/2324	52	1/1 to 12/31	Boise River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.42 cfs and/or 2451.5 ac-ft

2. Total amount of water proposed to be transferred or changed 6.42 cubic feet per second and/or 2451.5 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	
04N	01E	24										3.2		14.4	35.5			7.5	
04N	01E	23													1.3			4.7	

Total Acres (for irrigation use) 66.6

Transfer 77710
Riverside Village Home Owners Association Inc.

Right 63-9751
PLACE OF USE: AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	23													X			X	
04N	01E	24									X		X						
04N	01E	24											X						
													L3						

I agree to these changes Da. 1/27/12
initials date

Right 63-9718
PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	23													X			X	
04N	01E	24									X		X						
04N	01E	24											X						
													L3						

I agree to this change Da. 1/27/12
initials date

Received via email from the desk of Pat Heddell
Attachment to Transfer Application 77710

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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:

Water is diverted from the Boise River into a conveyance system that deposits water into Glenwood Park. Water is diverted from Glenwood into RSV subdivision through a lockable control canal gate. Downstream of the canal gate is a 50 ft x 10 ft gate. Water gravity flows through RSV subdivision and its 12 center ponds into a series of rippled conditions.

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

Andover City

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

Public Park Space

- 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: NO

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:

Maintain historical irrigation in subdivision

- 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:

N/A

- 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:

Page _____ of _____

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

Current Water Right No.: 63-9718

Current Owner: RIVERSIDE VILLAGE HOMEOWNERS ASSN INC
Priority Date: 4/3/1981
Origin: Water Right
Status: Active
Basis: Decreed

Source

VILLAGE LAKE

Tributary

BOISE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	01/01 to 12/31		78 AF
DIVERSION TO STORAGE	01/01 to 12/31	3.21 CFS	
IRRIGATION	04/01 to 11/01	0.44 CFS	49.5 AF
	<u>Total Diversion</u>	3.21 CFS	127.5 AF

Location of Point(s) of Diversion

VILLAGE LAKE
ADA County

L2(SW1/4SE1/4) Sec. 24, Twp 04N, Rge 01E B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01E S23	Lot 11	SESE	1.00	T04N R01E S24	Lot 4	SWSW	3.00
T04N R01E S24	Lot 3	SESW	3.00	T04N R01E S24	Lot 2	SWSE	1.00
T04N R01E S25	Lot 3	NWNE	2.00	T04N R01E S25	Lot 4	NENW	1.00

Total Acres: 11

AESTHETIC STORAGE Within ADA County

T04N R01E S24	Lot 3	SESW	T04N R01E S25	Lot 4	SWSW
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Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Page _____ of _____

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. The place of use for irrigation is a greenbelt.
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.

Decreed Date: 2/16/2007

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

Current Water Right No.: 63-9751

Current Owner: RIVERSIDE VILLAGE HOMEOWNERS ASSN
Priority Date: 6/23/1981
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

AESTHETIC

From To

01/01 to 12/31

Total Diversion

Diversion Rate

3.21 CFS

3.21 CFS

Annual Volume

2324 AF

2324 AF

Location of Point(s) of Diversion

BOISE RIVER

ADA County

NE1/4NE1/4

Sec. 25, Twp 04N, Rge 01E B.M.

Place of Use

AESTHETIC Within ADA County

T04N R01E S24 Lot 4 SWSW
T04N R01E S24 Lot 2 SWSE

T04N R01E S24 Lot 3 SESW
T04N R01E S25 Lot 3 NWNE

Conditions of Approval:

1. Return flow is discharged into the Boise River via Riverside Creek in the NESE, S23, T04N, R01E.
2. Diversion and use of water is authorized only when flows in the Boise River warrant delivery of water under a date of priority of June 23, 1981. If this priority cannot be satisfied, diversion must cease unless:
 - a) the use is entirely non-consumptive and all water is returned to the river, or
 - b) the consumptive amount of water is replaced from another source or right which is deliverable. In such case, a determination of consumptive use must be made and an acceptable method of replacement must be approved by the department prior to delivery under another source or right.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
4. F17 The point of diversion for this water right is unsurveyed accretion land. The quarter-quarter description has been protracted from the adjacent public land survey.
5. R43 The right holder shall maintain measuring devices at the point of diversion and at the point of discharge and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. 004 This right does not grant any right-of-way or easement across the land of another.

Total Acres (for irrigation use)

Total Acres (for irrigation use)

Add'l Fee Paid	Date	Received by	Receipt #
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duly elected and shall have qualified or until their death or until he shall resign or shall have been removed.

SECTION 4.04 Removal. Any officer or agent of the Association may be removed by action of the Board of Directors at any meeting thereof by a majority vote of the directors in office.

SECTION 4.05 Resignation. The resignation of any officer or agent of the Association shall become effective by written notice to the Board of Directors, President or Secretary, at the time therein specified, without acceptance by the Board of Directors.

SECTION 4.06 Powers and Duties of Officers.

4.06.01 President. The President shall be the chief executive officer of the Association generally implementing the policies adopted and approved by the Board of Directors and shall:

- preside at all meetings of Members and the Board of Directors.
- be responsible for long-term planning of financial policies of the Association and periodically shall report and recommend financial policies and programs to the Board of Directors.
- have authority to employ, designate duties and supervise the activities of all employees of the Association and shall have ultimate authority to discharge any employee of the Association.
- sign, with attestation by the Secretary, certificates of membership in the Association, and with or without attestation any deeds, mortgages, bonds, notes, contracts or other instruments which the Board of Directors has authorized to be executed.
- perform those duties and have and exercise that authority and responsibility customarily incident to the office of president of a corporation of the nature of this one, and furthermore, shall perform those special duties and functions delegated to them by the Board of Directors.

MINUTES
Special Meeting of Board of Directors
Riverside Village Homeowners Association, Inc.
August 11, 2011, 6PM, at Clubhouse

Notice of Special Meeting given pursuant By-Laws, written notice waived by Directors attendance.
Call to order 6PM.

Quorum Present: Dow, Fitzgerald, Nickle, Anton, Adams-late.

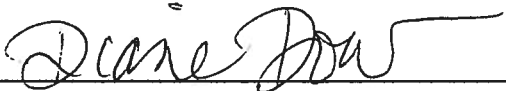
Purpose: To review, approve, authorize and ratify preliminary applications for transfers for WRs 63-9718 and 63-9751, submitted to IDWR 8/10/11, by RVHOA board consensus; and to authorize the payment of the filing fees for said transfers.

Special Business:

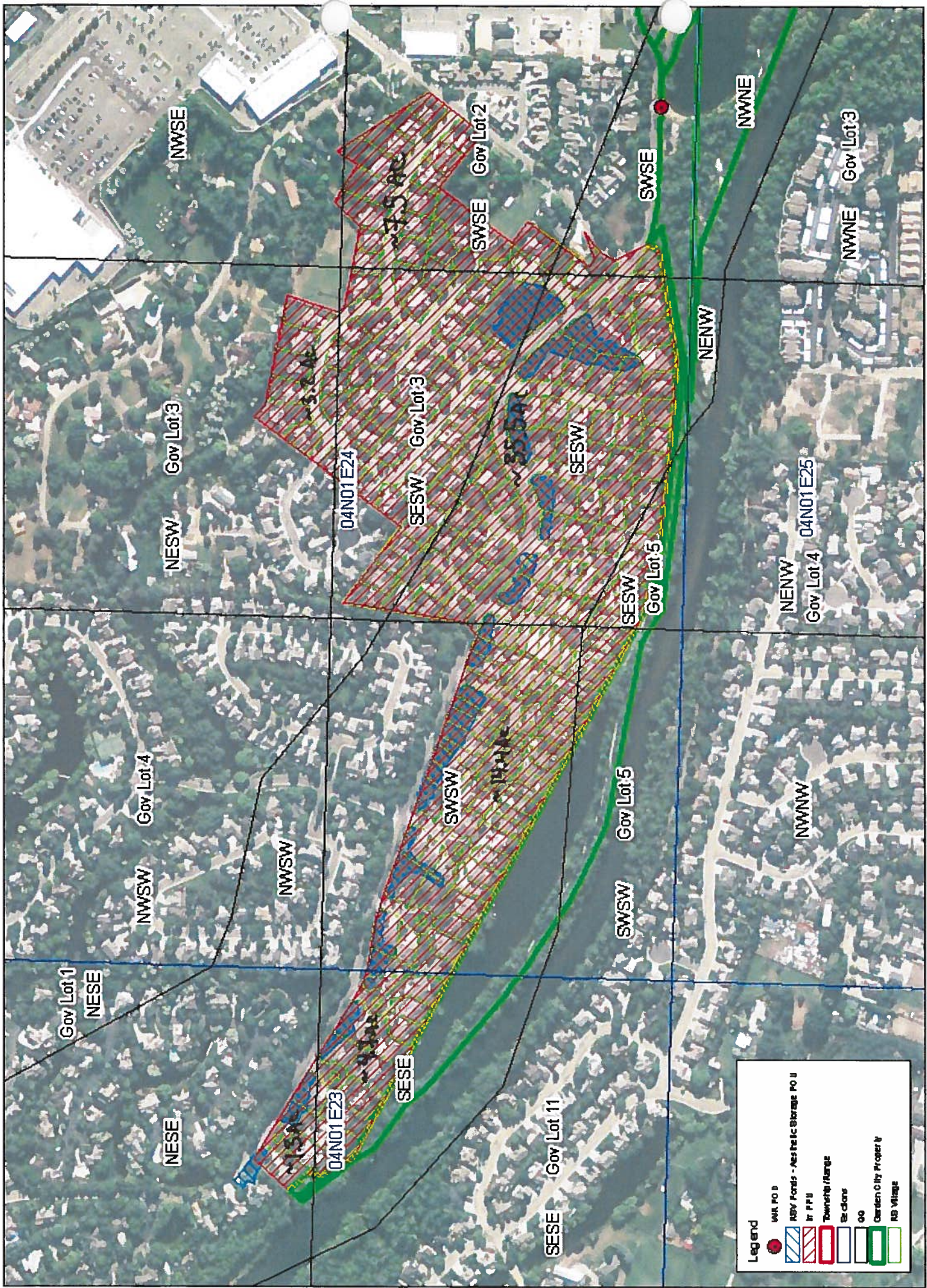
1. Preliminary applications for transfers for WRs 63-9718 and 63-9751, submitted to IDWR 8/10/11 were reviewed by all board members. Board members were given a summary of a meeting between Mat Weaver, IDWR and Don Anton, RVHOA at which the preliminary applications were submitted, Additionally, board members were presented with a five year plan for the implimentation of the irrigation transfers under WR 63-9718. Subsequently, a motion was made by Fitzgerald, second by Dow, to approve, authorize and ratify preliminary applications for transfers for WRs 63-9718 and 63-9751, submitted to IDWR 8/10/11, by RVHOA board consensus, subject to changes and modifications by IDWR for approval. After a brief discussion, the motion passed unanimously.
2. A subsequent motion was made by Nickle, second by Dow, to authorize payment to IDWR of the filing fees for the applications for transfers for WRs 63-9718 and 63-9751, approximately \$750 each. After a brief discussion, the motion passed unanimously.

There being no further business to come before the board, a motion to adjourn was made by Nickle, second by Fitzgerald and passed unanimously. Meeting adjourned at 6:30 PM.

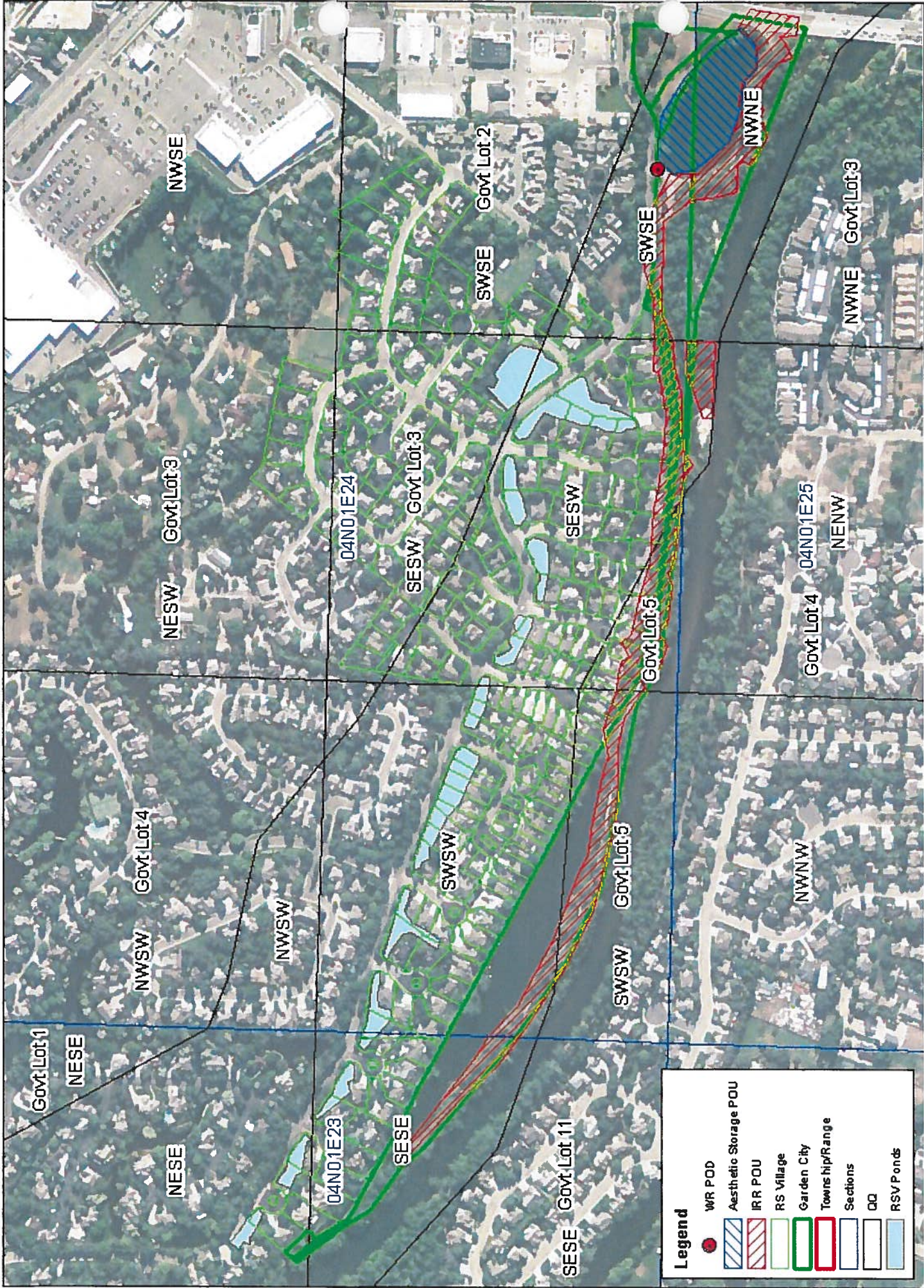
These minutes were recorded and subscribed to by Diane Dow, Secretary of RVHOA,
On this eleventh day of August 2011.



Diane Dow, Secretary,
Riverside Village Homeowners Association, Inc.



ATTACH 7a,b - I
 WR 63-9718 Post-transfer Exhibit Map



ATTACH 7a,b-II
WR 63-9718 Pre-transfer Exhibit Map

RVHOA Ponds
Surface Area Calculations
 (plus Silverwoods, The Woods, Glenwood Lake and Westmoreland Lake)

RVHOA Pond #	Surface Area (sq ft)	Surface Area (acres)
1	46,028.18	1.05666
2	16,094.46	0.369477
3	11,807.24	0.271056
4	11,895.00	0.273071
5	11,713.20	0.268898
6	30,062.49	0.690139
7	15,666.94	0.359663
8	14,100.34	0.323699
9	10,162.35	0.233295
10	8,784.84	0.201672
11	3,409.49	0.078271
12	37,070.08	0.851011
RVHOA Total	216,794.61	4.976912

Average Depth of 12 ponds: 12 feet

Formula: Average depth x combined surface area = combined volume
 12 ft x 216794.61 sf = 2,601,535.32
 12 ft x 4.976912 acres = 59.722944

Silverwoods	13,571.91	0.311568
The Woods	12,970.20	0.297754
Glenwood Lake	119,470.29	2.74266
Westmoreland Lake	42,791.29	0.982352

**PROPOSED FIVE YEAR PLAN FOR IRRIGATION
WR 63-9718 TRANSFER**

The purpose of utilizing 5 years to implement the irrigation transfer is to reduce the annual expense and equalize it for an extended period.

1st Year

1. Connect Lakeview Pump to Zone #4 at West end of Riverside Dr. Waterway, through 12th pond.
2. Connect Clubhouse lawn and adjoining lot to Rivercove Pump.
3. Terminate the use of Garden City water for irrigation, except for the Pool and Pool Lavatory.
4. Terminate the irrigation of:
 - a. Silverwoods.
 - b. Greenbelt West.
 - c. Greenbelt East.
 - d. Private Homes.

2nd Year

1. Connect 15 Cul-de-sac circles.

3rd Year

1. Cut a ditch to the Boise to establish a POR, unless there is a negotiated settlement with downstream subdivisions, then connect 1/3 of the homes in Riverside Village.

4th Year

1. Connect 1/3 of the homes in Riverside Village, unless there is no negotiated settlement as referred to in the 3rd year above, then connect ½ of the homes in Riverside Village.

5th Year

1. Connect 1/3 of the homes in Riverside Village, unless there is no negotiated settlement as referred to in the 3rd year above, then connect ½ of the homes in Riverside Village.

*Received via email from desk of Pat Liddell
Attachment to Transfer Application 77710*

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JAN 27 2012

DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 10 2012

DEPARTMENT OF WATER RESOURCES

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO 01/10/12 10:11
DEPUTY Bonnie Oberbillig
RECORDED - REQUEST OF
Riverside Village HOA Inc.

AMOUNT 10.00

1

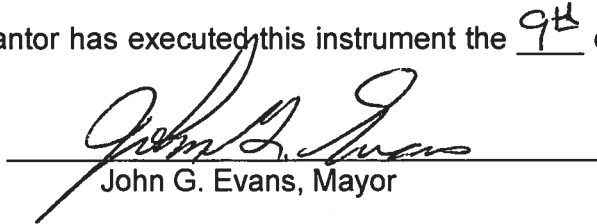


112002124

QUITCLAIM DEED FOR WATER RIGHT

FOR VALUE RECEIVED, Grantor, the City of Garden City, an Idaho municipal corporation and political subdivision of the state of Idaho, whose current address is 6015 Glenwood St., Garden City, ID, 83714, does hereby convey and assign to Grantee, Riverside Village Homeowners Association, Inc., an Idaho non-profit corporation, whose current address is 5537 N. Glenwood St., Ste A, Garden City ID 93714, any interest Grantor may have or claim to have in the following described Water Right Nos. 63-9718 & 63-9751. To have and to hold, unto the Grantee and to its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument the 9th of January, 2012.


John G. Evans, Mayor

STATE OF IDAHO)
) ss.
County of Ada)

On this 9th day of January, 2012, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared John G. Evans, known to me, or proven to me by oath and identification, to be the person whose name is subscribed to this instrument, and acknowledged to me under oath that he executed the same.

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




Notary Public for Idaho
Residing at Meridian, ID
My Commission Expires: 8/31/2013

QUITCLAIM DEED FOR WATER RIGHT