

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77545

JAN 12 2012

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGIONName of Applicant(s) Thurman Mill Ditch Co., LTDPhone 208.376.3769Mailing address 10611 W Treeline Court, Boise ID 83713

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 City of Boise, Department of Parks & RecreationPhone 384.4240Mailing address 1104 Royal Blvd, Boise ID 83706Email bpr@cityofboise.org

- ☐ 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

CARL EVERHART - Secretary

Date

10/31/11

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. The application seeks to change the applicant's service are to include Esther Simplot and Bernadine Quinn parks. A pipe will be installed at a location between the existing headgate and measuring point, crossing under the river to the parks on the opposite side. A measuring device will be installed on this pipe.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 ContinuedB. 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					
☒ ☐	63-135	3.3	Irrigation	3/15 to 11/15	Boise River/Snake River
☒ ☐	63-176	1.6	Irrigation	3/15 to 11/15	Boise River/Snake River
☒ ☐	63-193	.44	Irrigation	3/15 to 11/15	Boise River/Snake River
☒ ☐	63-210	2.4	Irrigation	3/15 to 11/15	Boise River/Snake River
☒ ☐	63-211	.90	Irrigation	3/15 to 11/15	Boise River/Snake River
☒ ☐	63-221	.90	Irrigation	3/15 to 11/15	Boise River/Snake River
☒ ☐	63-250	.66	Irrigation	3/15 to 11/15	Boise River/Snake River
☒ ☐	63-30125	1.86	Irrigation	3/15 to 11/15	Boise River/Snake River
☒ ☐	63-30129	2.1	Irrigation	3/15 to 11/15	Boise River/Snake River

Total authorized under rights 35.64 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
No	11		NE	SE	5	3N	2E	ADA	BOISE RIVER	Thurman Mill Ditch
Yes	11		NE	SE	5	3N	2E	ADA	BOISE RIVER	Boise City Pipe

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	4						X	X			X	X						
3N	2E	5				X									X			X	

Total Acres (for irrigation use) _____

ps 3 of 6

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 CHANGE AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

All/Part	Right No.	Amt (cfs)	Nature of Use	Period of Use	Source & Tributary
All	63-30130	15.48	Irrigation	3/1 to 11/15	Boise River/Snake River
All	63-30131	6.00	Irrigation	3/1 to 11/15	Boise River/Snake River
Total Authorized under all rights: <u>35.64 cfs</u>					

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: A pipe will be integrated into a new diversion structure. The new diversion structure is a bladder device that will be integrated into the City's whitewater park. The pipe will be at the bottom of the structure, and will divert water from the existing P/D to the pond at Bernadine Quinn Park via gravity flow. Irrigation water will be pumped from the pond to a pressurized system. Plans call for a meter at the pump.

b. Who owns the property at the point(s) of diversion? Idaho State Dept of Lands

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: N/A.
New service area will continue to be served from existing P/D.

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: N/A

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: Application seeks to change the service area of the Company. Total irrigated acres for the Company will not change.

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: _____

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: _____

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: _____

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	1782
----------------------------------	------

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.:

- Appl. checklist not included with submittal, OK. ✓
- PART 1B4 PWA lists new land for boundary, OK. ✓
- PART 2A List of Rights -
Appl. included PART 2A printouts for all of
the ditch company rights - many pages, each
with long land list.

Deleted from file to reduce paperwork. OK ✓

CONTINUED

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachments.

Received by SB Date 9/23/11 Prelim. Check by SL Date 12/13/2011

Fee Paid \$200.00 Date 9/23/11 Received by SB Receipt # W039648

Add'l Fee Paid \$460.00 Date 12/5/2011 Received by SB Receipt # W039790

SEE FEE WORKSHEET & REVIEW MEMO, justified \$660 total



Thurman Mill Application for Transfer 2011



- Legend**
- Sections
 - Railroads
 - 2010 Color Ortho Photos



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Scale: 1:6,979

Lester, Steve

From: Rex Barrie [waterdistrict63@qwestoffice.net]
Sent: Wednesday, December 14, 2011 7:25 AM
To: Lester, Steve
Subject: RE: Thurman Mill Ditch Company transfer application

Steve,

I have no objections to this transfer.

Rex R. Barrie
Boise River Watermaster

From: Lester, Steve [mailto:Steve.Lester@idwr.idaho.gov]
Sent: Tuesday, December 13, 2011 1:45 PM
To: waterdistrict63@qwestoffice.net
Subject: Thurman Mill Ditch Company transfer application

Rex:

Thurman Mill Ditch Company filed a transfer to change all of its rights: add a pipe at existing diversion site to provide some water to land on north side of the river for the new water parks being built: Quinn & Simplot Parks.

We are expediting it to help out Boise Parks & Recreation.

Anticipate using standard water district/watermaster requirements to keep everything the way it needs to be.

Please check the enclosed copy & see what you think. I scanned the map separately since it is in color. If you can reply by **December 20** would be a big help. Thanks for your help.

Steve

WATERMASTER INFO - OK ✓



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

December 13, 2011

ATTN CARLA EVERHART
THURMAN MILL DITCH COMPANY
10611 W TREELINE CT
BOISE ID 83713

Re: Application for Transfer No. 77545

Dear Carla:

I received a copy of several revised pages for the transfer application proposing to provide ditch company water to Boise Parks land on the north side of the river near the Thurman Mill headgate. The application will be expedited with an approval expected shortly.

In order to approve the application, this office needs an original signature for the revised information. Please send the original page that you signed on October 31, 2011 for this application.

Please contact me at 334-2190 if you need more information. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive.

Steve Lester
Water Rights Supervisor

Cc: Maria Minicucci, Boise Parks and Recreation Department



James R. Hall
Director

Parks & Recreation
1104 Royal Boulevard
Boise, Idaho 83706-2840

Phone
208/608-7600

Fax
208/608-7648

TDD/TTY
800/377-3529

Web
www.cityofboise.org/parks

Mayor
David H. Bieter

City Council
President
Maryanne Jordan

Council Pro Tem
Alan W. Shealy

Elaine Clegg
David Eberle
Lauren McLean
TJ Thomson

Boise Parks & Recreation

RECEIVED

DEC 05 2011

WATER RESOURCES
WESTERN REGION

XFER 77545

November 30, 2011

Steve Lester
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705

RE: Application for Transfer, Thurman Mill Ditch Company

Dear Steve,

Enclosed please find updated pages for the previously submitted Application for Transfer for the Thurman Mill Ditch Company, signed by an officer of the Company. The Company seeks to change their service area to include the City's Bernadine Quinn and Esther Simplot parks.

If you have not visited the new Thurman Mill diversion structure installation project site, I urge you to do so. It is an amazing operation. The construction site is not open to the public, but the area can be viewed from the new pedestrian bridge that can be accessed from the Garden City greenbelt.

Also enclosed is a check for \$460.00 to cover the different fee for the updated application.

Please contact this office at your earliest convenience if you have any questions or need additional information.

Sincerely,

Maria Minicucci
Property Administrator
mminicucci@cityofboise.org
608.7614

Thurman Mill Ditch Company - Board Member Directory

PRESIDENT		VICE PRESIDENT	SECRETARY/TREASURER	DIRECTOR
Mike Matzdorf		Dave Leader	Carla Everhart	Jerry Cox
3295 N Croft Way		8970 W Duck Lake Dr	PO Box 140273	10988 Joplin Rd
Eagle, ID 83616		Boise, ID 83714	Boise, ID 83714	Boise, ID 83714
p/		p/323.2424	p/323.1080	w/939-2000
c/869.2111		c/	f/853.1960	c/863-2179
e/mikessandgravel@speedyquick.net		e/dleader@cableone.net	e/carla@advantage-idaho.com	e/jcox@clydeinc.com
DIRECTOR		DIRECTOR		DITCH RIDER
Roz Cusack		Vern Smith		Jim Rosettii
9550 Chelan Avenue		1900 West Main Street		2316 South Montego Way
Garden City, ID 83714		Boise, ID 83702		Meridian, ID 83642
p/375.8560		w/345.1125		p/
c/		c/		c/695.7929
e/bjcusack@msn.com		e/vkslaw@live.com		e/jjrosetti@msn.com

Lester, Steve

From: Lester, Steve
Sent: Friday, September 30, 2011 2:10 PM
To: 'mminicucci@cityofboise.org'
Subject: Thurman Mill transfer appl
Attachments: DOC.pdf

Contacts: Maria Minicucci

Hi Maria:

I've been reviewing the transfer to add some park land to the ditch company boundary in hopes of expediting the application.

Once everything is taken care of, we can process it without legal notices. That means it will only take days to complete & issue an approval. A copy of the approval will be sent to your office as the applicant representative.

Here is what should be addressed:

*→ Relocated C Review
memo Attachment
-FL*

- 1) Fee – a reduced fee is possible within limits. See the attached notes for a fee worksheet. The applicant can use option 1 and submit additional information, or option 2 and submit additional payment.
- 2) Place of Use – the written application lists Sec. 4 NESE & SESE and Sec. 32 SESE. The application map does not confirm those tracts. The tracts are located somewhat distant from the project site so are probably typos.
- 3) Point of Diversion (POD) – I recall from our discussion saying something to the effect that piping water to other side of the river from existing diversion would not be considered an additional POD. Although it is somewhat of a gray area, I think that was bad advice in hindsight. The pipe would clearly not be another POD if it originates in the ditch below the headgate because water would have already been diverted from the river. But if the pipe originates at or above the headgate, it most likely is a second POD. Some would say the check dam is the POD or is at least part of the POD (gray area). The department usually considers a headgate as the POD and a check dam as construction necessary to make the POD work.

Since the application needs to be revised anyway, the recommended action is to describe an added POD. This does not change the fee or does not change the above plans to expedite the application. Adding a POD removes any doubt/question about the pipe delivering water to north side of river. I regret any inconvenience my previous advice caused in this matter.

The applicant can submit revised pages along with the fee worksheet etc. without having to amend the entire application form. The revised pages should be completely filled out to serve as total replacements.

If a response is submitted after Oct. 7, please send/deliver to John Westra's attention and he will assign it to staff for expedited treatment. I will out of the office for quite a while after Oct. 7 but am glad to do whatever I can before then. Thanks for your attention to this application.

Steve

info i/a fee requested

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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

Name of Applicant(s) _____

Mailing address _____

- ☐ 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.

Signature of Applicant or Authorized Representative_____
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**. Change the service area to include Esther Simplot & Bernadine Quinn Parks. Add a diversion pipe at/near existing headgate to divert water to north side of river for additional service area. Water will flow through existing pond on as needed basis and be pumped from pond to irrigate. This will not result in storing water.

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 ADULT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part					
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	
☐	☐			to	

Total authorized under rights _____ cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ 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 #
No	11		NE	SE	5	3N	2E	Ada	Boise River	Thurman Mill Ditch
Yes	11		NE	SE	5	3N	2E	Ada	Boise River	pipe @ headgate

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	
3N	2E	4						X	X			X	X						
3N	2E	5				X									X			X	

Total Acres (for irrigation use) _____

only New lands shown ↗