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DEPARTMENT OF
WATER RESOURCES

Form No. 42-1761
01/03

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor T.R. Company LLC

Phone (208) 375-6666

Post office address 250 S. Beechwood, Ste 120, Boise, Idaho 83709

1. DESCRIPTION OF RIGHT:

Right evidenced by:

- a. Decree No. 63 Decreed to _____ (Name)
in case of Boise River Stewart Decree vs. _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 63-194 issued by the Idaho Department of Water Resources.
- c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: 1.86 cfs cubic feet per second &/or _____ acre-feet per annum
- b. Point of diversion: SW ¼ of SW ¼ of Section 16 Township 4N Range 1E, B.M. in Ada County.
Additional points _____

c. Place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	17			9.2	7.9				3.7	10.7			1.2	15.2	11.9	9.2	16.3	85.3

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 85.3

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

BW Inc acquired the property from Thomas Aikens. TR CO LLC acquired the property from BW Inc. See attached Notice of Completed Administrative Procedure dated July 18, 2006.

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

The partial decree is anticipated soon. The property was fully irrigated prior to development. Impervious areas installed during development have retired those acres from irrigation. The remaining portion of the place of use will either be ponds or irrigated. See attached 2004 aerial photo.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

The season of use is listed as 3-1 to 11-15. Because this is a fairly senior right on the Boise River, the availability of the water is good.

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

None. The remaining lands will continue to be irrigated or store water by the split portions of this water right owned by the various homeowner's associations.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

In application for transfer #72104, the number of acres destined for the water supply bank was identified, but for some reason, the lease to the water supply bank never happened, or has been lost. The portion of 63-194 available for lease represents that portion of the water right that has been retired from irrigation by the installation of impervious surfaces, including roads, driveways, and house footprints. The remaining portion of the water right is currently being put to beneficial use as defined by the approved transfer #72104. The applicant has reserved all water rights prior to the sale of lots to the individual homeowners.

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

X For lease for period from 20, Feb, 2008 to indefinite
(Day, month, year) (Day, month, year)

(This lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

4-2-08
Date

[Signature]
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JAMES E. RISCH
Governor

KARL J. DREHER
Director

July 18, 2006

T R CO LLC
250 S BEECHWOOD AVE STE 120
BOISE ID 83709

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

JS:lh
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-194

NAME AND ADDRESS:

T R CO LLC
250 S BEECHWOOD AVE STE 120
BOISE ID 83709

~~B-W INC~~
~~250 S BEECHWOOD STE 120~~
~~BOISE ID 83709~~

SOURCE:

Source:
BOISE RIVER

Tributary:

SNAKE RIVER

QUANTITY:

5.200 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 06/01/1877

POINT OF DIVERSION:

T04N R01E S16 SWSW
Within ADA County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/01 11/15	<u>4.370 CFS</u> 5.200 CFS
<u>AEESTHETIC STORAGE</u>	<u>01/01 12/31</u>	<u>112.10 AFY</u>
<u>DIVERSION TO STORAGE</u>	<u>03/01 11/15</u>	<u>0.830 CFS</u>

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: IRRIGATION within ADA County

T04N R01E S17 Lot 7 SWNE 14.6
T04N R01E S17 Lot 8 SENE 15.2
T04N R01E S17 Lot 6 SENW 8.6
T04N R01E S17 Lot 6 NESW 29.4
T04N R01E S17 SESW 6.2
T04N R01E S17 Lot 8 NESE 34.9
T04N R01E S17 Lot 7 NWSE 29.2
T04N R01E S17 SWSE 26.7
T04N R01E S17 SESE 35.2

~~T04N R01E S17 Lot 7 SWNE 14.0~~
~~T04N R01E S17 Lot 8 SENE 13.0~~
~~T04N R01E S17 Lot 6 SENW 10.0~~
~~T04N R01E S17 Lot 6 NESW 28.0~~
~~T04N R01E S17 SESW 14.0~~
~~T04N R01E S17 Lot 8 NESE 29.0~~
~~T04N R01E S17 Lot 7 NWSE 29.0~~
~~T04N R01E S17 SWSE 22.0~~
~~T04N R01E S17 SESE 30.0~~

200 ACRES TOTAL

238 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Right 63-194 authorizes the diversion of an annual total of 112.1 af for Aesthetic Storage to be used for the replacement of losses caused by evaporation from the 38.0 acre total surface area of sixteen (16) ponds established under Right 63-32139.

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.

The right holder shall accomplish the change authorized by Transfer 72104 within one year of the date of the approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is also designated as Right No. 63 in the Boise River Stewart Decree and Boise River Water Distribution Report.

Use of this right is combined with water from the Mace-Catlin Ditch Company.

Property is also known as Two Rivers Subdivision.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Water Rights: 63-194

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

Address change

Substitution of Party

XX IC § 42-222 transfer

☐

Point of diversion

XX

Place of use

XX

Period of use

XX

Nature of use

☐

Split of water right

XX

Change in ownership

XX

Other – Conditions & Remarks

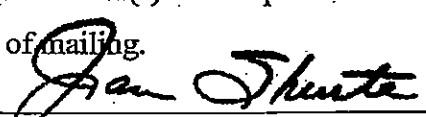
☐

IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 18, 2006


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 18, 2006, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

T R Co LLC
250 S Beechwood Ave Ste 120
Boise ID 83709

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

**2004 Aerial Photograph of Two Rivers Subdivision
(T4N, R1E, Section 17, Ada County)**



Note: This aerial photograph shows that the subdivision was under construction in 2004 and that the developed portion was being irrigated to the extent possible. Much of the impervious areas are already in place.

500 0 500 1000 Feet

Prepared by: ERO Resources
3314 Grace St.
Boise, ID 83703
(208) 373-7983