

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75285

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO
 8750 N BOGART LN
 BOISE ID 83714
 (208)853-5288

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-31832	WR/Decreed	06/01/1865	49.51 cfs	10266 af	N/A	2,804.7	BOISE RIVER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

63-147B	WR/Decreed	06/01/1865	3.97 cfs	892.8 af	N/A	2,804.7	BOISE RIVER
63-2360	WR/Decreed	07/19/1921	1.20 cfs	N/A	N/A	2,804.7	BOISE RIVER
63-147D	WR/Decreed	06/01/1865	0.79 cfs	190.0 af	N/A	2,804.7	BOISE RIVER
63-31198	WR/Decreed	06/01/1865	0.11 cfs	24.7 af	N/A	2,804.7	BOISE RIVER
63-31833	WR/Decreed	06/01/1865	0.20 cfs	45.0 af	N/A	2,804.7	BOISE RIVER

Purpose of Transfer (Changes Proposed)

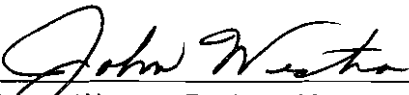
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-31832	NO	NO	YES	NO	NO	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-31832	63-31832	49.51 cfs	10266 af	N/A	2799.7		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		49.51 cfs	10266 af	N/A	2799.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of November, 2010


 John Westra, Western Regional Manager

SUPPORT DATA

IN FILE # 63-31832

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

Source: BOISE RIVER **Tributary:** SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION:

PLACE OF USE: IRRIGATION FROM STORAGE

Total Acres: 17.2

[illegible]

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	14					X	X											
04N	01E	23				X L 1								X L 1					
04N	01E	24									X L 4								

[illegible]

WATER RIGHT NO. 63-31832
As Modified by Transfer No. 75285

CONDITIONS OF APPROVAL

1. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. This right is limited to the irrigation of 2799.7 acres within the boundary of Boise Valley Irrigation Ditch Co.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. 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.
7. 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.
8. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

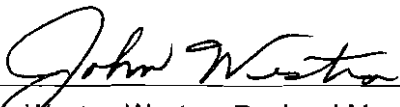
WATER RIGHT NO. 63-31832
As Modified by Transfer No. 75285

CONDITIONS OF APPROVAL

9. Diversion for irrigation and aesthetic 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. This period of use condition does not apply to Irrigation Storage and Aesthetic Storage.
10. The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
11. Transfer 66743 authorizes the diversion of water in the amount of 0.54 cfs and 14.5 af for uses associated with irrigation and a pond constructed in an earlier development phase of the City of Boise's Optimist Park just east of the pond for which this approval (Transfer 73768) proposes mitigation.
12. Transfer 73768 authorizes the diversion of water in the amount of 0.03 cfs and 6.0 af to be used for replacement of losses caused by evaporation from a 1.7 acre surface area pond authorized for aesthetic storage, wildlife storage, recreation storage, and municipal storage under right 63-32146.
13. Transfer 73769 authorizes the diversion of water in the amount of 0.04 cfs and 7.0 af to be used for replacement of losses caused by evaporation from a 2.0 acre surface area pond authorized for aesthetic storage under right 63-11791.
14. This approval (Transfer 75285) authorizes the diversion of water in the amount of 0.10 cfs and 16.3 af to be used for replacement of losses caused by evaporation from 4 ponds totaling a surface area of 4.5 acres authorized for aesthetic storage under right 63-33136.
15. Rights 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-164D, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.
16. Water is delivered through the Farmers Union and Boise Valley canals.
17. This right is designated as No. 15 in the Boise River Water Master Records and the Stewart Decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 12th day of November, 20 10


John Westra, Western Regional Manager

**WATER RIGHT NO. 63-147B
As Modified by Transfer No. 75285**

In accordance with the approval of Transfer No. 75285, Water Right No. 63-147B is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

Priority: June 01, 1865

Maximum Diversion Rate: 3.97 CFS
Maximum Diversion Volume: 892.8 AF

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	3.97 CFS	892.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L7 (NW1/4NE1/4) Sec. 4, Twp 02N, Rge 03E, B.M. ADA County

CONDITIONS OF APPROVAL

1. 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. This right is limited to the irrigation of 2799.7 acres within the boundary of Boise Valley Irrigation Ditch Co.
3. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
4. 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.

**WATER RIGHT NO. 63-147B
As Modified by Transfer No. 75285**

CONDITIONS OF APPROVAL

5. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
6. During the period beginning October 16 and ending November 15 in any irrigation season, there will be no diversion of water for this right if the amount of water released from Lucky Peak Dam into the Boise River is equal to or less than 240.0 cubic feet per second.
7. During the period beginning March 16 and ending April 15 in any irrigation season, there will be no diversion of water for this right if the amount of water released from Lucky Peak Dam into the Boise River is equal to or less than 1,100.0 cubic feet per second.
8. Transfer No. 5119 transferred 198.4 acres under this right to be used within the Simplot Sports Complex located in portions of Sec. 1, T2N, R2E; Sec. 5 & 6, T2N, R3E; Sec. 36, T3N, R2E and Sec. 32, T3N, R3E. These acres are within the digital boundary for the Boise Valley Irrigation Ditch Co.
9. This right is designated as No. 15 in the Stewart Decree and the Boise River Water Masters Records.
10. The following rights are also diverted through point of diversion described above: 63-161BN, 63-198AJ, 63-199B, 63-200B, 63-30181.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and application rules of the Department of Water Resources.

Signed and sealed this 12th day of November, 2010.


John Westra, Western Regional Manager

**WATER RIGHT NO. 63-2360
As Modified by Transfer No. 75285**

In accordance with the approval of Transfer No. 73769, Water Right No. 63-2360 is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

Priority: July 19, 1921

Maximum Diversion Rate: 1.20 CFS

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

1.20 CFS

**ANNUAL
DIVERSION VOLUME**

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER

NE1/4SE1/4NE1/4

Sec. 5, Twp 03N, Rge 02E, B.M. ADA County

CONDITIONS OF APPROVAL

1. 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. This right is limited to the irrigation of 2799.7 acres within the boundary of Boise Valley Irrigation Ditch Co.
3. Water is delivered through the Farmers Union and Boise Valley Canals.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

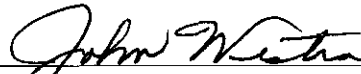
**WATER RIGHT NO. 63-2360
As Modified by Transfer No. 75285**

CONDITIONS OF APPROVAL

5. 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.
6. The following rights are also diverted through point of diversion described above: 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-31832, 63-21729, 63-18700, 63-31937.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and application rules of the Department of Water Resources.

Signed and sealed this 12th day of November, 2010.



John Westra

John Westra, Western Regional Manager

WATER RIGHT NO. 63-147D
As Modified by Transfer No. 75285

In accordance with the approval of Transfer No. 73769, Water Right No. 63-147D is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

Priority: June 01, 1865

Maximum Diversion Rate: 0.79 CFS
Maximum Diversion Volume: 190.0 AF

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	0.79 CFS	190.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L7 (SE1/4NE1/4)Sec. 14, Twp 03N, Rge 02E, B.M. ADA County

CONDITIONS OF APPROVAL

1. 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. This right is limited to the irrigation of 2799.7 acres within the boundary of Boise Valley Irrigation Ditch Co.
3. Transfer 67019 authorized the irrigation of 42.2 acres under this right to the service area of United Water Idaho, Inc. generally located within the Columbia Village development area.
4. This right is designated as No. 15 in the Stewart Decree and the Boise River Water Master records.
5. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

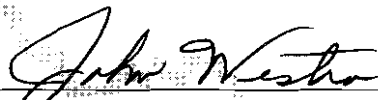
**WATER RIGHT NO. 63-147D
As Modified by Transfer No. 75285**

CONDITIONS OF APPROVAL

6. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
7. The following rights are diverted through point(s) of diversion described above: 63-163F, 63-243E, 63-243H, 63-20041

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and application rules of the Department of Water Resources.

Signed and sealed this 12th day of November, 2010.



John Westra, Western Regional Manager

WATER RIGHT NO. 63-31198
As Modified by Transfer No. 75285

In accordance with the approval of Transfer No. 73769, Water Right No. 63-31198 is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

Priority: June 01, 1865

Maximum Diversion Rate: 0.11 CFS
Maximum Diversion Volume: 24.7 AF

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	0.11 CFS	24.7 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L2 (SW1/4SW1/4SW1/4)	Sec. 28, Twp 03N, Rge 03E, B.M.	ADA County
BOISE RIVER	L2 (SW1/4SW1/4SW1/4)	Sec. 28, Twp 03N, Rge 03E, B.M.	ADA County
BOISE RIVER	L1 (SE1/4SE1/4)	Sec. 29, Twp 03N, Rge 03E, B.M.	ADA County

CONDITIONS OF APPROVAL

1. 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. This right is limited to the irrigation of 2799.7 acres within the boundary of Boise Valley Irrigation Ditch Co.
3. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

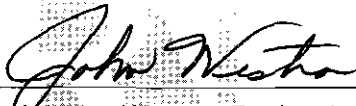
**WATER RIGHT NO. 63-31198
As Modified by Transfer No. 75285**

CONDITIONS OF APPROVAL

4. This right is designated as No. 15 in the Stewart Decree and the Boise River Water Masters records.
5. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
6. Transfer No. 67107 transferred 5.5 acres under this right to be used within a 30.5 acre permissible place of use at the Idaho Shakespeare Festival grounds in the SWSW, S28 and SESE, S29, T3N, R1E. These acres are within the digital boundary for this ditch company.
7. The following right is diverted through point(s) of diversion described above: 63-31833 .

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and application rules of the Department of Water Resources.

Signed and sealed this 12th day of November, 2010.


John Westra, Western Regional Manager

WATER RIGHT NO. 63-31833
As Modified by Transfer No. 75285

In accordance with the approval of Transfer No. 73769, Water Right No. 63-31833 is now described as follows:

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

Priority: June 01, 1865

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 45.0 AF

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	0.20 CFS	45.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	SW1/4SW1/4SW1/4	Sec. 28, Twp 03N, Rge 03E, B.M.	ADA County
BOISE RIVER	SW1/4SW1/4SW1/4	Sec. 28, Twp 03N, Rge 03E, B.M.	ADA County
BOISE RIVER	SE1/4SE1/4	Sec. 29, Twp 03N, Rge 03E, B.M.	ADA County

CONDITIONS OF APPROVAL

1. 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. This right is limited to the irrigation of 2799.7 acres within the boundary of Boise Valley Irrigation Ditch Co.
3. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

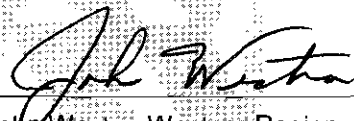
**WATER RIGHT NO. 63-31198
As Modified by Transfer No. 75285**

CONDITIONS OF APPROVAL

4. 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.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. Transfer No. 71032 transferred 10 acres under this right to be used within a 30.5 acre permissible place of use at the Idaho Shakespeare Festival grounds in the SWSW, Sec. 28 and SESE, Sec. 29, T3N. R3E. These acres are within the digital boundaries for this ditch company.
8. The following right is diverted through point(s) of diversion described above: 63-31198 .

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and application rules of the Department of Water Resources.

Signed and sealed this 12th day of November, 2010.


John Westra, Western Regional Manager