



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 26, 2010

Meadow Creek Homeowners Association
Boise Valley Irrigation Ditch Company
c/o Ringert Clark Chartered
Attn: Charles L. Honsinger
P.O. Box 2773
Boise, ID 83701-2773

COPY

**Re: Application for Permit No. 63-11791 Meadow Creek Homeowners Association and
Application for Transfer No. 73769 Boise Valley Irrigation Ditch Company**

Dear Mr. Honsinger:

This office received the above referenced Application for Permit for appropriation and Application for Transfer seeking to change a water right referenced above. Upon review of the applications, there are a few areas that need correction or completion. I address in detail specific areas for correction or completion below. I have drafted an amended transfer application for signature that addresses the corrections based on information submitted with the original applications. Please review the entire amended transfer application, make any necessary changes, sign, and submit it to the Department for further processing.

The areas of the permit application that need correction or completion are as follows:

- The proposed use description (Item no. 4). The application proposes 20.0 af of Aesthetic storage from shallow ground water points of diversion, one point being the center of the excavated pond the other being shallow ground water pumped from a corrugated pipe at the east end of the pond. It is unclear if the corrugated pipe is within the pond, thus still within the on-stream storage concept, or if it is some distance away from the pond thus off-stream, which requires a Diversion to Storage rate term. Please clarify where the corrugated pipe is in relation to the pond and add the Diversion to Storage rate as a use if applicable.
- The proposed diverting works (Item no. 6). Please clarify the overall water bearing zone to be appropriated. The original application indicates the corrugated pipe diverts shallow ground water from 12 – 15 ft and the pond is approximately 10 ft deep. The corresponding overall water bearing zone for the diversion would be 0 to 15 ft. If this water bearing zone is not all inclusive for the diversion, please include an overall water bearing zone on the amended application.

Meadow Creek Homeowners Association
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- The map of the proposed project (Item no. 13). Please mark the point of diversion locations on the enclosed map and submit it along with an amended permit application addressing the above items.

The areas of the transfer application that need correction or completion are as follows:

- The description of right after requested change (Part 1 B 1). The nature of use terminology used by the Department for mitigation of ponds has evolved from a single rate of flow term (Aesthetic) to Diversion to Storage rate and Storage (Aesthetic Storage) volume use terms. The amended transfer application I drafted incorporates the current use terminology as well as changes to right 63-31832 due to subsequent transfer approvals since filing of the original application for transfer no. 73769 in 2006.
- The place of use description after requested change (Part 1 B4). This portion was incomplete on the original application. The amended application has been drafted to indicate the applicant only intends to change the Aesthetic Storage place of use by adding the NW SW of Section 24, T04N, R01E (where the Meadow Creek Homeowners Association pond is located) to the water right.
- Property ownership at the point(s) of diversion (Part 1 B 5b). Please answer this question as part on the amended application.

Please submit an amended permit and transfer application to allow for further processing. If amendments are necessary to the enclosed transfer application, please note on the application the date of the amendments and initial or sign next to that date indicating the author. Your response, or a request for more time to make your response, must be received within sixty (60) days from the date of this mailing. Without a timely reply, IDWR will issue a preliminary order to reject the transfer application and void the permit application. The application fees will not be refunded.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,


Angela M. Grimm
Water Resource Agent, Sr.

Enclosure(s): Amended Application for Transfer No. 73769
Application for Permit 63-11791 Map w/out P/Ds to submit w/ an amended application

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 <u>always required</u> 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 <u>for each water right for which only a portion</u> 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 <u>not</u> 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: _____ |

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Boise Valley Irrigation Ditch Company Phone (208) 853-5288Mailing address 8750 N. Bogart Lane Boise, 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 RepresentativeName of Representative Charles L. Honsinger - Ringert Clark Chartered Phone (208) 342-4591Mailing address P.O. Box 2773 Boise, ID 83701 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**

- ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
- 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. Transfer of portion of water right from Irrigation to Aesthetic Purpose of Use to provide for evaporative loss from existing pond that replaces historically irrigated lands.**

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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-31832	49.27 cfs/	Irrigation	03/01 to 11/15	Boise River - Snake River
☐ ☐		10,238.5 af		to	
☐ ☐		14.5 af	Irrigation Storage	01/01 to 12/31	
☐ ☐		14.5 af	Irrigation from Storage	03/01 to 11/15	
☐ ☐		0.17 cfs	Aesthetic	03/01 to 11/15	
☐ ☐		27.5 cfs	Aesthetic Storage	01/01 to 12/31	
☐ ☐		0.61 cfs	Diversion to Storage	03/01 to 11/15	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 49.51 cfs and/or 10,266 ac-ft

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or 7.0 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										JS							
04N	01E	14					JS	JS											

Total Acres (for irrigation use) _____

NO CHANGES TO POU's FOR USES OTHER THAN AESTHETIC STORAGE (JS)
 PROPOSED. TOTAL ACRES OF IRRIGATION WILL BE REDUCED BY 2 ACRES
 TO 2,804.73 ACRES.

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: _____

- b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: This transfer application proposes mitigation for Application for Permit 63-11791 for Meadow Creek Homeowners Association's use of shallow ground water for a 2 acre pond. Water associated with irrigation of 2 acres will be diverted to the pond for mitigation. Number of acres authorized for irrigation under right 63-31832 will be reduced by 2 acres.
- 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: Point of diversion shared with Farmers Union Ditch Co LTD and other water rights. Associated water rights of Boise Valley Irrigation Ditch Company include; 63-147B, 63-147D, 63-2360, 63-31198, and 63-31833 for irrigation within the service area.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

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

Current Water Right No.: 63-31832

Current Owner: BOISE VALLEY IRRIGATION DITCH CO
 Priority Date: 6/1/1865
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source			Tributary		
BOISE RIVER			SNAKE RIVER		
Beneficial Use	From	To	Diversion Rate	Annual Volume	
IRRIGATION	03/01 to 11/15		49.31 CFS	10245.5 AF	
IRRIGATION STORAGE	01/01 to 12/31			14.5 AF	
IRRIGATION FROM STORAGE	03/01 to 11/15			14.5 AF	
AESTHETIC	03/01 to 11/15		0.17 CFS		
AESTHETIC STORAGE	01/01 to 12/31			20.5 AF	
DIVERSION TO STORAGE	01/01 to 12/31		0.57 CFS		
	Total Diversion		49.51 CFS	10266 AF	

Location of Point(s) of Diversion

BOISE RIVER NE1/4SE1/4NE1/4 Sec. 5, Twp 03N, Rge 02E B.M.
 ADA County

Place of UseIRRIGATION Within ADA County

T02N R02E S1	Lot 1	NENE	T02N R02E S1		SENE
T02N R03E S4	Lot 4	NWNW	T02N R03E S5	Lot 1	NENE
T02N R03E S5	Lot 2	NWNE	T02N R03E S5	Lot 3	NENW
T02N R03E S6	Lot 1	NENE	T02N R03E S6	Lot 2	NWNE
T02N R03E S6		SWNE	T02N R03E S6		SENE
T02N R03E S6	Lot 3	NENW	T02N R03E S6	Lot 4	NWNW
T02N R03E S6	Lot 5	SWNW	T02N R03E S6		SENW
T03N R02E S36		SWSE	T03N R02E S36		SESE
T03N R03E S28		NWSW	T03N R03E S28		SWSW
T03N R03E S28	Lot 2	SWSW	T03N R03E S28	Lot 1	SESW
T03N R03E S29		NESE	T03N R03E S29		SESE
T03N R03E S29	Lot 1	SESE	T03N R03E S31		NESW
T03N R03E S31	Lot 3	NWSW	T03N R03E S31	Lot 4	SWSW
T03N R03E S31		SESW	T03N R03E S31		NESE
T03N R03E S31		NWSE	T03N R03E S31		SWSE
T03N R03E S31		SESE	T03N R03E S32		NESW
T03N R03E S32		NWSW	T03N R03E S32		SWSW

T03N R03E S32		SESW
T03N R03E S32		NWSE
T03N R03E S32		SWSE
T03N R03E S32		SESE
T04N R01E S3		SWSW
T04N R01E S3		NWSE
T04N R01E S3		SESE
T04N R01E S4		SWNW
T04N R01E S10		NENE
T04N R01E S10		SWNE
T04N R01E S10		NENW
T04N R01E S10		SWNW
T04N R01E S10		NESW
T04N R01E S10		SWSW
T04N R01E S10		NESE
T04N R01E S10		SWSE
T04N R01E S11		NESW
T04N R01E S11		SESW
T04N R01E S11		SWSE
T04N R01E S12		NWNE
T04N R01E S12		SENE
T04N R01E S12		NESW
T04N R01E S12		NWSE
T04N R01E S13		SENE
T04N R01E S13		NWNW
T04N R01E S13		SENW
T04N R01E S13		NWSW
T04N R01E S13		SESW
T04N R01E S13		NWSE
T04N R01E S13		SESE
T04N R01E S14		NWNE
T04N R01E S14		SENE
T04N R01E S14		NWNW
T04N R01E S14		SENW
T04N R01E S14		NWSW
T04N R01E S14		SESW
T04N R01E S14		NWSE
T04N R01E S14		SESE
T04N R01E S15		NWNE
T04N R01E S15		SENE
T04N R01E S15	Lot 1	SESE
T04N R01E S23	Lot 2	NWNE
T04N R01E S23	Lot 3	NENW
T04N R01E S23	Lot 5	SWNW
T04N R01E S23	Lot 7	NWSE
T04N R01E S24		NWNE
T04N R01E S24		SENE
T04N R01E S24		NWNW

T03N R03E S32		NWSE
T03N R03E S32		SWSE
T03N R03E S32		SESE
T04N R01E S3		NESW
T04N R01E S3		SESW
T04N R01E S3		SWSE
T04N R01E S4	Lot 4	NWNW
T04N R01E S4		SENW
T04N R01E S10		NWNE
T04N R01E S10		SENE
T04N R01E S10		NWNW
T04N R01E S10		SENW
T04N R01E S10		NWSW
T04N R01E S10		SESW
T04N R01E S10		NWSE
T04N R01E S10		SESE
T04N R01E S11		SWSW
T04N R01E S11		NWSE
T04N R01E S12		NENE
T04N R01E S12		SWNE
T04N R01E S12		SENW
T04N R01E S12		NESE
T04N R01E S13		SWNE
T04N R01E S13		NENW
T04N R01E S13		SWNW
T04N R01E S13		NESW
T04N R01E S13		SWSW
T04N R01E S13		NESE
T04N R01E S13		SWSE
T04N R01E S14		NENE
T04N R01E S14		SWNE
T04N R01E S14		NENW
T04N R01E S14		SWNW
T04N R01E S14		NESW
T04N R01E S14		SWSW
T04N R01E S14		NESE
T04N R01E S14		SWSE
T04N R01E S15		NENE
T04N R01E S15		SWNE
T04N R01E S15		NESE
T04N R01E S23		NENE
T04N R01E S23	Lot 1	SENE
T04N R01E S23	Lot 4	NWNW
T04N R01E S23	Lot 6	SENW
T04N R01E S24		NENE
T04N R01E S24		SWNE
T04N R01E S24		NENW
T04N R01E S24		SWNW

T04N R01E S24		SESW	T04N R01E S24	Lot 3	NESW
T04N R01E S24	Lot 4	NWSW	T04N R01E S24		NESE
T04N R01E S24		NWSE	T04N R01E S24	Lot 2	SWSE
T04N R01E S24	Lot 1	SESE	T04N R01E S25	Lot 1	NESE
T04N R02E S18	Lot 3	NWSW	T04N R02E S18	Lot 4	SWSW
T04N R02E S18		SESW	T04N R02E S19		NENE
T04N R02E S19		NWNE	T04N R02E S19		SWNE
T04N R02E S19		SENE	T04N R02E S19		NENW
T04N R02E S19	Lot 1	NWNW	T04N R02E S19	Lot 2	SWNW
T04N R02E S19		SESW	T04N R02E S19		NESW
T04N R02E S19	Lot 3	NWSW	T04N R02E S19	Lot 4	SWSW
T04N R02E S19		SESW	T04N R02E S19		NESE
T04N R02E S19		NWSE	T04N R02E S19		SWSE
T04N R02E S19		SESE	T04N R02E S20		SWSW
T04N R02E S29		NWNW	T04N R02E S29		SWNW
T04N R02E S29		NWSW	T04N R02E S29		SWSW
T04N R02E S29		SESW	T04N R02E S30		NENE
T04N R02E S30		NWNE	T04N R02E S30		SWNE
T04N R02E S30		SENE	T04N R02E S30		NENW
T04N R02E S30	Lot 5	NWNW	T04N R02E S30	Lot 4	SWNW
T04N R02E S30		SESW	T04N R02E S30	Lot 2	NESW
T04N R02E S30		NESE	T04N R02E S30		NWSE
T04N R02E S30	Lot 1	SWSE	T04N R02E S30		SESE
T04N R02E S31	Lot 1	NENE	T04N R02E S32		NWNE
T04N R02E S32		SWNE	T04N R02E S32		SENE
T04N R02E S32		NENW	T04N R02E S32		NWNW
T04N R02E S32	Lot 5	SWNW	T04N R02E S32	Lot 4	SESW
T04N R02E S32	Lot 3	NESW	T04N R02E S32		NESE
T04N R02E S32	Lot 2	NWSE	T04N R01W S1		SENE
T05N R01E S31		SESE	T05N R01W S2		SENE
T05N R01W S32		NESE	T05N R01W S33		SWNW
T05N R01W S33		NWSW	T05N R01W S34		NWNE
T05N R01W S34		SWNE	T05N R01W S34		SENE
T05N R01W S34		SESW	T05N R01W S34		NESW

Total Acres: 2806.73

IRRIGATION STORAGE Within ADA County

T04N R01E S14 NENW

IRRIGATION FROM STORAGE Within ADA County

T04N R01E S14 NENW

Total Acres: 17.2

AESTHETIC Within ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE Within ADA County

T04N R01E S14

NENW

T04N R01E S14

NNNW

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Conditions of Approval:

1. X56 The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
2. S45 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.
3. 172 The boundary encompassing the 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.
4. Water is delivered through the Farmers Union and Boise Valley canals.
5. R05 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.
6. R43 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.
7. X36 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.
8. This right is designated as No. 15 in the Boise River Water Master Records and the Stewart Decree.

9. 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.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 188 This right is limited to the irrigation of 2806.7 acres within the boundary of Boise Valley Irrigation Ditch Co.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. T19 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.
14. This approval (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.
15. 155 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.

Decreed Date: 2/19/2009

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

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.

☐ 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.

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

[illegible]

Total Acres (for irrigation use)	2.0
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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.: _____

Attachment 8a Info: The area now covered by the pond was historically planted with alfalfa.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

Fee Paid _____ Date _____ Received by _____ Receipt # _____

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

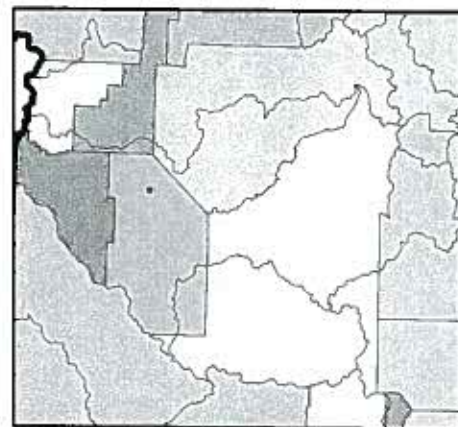


Idaho Department of Water Resources

Application
63-11791
(AESTHETIC STORAGE)

Legend

- Place of Use
-  State Outline
 -  Townships
 -  PLS Sections
 -  Quarter Quarters



Ada County
IDWR Basin 63

R01E



Prepared by Angie Grimm
On March 26, 2010
2004 Aerial Photography

