

RECEIVED

JUN 30 2006

Page 1 of 6

WATER RESOURCES  
WESTERN REGION

Transfer No. 73769

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of applicant Boise Valley Irrigation Ditch Company Phone (208) 853-5288  
Post Office Address 8750 N. Bogart Lane, Boise, ID 83714

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 the reason for the proposed changes: Transfer of portion of water right from Irrigation to Aesthetic Purpose of Use to provide for evaporation loss from existing pond that replaces historically irrigated lands.

B. DESCRIPTION OF RIGHTS(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority   | Amount<br>(cfs/ac-ft) | Nature                  | Period of Use |
|-----------------|------------|-----------------------|-------------------------|---------------|
| 63-31832        | 06/01/1865 | .21 cfs               | Aesthetic               | 3/15 to 11/15 |
|                 |            | 14.5 AF               | Aesthetic Storage       | 1/1 to 12/31  |
|                 |            | 14.5 AF               | Irrigation Storage      | 1/1 to 12/31  |
|                 |            | 14.5 AF               | Irrigation from Storage | 3/15 to 11/15 |
|                 |            | 49.30cfs/10,251.5 AF  | Irrigation              | 3/15 to 11/15 |

2. Total amount of water being transferred 49.51 cubic feet per second and/or 10,266.0 acre-feet per annum.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|-----|------|------|--------|--------------------------|
|     | NE  | SE  | NE  | 05  | 3N   | 2E   | ADA    | BVIDC Diversion          |
|     |     |     |     |     |      |      |        |                          |
|     |     |     |     |     |      |      |        |                          |

5. Lands irrigated or place of use: No change -Use will continue within existing service area boundary.

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Total |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|-------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |       |
| 4N  | 1E  | 24  |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |       |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |       |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |       |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |       |

Total acres \_\_\_\_\_

6. General Information:

a. Description of diversion system \_\_\_\_\_

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

\_\_\_\_\_ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: None.

d. Remarks: The transfer is being submitted to provide for .04 cfs of mitigation of consumptive evaporative loss from a 2-acre pond owned by Meadow Creek Homeowners Association. The remainder of the water right will remain as currently described. The area now covered by the pond was historically planted with alfalfa. Please see accompanying Amended Application for Permit No. 63-11791. Aerial photograph attached to Amended Application for Permit No. 63-11791 shows location of pond.

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights

No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

---



---



---



---



---



---



---

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

---

[illegible]

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above. \_\_\_\_\_

10. To your knowledge, has any portion of the water right undergone a period of five or more consecutive years of non-use?

No \_\_\_\_\_ If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount .04 cfs for Irrigation purposes from 3/15 to 11/15  
     (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
     (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
     (cfs/ac-ft)

## 2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     | NE  | SE  | NE  | 5    | 3N   | 2E   | Ada    | BVIDC Diversion          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
| 04N | 01E | 24  |        |    |    |    |        |    |    |    |        | 2  |    |    |        |    |    |    | 2      |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total acres 2**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)* Balance of Right

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
     (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
     (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
     (cfs/ac-ft)

## 2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

## 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |  |  |  | NW 1/4 |  |  |  | SW 1/4 |  |  |  | SE 1/4 |  |  |  | Totals |
|------|------|------|--------|--|--|--|--------|--|--|--|--------|--|--|--|--------|--|--|--|--------|
|      |      |      |        |  |  |  |        |  |  |  |        |  |  |  |        |  |  |  |        |
|      |      |      |        |  |  |  |        |  |  |  |        |  |  |  |        |  |  |  |        |
|      |      |      |        |  |  |  |        |  |  |  |        |  |  |  |        |  |  |  |        |

Total acres \_\_\_\_\_

SCALE: 2 inches equal 1 mile. Draw plan in ink.

## PART 3

## B. CHANGES IN NATURE OF USE

1. 

| <u>New Nature of Use</u> | <u>Amount</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|---------------|------------------------|----------------------|
| <u>Aesthetic</u>         | <u>.04cfs</u> |                        | <u>3/15 to 11/15</u> |
2. Quantity and quality of return flows and location of discharge:  
Quantity and quality of return flows and location of discharge will not change
3. Describe effects on water uses resulting from the proposed change:  
No impacts - evaporative loss from pond is same as consumptive use by alfalfa grass formerly irrigated in location of pond.

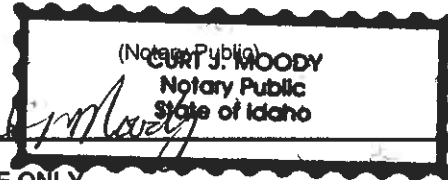
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

*Stanley Matlock*  
 (Signature of Applicant)

Subscribed and sworn to before me this 26<sup>th</sup> day of June, 2010.

My commissions expires 6/8/2010



## FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by DB Date 6-30-06 Protest filed by \_\_\_\_\_

Prelim. check by AG Fee \$100-

Receipted by DB W034399 Date 6-30-06

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ re'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

**WATER RIGHT NO. 63-31832**  
**As Modified by Transfer No. 71032**

In accordance with the approval of Transfer No. 71032, Water Right No. 63-31832 is now described as follows.

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

**Priority Date:** June 01, 1865

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u>   | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-------------------------|-------------|-----------|-----------------------|---------------|
| AESTHETIC               | 03/15 to    | 11/15     | 0.17 CFS              |               |
| AESTHETIC STORAGE       | 01/01 to    | 12/31     |                       | 14.5 AF       |
| IRRIGATION STORAGE      | 01/01 to    | 12/31     |                       | 14.5 AF       |
| IRRIGATION FROM STORAGE | 03/15 to    | 11/15     |                       | 14.5 AF       |
| IRRIGATION              | 03/15 to    | 11/15     | 49.34 CFS             | 10,251.5 AF   |
|                         |             |           | 49.51 CFS             | 10,266.0 AF   |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER                      NESENE                      Sec. 5   Twp 03N   Rge 02E   ADA County

**PLACE OF USE:** IRRIGATION STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N 01E 14  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE:** AESTHETIC, same as Irrigation Storage

**PLACE OF USE:** AESTHETIC STORAGE, same as Irrigation Storage

**PLACE OF USE:** IRRIGATION FROM STORAGE

| Twp Rge Sec | NE |    |    |    | NW   |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|------|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE   | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N 01E 14  |    |    |    |    | 17.2 |    |    |    |    |    |    |    |    |    |    |    | 17.2   |

Total Acres: 17.2

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 2779.5 acres within the boundary of the Boise Valley Irrigation Ditch Co.
2. Water is delivered through the Farmers Union and Boise Valley canals.
3. 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.

*ATTACHMENT A (2 PGS)*

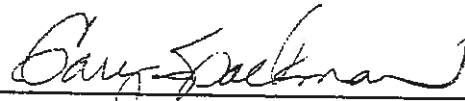
**WATER RIGHT NO. 63-31832**  
**As Modified by Transfer No. 71032**

**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. 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 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 Anderson Ranch Reservoir, Arrowrock Reservoir, Lucky Peak Reservoir or Lake Lowell as decreed in SRBA Case No. 39576.
6. The period of use for irrigation, irrigation from storage and aesthetic uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. Irrigation, irrigation from storage and aesthetic uses before 3/15 are subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
9. Rights 63-120G, 63-123, 63-123C, 63-123D, 63-124Q, 53-125J, 63-126F, 63-164E, 63-165M, 63-192, 63-198AG, 63-216C, 63-248, 63-297, 63-2360, 63-16767, 63-18700, 63-21729 and 63-21730 are also diverted through the point of diversion described above.
10. This right does not grant any right-of-way or easement across the land of another.
11. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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 16<sup>th</sup> day of April, 2004

  
 Chief, Water Allocation Bureau