

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73778

This is to certify that: CANYON COUNTY WATER CO LTD
 C/O BETHA FOSTER
 PO BOX 11
 STAR ID 83669
 (208)455-1735

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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-21761	WR/Decreed	06/01/1867	76.77 cfs	N/A	N/A	3,839.0	BOISE RIVER
63-163	WR/Decreed	06/01/1866	2.6 cfs	N/A	N/A	3,839.0	BOISE RIVER
63-179B	WR/Decreed	06/01/1869	1 cfs	N/A	N/A	3,839.0	BOISE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-21761	NO	NO	NO	YES	NO	NO
63-163	NO	NO	NO	YES	NO	NO
63-179B	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

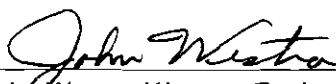
<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-21761	63-21761	76.77cfs	N/A	N/A	3,839.0		N/A	N/A	N/A	N/A
63-163	63-163	2.6 cfs	N/A	N/A	3,839.0		N/A	N/A	N/A	N/A
63-179B	63-179B	1 cfs	N/A	N/A	3,839.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		80.37cfs	N/A	N/A	3839.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of March, 20 10

SUPPORT DATA

IN FILE # 63-163


 John Westra, Western Regional Manager

WATER RIGHT NO. 63-163
As Modified by Transfer No. 73778

In accordance with the approval of Transfer No. 73778, Water Right No. 63-163 is now described as follows.

Right Holder: CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR ID 83669

Priority Date: June 01, 1866

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
03/15	to 11/15	2.60 CFS
		2.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L4 (SWSW)	Sec. 17 Twp 04N	Rge 01W ADA County
BOISE RIVER	L1 (NESE)	Sec. 15 Twp 04N	Rge 02W CANYON 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 when combined with Right Nos. 63-179B & 63-21761 can be used to irrigate up to 3839 acres within the boundary of the Canyon County Water Company, LTD.
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.

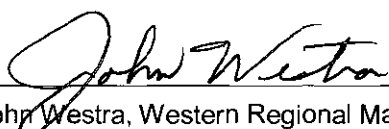
WATER RIGHT NO. 63-163
As Modified by Transfer No. 73778

CONDITIONS OF APPROVAL

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 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.
7. 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.
8. 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.
9. 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 diversions.
10. This right is designated as No. 31 in the Stewart Decree and the Boise Water distribution Report.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands above.
12. The diversion rate from the point of diversion in Section 15 is limited to 0.47 cfs.
13. The following rights are diverted through point(s) of diversion described above: 63-163, 63-179B and 63-21761. Right 63-12550 is also diverted through the point of diversion described above in Section 15.

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 26th day of March, 2010


John Westra, Western Regional Manager

WATER RIGHT NO. 63-179B
As Modified by Transfer No. 73778

In accordance with the approval of Transfer No. 73778, Water Right No. 63-179B is now described as follows.

Right Holder: CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR ID 83669

Priority Date: June 01, 1869

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
3/15	to 11/15	1.00 CFS
		1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER

L4 (SWSW)

Sec. 17 Twp 04N

Rge 01W ADA County

BOISE RIVER

L1 (NESE)

Sec. 15 Twp 04N

Rge 02W CANYON 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 when combined with Right Nos. 63-163 and 63-21761 can be used to irrigate up to 3839 acres within the boundary of the Canyon County Water Co Ltd.
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.

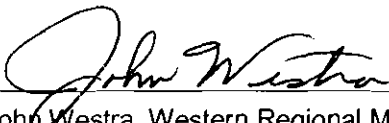
WATER RIGHT NO. 63-179B
As Modified by Transfer No. 73778

CONDITIONS OF APPROVAL

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 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.
7. 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.
8. 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.
9. 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 diversions.
10. This right is designated as No. 46 in the Stewart Decree and the Boise Water Distribution Report.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands above.
12. The following rights are diverted through point(s) of diversion described above: 63-163, 63-179B and 63-21761. Right 63-12550 is also diverted through the point of diversion described above in Section 15.
13. The diversion rate from the point of diversion in Section 15 is limited to 0.47 cfs.

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 26th day of March, 2010


John Westra, Western Regional Manager

WATER RIGHT NO. 63-21761
As Modified by Transfer No. 73778

In accordance with the approval of Transfer No. 73778, Water Right No. 63-21761 is now described as follows.

Right Holder: CANYON COUNTY WATER CO LTD
 C/O BETHA FOSTER
 PO BOX 11
 STAR ID 83669

Priority Date: June 01, 1867

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	76.18 CFS	
GROUND WATER RECHARGE	03/01	to 11/15	0.59 CFS	87.9 AF
			76.77 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	L4 (SWSW)	Sec. 17 Twp 04N	Rge 01W ADA County
BOISE RIVER	L1 (NESE)	Sec. 15 Twp 04N	Rge 02W CANYON County

PLACE OF USE: GROUND WATER RECHARGE

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	02W	13			X															

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 when combined with Right Nos. 63-163 & 63-179B can be used to irrigate up to 3839 acres within the boundary of the Canyon County Water Company, LTD.
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.

WATER RIGHT NO. 63-21761
As Modified by Transfer No. 73778

CONDITIONS OF APPROVAL

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 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.
7. 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.
8. Transfer 72109 authorizes the diversion of water for ground water recharge in the amount of 50.4 af to be used for replacement of losses caused by evaporation from the 16.8 acre total surface area of three (3) aesthetic ponds and the diversion of an additional 37.5 af of water for ground water recharge to mitigate for the diversion and use of 37.5 af of water for supplemental irrigation on 75 acres authorized for irrigation use under Right 63-32142.
9. Whenever requested by the Department, the right holder shall report the total volume of water diverted into the pond for ground water recharge purposes during the year.
10. 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.
11. 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 diversions.
12. This right is designated as No. 35 and a portion of No. 35-A in the Stewart Decree and the Water Distribution of Boise River Report.
13. The diversion rate from the point of diversion in Section 15 is limited to 0.47 cfs.

WATER RIGHT NO. 63-21761
As Modified by Transfer No. 73778

14. The following rights are diverted through point(s) of diversion described above: 63-163, 63-179B and 63-21761. Right 63-12550 is also diverted through the point of diversion described above in Section 15.
15. This right when combined with all other rights shall provide no more than 0.02 cfs per acre for irrigation of the lands above.

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 26th day of March, 2010



John Westra, Western Regional Manager

