



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 18, 2009

Boise Valley Irrigation Ditch Company
8750 N Bogart Lane
Boise, ID 83714

COPY

Re: Application for Transfer # 73768

Dear Applicant:

This office received your Application for Transfer seeking to change a water right referenced above. Upon review of your application, there are a few areas of the application that need correction or completion. I address in detail specific areas for correction or completion below. I have drafted an amended application for your signature that addresses the corrections based on information submitted with the original application, associated application for permit no. 63-32146 (City of Boise Parks & Recreation), and information provided by Maria Minicucci of the City of Boise Parks & Recreation Department. Please review the entire amended application, make any necessary changes, sign, and submit it to the Department for further processing.

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

- The description of right after requested change (Part 1 B 1-4). The entire right as it should be recorded after the proposed changes needs to be stated in this section. The nature of use terminology used in the original application is not correct per Department policy. While the transfer does propose mitigation for the associated permit application 63-32146 for a pond at Optimist Park, this mitigation is to be described as diversion to storage rate of flow (0.03 cfs) and an aesthetic storage volume (6.0 af) rather than a mitigation use term, because water under right 63-31842 is to be diverted from the Boise River to the pond rather than remaining undiverted in the Boise River.
- Property ownership at the point(s) of diversion (Part 1 B 5b). Please answer this question as part on the amended application.

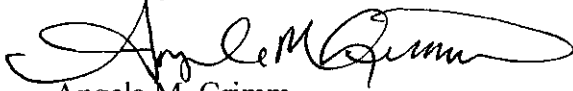
Please sign and submit the amended application, with any necessary corrections, to allow for further processing of your application. If amendments are necessary to the enclosed application, please note on the application the date you amended the application and initial or sign next to that date indicating you are the author of the amendments. Your response, or a request for more time

Boise Valley Irrigation Ditch Company
December 18, 2009
Page 2 of 2

to make your response, must be received within thirty (30) days from the date of this mailing. Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

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,

A handwritten signature in black ink, appearing to read "Angela M. Grimm". The signature is fluid and cursive, with a large loop at the end.

Angela M. Grimm
Water Resource Agent, Sr.

Enclosure(s): Amended Application for Transfer No. 73768

AMENDED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 73768

**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 always required 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 for each water right for which only a portion 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 not 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: _____



 STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 73768

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) Boise Valley Irrigation Ditch Co. Phone (208) 853-5288Mailing address 8750 N Bogart Ln, 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 Representative

Name of Representative _____ Phone _____

Mailing address _____ 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
☒ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☐ Change place 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. Mitigation for the consumptive use associated with the use of ground water in a pond located in the City's property known as Optimist Park. Please see accompanying Application for Permit. Pond is filled and water level is maintained with irrigation water.**

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	0.17 cfs	Aesthetic	03/01 to 11/15	Boise River / Snake River
☐ ☐		20.5 af	Aesthetic Storage	01/01 to 12/31	
☐ ☐		14.5 af	Irrigation Storage	01/01 to 12/31	
☐ ☐		14.5 af	Irrigation from Storage	03/01 to 11/15	
☐ ☐		49.31 cfs /	Irrigation	03/01 to 11/15	
☐ ☐		10,245.5 af		to	
☐ ☐		0.03	Diversion to Storage	03/01 to 11/15	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 49.51 cfs and/or 10,266.0 ac-ft

2. Total amount of water proposed to be transferred or changed 49.51* cubic feet per second and/or 10,266.0* 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	
4N	1E	14					J												
							JS	JS											
							IS												
							17.2												17.2

Total Acres (for irrigation use) 2806.73

IRRIGATION USE SERVICE AREA BOUNDARY - NO CHANGE

IRRIGATION IS FOR 2,806.73 ACRES WITHIN THE SERVICE AREA (INCLUDES 17.2 AC IRRIGATION FROM STORAGE)

*0.03 CFS and/or 6.0 AF SUBJECT TO TRANSFER NATURE OF USE CHANGE

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: Diversion of Boise River shared with Farmers Union and others. Lateral 34 headgate is located on north side of pond.

- h. 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: _____

- e. 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: No

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 is to comply with proposed mitigation plan for Application for Permit for the use of shallow ground water in the second pond located at the City's Optimist Park, located in T4N R1E, S-14. Water associated with irrigation of 1.7 acres will be diverted to pond for mitigation. Number of acres authorized under the right will be reduced by 1.7 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 Co. include 63-147B, 63-147D, 63-2360, 63-31198 and 63-31833 for irrigation in 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: _____

Total Acres (for irrigation use)	1.7
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**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		49.34 CFS	10251.5 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			14.5 AF
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 Use

IRRIGATION 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		SENE
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	NWSE	T03N R03E S32	SWSE
T03N R03E S32	SWSE	T03N R03E S32	SESE
T03N R03E S32	SESE	T04N R01E S3	NESW
T04N R01E S3	SWSW	T04N R01E S3	SESW
T04N R01E S3	NWSE	T04N R01E S3	SWSE
T04N R01E S3	SESE	T04N R01E S4	Lot 4 NWNW
T04N R01E S4	SWNW	T04N R01E S4	SENW
T04N R01E S10	NENE	T04N R01E S10	NWNE
T04N R01E S10	SWNE	T04N R01E S10	SENE
T04N R01E S10	NENW	T04N R01E S10	NWNW
T04N R01E S10	SWNW	T04N R01E S10	SENW
T04N R01E S10	NESW	T04N R01E S10	NWSW
T04N R01E S10	SWSW	T04N R01E S10	SESW
T04N R01E S10	NESE	T04N R01E S10	NWSE
T04N R01E S10	SWSE	T04N R01E S10	SESE
T04N R01E S11	NESW	T04N R01E S11	SWSW
T04N R01E S11	SESW	T04N R01E S11	NWSE
T04N R01E S11	SWSE	T04N R01E S12	NENE
T04N R01E S12	NWNE	T04N R01E S12	SWNE
T04N R01E S12	SENE	T04N R01E S12	SENW
T04N R01E S12	NESW	T04N R01E S12	NESE
T04N R01E S12	NWSE	T04N R01E S13	SWNE
T04N R01E S13	SENE	T04N R01E S13	NENW
T04N R01E S13	NWNW	T04N R01E S13	SWNW
T04N R01E S13	SENW	T04N R01E S13	NESW
T04N R01E S13	NWSW	T04N R01E S13	SWSW
T04N R01E S13	SESW	T04N R01E S13	NESE
T04N R01E S13	NWSE	T04N R01E S13	SWSE
T04N R01E S13	SESE	T04N R01E S14	NENE
T04N R01E S14	NWNE	T04N R01E S14	SWNE
T04N R01E S14	SENE	T04N R01E S14	NENW
T04N R01E S14	NWNW	T04N R01E S14	SWNW
T04N R01E S14	SENW	T04N R01E S14	NESW
T04N R01E S14	NWSW	T04N R01E S14	SWSW
T04N R01E S14	SESW	T04N R01E S14	NESE
T04N R01E S14	NWSE	T04N R01E S14	SWSE
T04N R01E S14	SESE	T04N R01E S15	NENE
T04N R01E S15	NWNE	T04N R01E S15	SWNE
T04N R01E S15	SENE	T04N R01E S15	NESE
T04N R01E S15	Lot 1 SESE	T04N R01E S23	NENE
T04N R01E S23	Lot 2 NWNE	T04N R01E S23	Lot 1 SENE
T04N R01E S23	Lot 3 NENW	T04N R01E S23	Lot 4 NWNW
T04N R01E S23	Lot 5 SWNW	T04N R01E S23	Lot 6 SENW
T04N R01E S23	Lot 7 NWSE	T04N R01E S24	NENE
T04N R01E S24	NWNE	T04N R01E S24	SWNE
T04N R01E S24	SENE	T04N R01E S24	NENW
T04N R01E S24	NWNW	T04N R01E S24	SWNW
T04N R01E S24	SENW	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		SENW	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		SENW	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	SENW
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 S32		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		SENW	T05N R01W S34		NESW

Total Acres: 2808.43

IRRIGATION STORAGE Within ADA County

T04N R01E S14 NENW

AESTHETIC Within ADA County

T04N R01E S14 NENW

AESTHETIC STORAGE Within ADA County

T04N R01E S14 NENW

Place of Use: IRRIGATION FROM STORAGE same as IRRIGATION

Conditions of Approval:

1. THIS RIGHT IS DESIGNATED AS NO 15 IN THE BOISE RIVER WATER MASTER RECORDS AND THE STEWART DECREE.
2. 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.
3. X36 Rights 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, 63-2360, 63-18700, 63-21729, 63-31937 are also diverted through the point of diversion described above.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2808.43 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.
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. 135 The boundary encompassing the irrigation from storage 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.
7. 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.
8. Water is delivered through the Farmers Union and Boise Valley canals.

9. P21 This right is a split from former right 63-147.
10. 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.
11. X56 The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
12. C18 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.

Decreed Date: 2/19/2009

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 right(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: Pasture grass irrigated at site prior to park / pond construction.

FOR DEPARTMENT USE ONLY

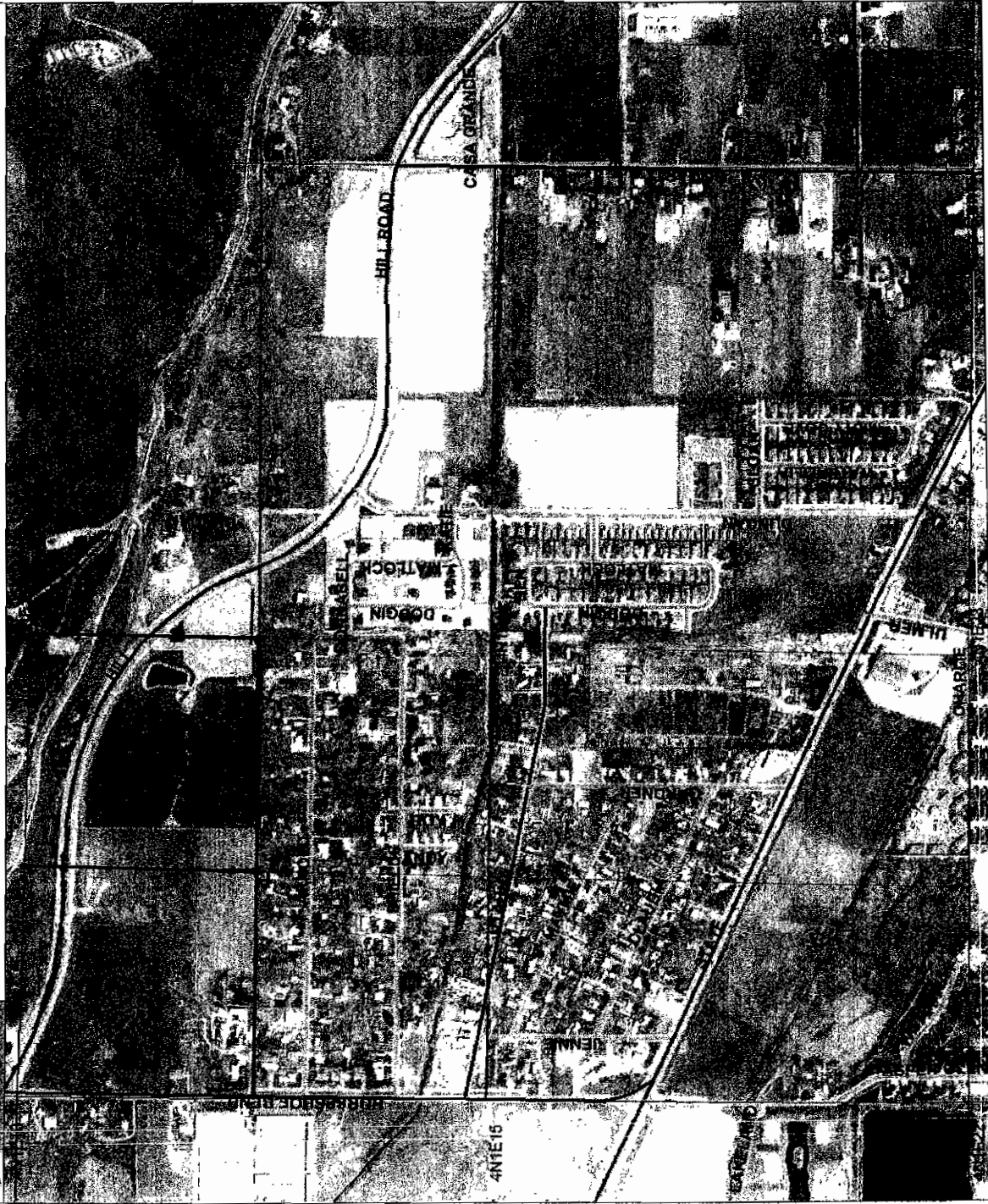
Transfer contains _____ pages and _____ attachments.

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

Fee Paid \$100- Date 3/22/2005 Received by DB Receipt # W032709

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

App for Transfer Part 3: Current (2003) Conditions



Legend

- ☐ Sections
- ☐ Roads
- ☐ UNKNOWN
- ☐ INTERSTATE
- ☐ LOCAL
- ☐ MAJOR COLLECTOR
- ☐ MINOR ARTERIAL
- ☐ PARKS
- ☐ PRINCIPAL ARTERIAL
- ☐ PRIVATE
- ☐ SECTION LINE
- ☐ Railroads
- ☐ Water

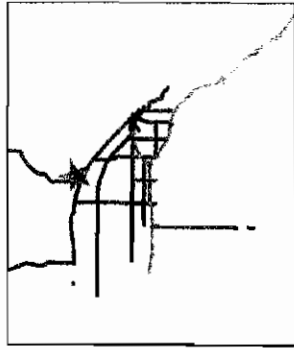
2003 Color Ortho Photos



Scale: 1:10,321

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App for Transfer Part 3: Phase II Area - 2003 Conditions



Legend

- ☐ Sections
- ☐ Roads
 - UNKNOWN
 - INTERSTATE
 - LOCAL
 - MAJOR COLLECTOR
 - MINOR ARTERIAL
 - PARKS
 - PRINCIPAL ARTERIAL
 - PRIVATE
 - SECTION LINE
- ☐ Railroads
- ☐ Water
- ☐ Parcels (outline)
- 2003 Color Ortho Photos



Scale: 1:4,276

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 19, 2005

BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

Re: Application for Transfer of Water Right No. 63-31832

Dear Applicant:

Your application for transfer to change a water right was recently received. The transfer proposed to mitigate a companion application for a new water right to cover a pond for Boise City Parks and Recreation (Optimist Park). Processing of the transfer application must be delayed as explained below.

Your application describes a water right for which a Snake River Basin Adjudication (SRBA) Claim has been filed. SRBA Claims in the area affected by the transfer application are currently being reviewed. The role of the Idaho Department of Water Resources (IDWR) in the SRBA is to review claims and make recommendations regarding those claims to the SRBA Court. Recommendations are presented to the court in a Director's Report. Potentially affected parties may object to recommendations in a Director's Report. This process introduces uncertainty regarding water rights until the objection period is over.

IDWR's limited staff resources must be used to complete the remaining Director's Reports during the next year. Additionally, experience indicates that processing an application for transfer in an area where a Director's Report is being prepared can result in confusion and complications by mixing judicial (SRBA) and administrative (transfer) actions.

The SRBA objection period for your area is expected to conclude sometime during the latter half of next year. Based on that schedule and the above reasoning, your application for transfer cannot be processed at this time. IDWR will hold your transfer application until that time and will notify you at the appropriate time to allow your application to be processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor

Copy: Boise City Parks and Recreation Department