

MAR 22 2005

WATER RESOURCES  
WESTERN REGIONPage 1 of 13STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 73768

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant Boise Valley Irrigation Ditch Company Phone (208) 853-5208  
Post Office address 8750 N Bogart Lane Boise Idaho 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
- Mitigation for the consumptive uses 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.

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

| 1. Right Number | Priority        | Amount<br>(cfs/ac-ft) | Nature<br>of Use  | Period of Use               |
|-----------------|-----------------|-----------------------|-------------------|-----------------------------|
| <u>63-31832</u> | <u>6/1/1885</u> | <u>.03</u>            | <u>Mitigation</u> | <u>3/15</u> to <u>11/15</u> |
| _____           | _____           | _____                 | _____             | _____ to _____              |
| _____           | _____           | _____                 | _____             | _____ to _____              |
| _____           | _____           | _____                 | _____             | _____ to _____              |

2. Total amount of water being transferred
- .03
- cubic feet per second and/or \_\_\_\_\_ 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  | 5    | 3N   | 2E   | Ada    |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 4N   | 1E   | 14   |      |      |      |      | MIT  | MIT  |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
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|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

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

**PART 1****6. General Information:**

a. Description of diversion system Diversion at Boise River shared with Farmers Union and others. Lateral<sup>34</sup> headgate is located on north side of pond.

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:

d. Remarks:

This Transfer Application is to comply with proposed Mitigation Plan for Application for Permit for the use of shallow groundwater in the second pond located at the City's Optimist Park, located in T4N R1E S14.

**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 \_\_\_\_\_, 19 \_\_\_\_\_.

**Current Water Right No. 63-31832**

Priority Date: 06/01/1865  
Origin: Adjudication Recommendation  
Basis: Decreed  
Status: Active

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

| <u>Beneficial Use</u>      | <u>From</u>     | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u>   | <u>Subuse Code</u> |
|----------------------------|-----------------|-----------|-----------------------|-----------------|--------------------|
| AESTHETIC                  | 03/01           | 11/15     | 0.17 CFS              |                 |                    |
| AESTHETIC STORAGE          | 01/01           | 12/31     | 0.17 CFS              | 14.5 AFA        |                    |
| IRRIGATION STORAGE         | 01/01           | 12/31     | 0.17 CFS              | 14.5 AFA        |                    |
| IRRIGATION FROM<br>STORAGE | 03/01           | 11/15     | 0.17 CFS              | 14.5 AFA        |                    |
| IRRIGATION                 | 03/01           | 11/15     | 49.34 CFS             | 10,251.5<br>AFA |                    |
|                            | Total Diversion |           | 49.51 CFS             | 10,266.0<br>AFA |                    |

**Source and Point(s) of Diversion:**

|             |        |     |     |   |     |
|-------------|--------|-----|-----|---|-----|
| BOISE RIVER | NESENE | 03N | 02E | 5 | ADA |
|-------------|--------|-----|-----|---|-----|

**PLACE OF USE:** AESTHETIC

[illegible]

**PLACE OF USE:** AESTHETIC STORAGE

[illegible]

**PLACE OF USE:** IRRIGATION STORAGE

[illegible]

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

Transfer No. 13768  
Receipt No. W032709

Current Water Right No. 63-31832

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

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

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 Receipt No. W032709

**Current Water Right No.** 63-31832

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE      |         |    |         | NW      |         |         |         | SW      |         |         |         | SE      |         |         |         | Totals |
|-------------|---------|---------|----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--------|
|             | NE      | NW      | SW | SE      | NE      | NW      | SW      | SE      | NE      | NW      | SW      | SE      | NE      | NW      | SW      | SE      |        |
| 02N 02E 1   | X<br>L1 |         |    | X       |         |         |         |         |         |         |         |         |         |         |         |         |        |
| 02N 03E 5   | X<br>L4 | X<br>L1 |    |         | X<br>L2 | X<br>L3 |         |         |         |         |         |         |         |         |         |         |        |
| 02N 03E 6   | X<br>L4 | X<br>L1 | X  | X       | X<br>L2 | X<br>L3 | X<br>L5 | X       |         |         |         |         |         |         |         |         |        |
| 03N 02E 36  |         |         |    |         |         |         |         |         |         |         |         |         |         |         | X       | X       |        |
| 03N 03E 28  |         |         |    |         |         |         |         |         |         |         | X<br>L2 | X<br>L1 |         |         |         |         |        |
| 03N 03E 29  |         |         |    |         |         |         |         |         |         |         |         |         | X       |         |         | X<br>L1 |        |
| 03N 03E 31  |         |         |    |         |         |         |         |         | X       | X<br>L3 | X<br>L4 | X       | X       | X       | X       | X       |        |
| 03N 03E 32  |         |         |    |         |         |         |         |         | X       | X       | X       | X       |         | X       | X       | X       |        |
| 04N 01E 3   |         |         |    |         |         |         |         |         | X       |         | X       | X       |         | X       | X       | X       |        |
| 04N 01E 4   |         |         |    |         |         | X<br>L4 | X       | X       |         |         |         |         |         |         |         |         |        |
| 04N 01E 9   |         |         |    |         | X<br>L3 |         |         |         |         |         |         |         |         |         |         |         |        |
| 04N 01E 10  | X       | X       | X  | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       |        |
| 04N 01E 11  |         |         | X  |         |         |         |         | X       | X       |         | X       | X       | X       | X       | X       |         |        |
| 04N 01E 12  | X       | X       | X  | X       |         |         |         | X       | X       |         |         |         | X       | X       |         |         |        |
| 04N 01E 13  |         |         | X  | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       |        |
| 04N 01E 14  | X       | X       | X  | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       | X       |        |
| 04N 01E 15  | X       | X       | X  | X       |         |         |         |         |         |         |         |         | X       |         |         | X<br>L1 |        |
| 04N 01E 23  | X       | X<br>L2 |    | X<br>L1 |         | X<br>L4 | X<br>L5 | X<br>L6 |         |         |         |         |         | X<br>L7 |         |         |        |
| 04N 01E 24  | X       | X       | X  | X       | X       | X       | X       | X       | X<br>L3 | X<br>L4 |         |         | X       | X       | X<br>L2 | X<br>L1 |        |
| 04N 01E 25  |         |         |    |         |         |         |         |         |         |         |         |         | X<br>L1 |         |         |         |        |
| 04N 01W 1   |         |         |    | X       |         |         |         |         |         |         |         |         |         |         |         |         |        |
| 04N 02E 18  |         |         |    |         |         |         |         |         |         | X<br>L3 | X<br>L4 | X       |         |         |         |         |        |
| 04N 02E 19  | X       | X       | X  | X       | X       | X<br>L1 | X<br>L2 | X       | X       | X<br>L3 | X<br>L4 | X       | X       | X       | X       | X       |        |
| 04N 02E 20  |         |         |    |         |         |         |         |         |         |         | X       |         |         |         |         |         |        |
| 04N 02E 29  |         |         |    |         |         | X       | X       |         |         | X       | X       | X       |         |         |         |         |        |
| 04N 02E 30  | X       | X       | X  | X       | X       | X<br>L5 | X<br>L4 | X       | X<br>L2 |         |         |         | X       | X       | X<br>L1 | X       |        |
| 04N 02E 31  | X<br>L1 |         |    |         |         |         |         |         |         |         |         |         |         |         |         |         |        |
| 04N 02E 32  |         | X       | X  | X       | X       | X       | X<br>L5 | X<br>L4 | X<br>L3 |         |         |         | X       | X<br>L2 |         |         |        |

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

Transfer No. 73768  
Receipt No. W032709

**Current Water Right No. 63-31832**

|            |   |   |   |  |   |   |   |   |   |
|------------|---|---|---|--|---|---|---|---|---|
| 05N 01E 31 |   |   |   |  |   |   |   |   | X |
| 05N 01W 32 |   |   | X |  |   |   |   | X |   |
| 05N 01W 33 |   |   |   |  | X |   |   | X |   |
| 05N 01W 34 | X | X | X |  |   | X | X |   |   |

Conditions/Remarks:

1. Water is delivered through the Farmers Union and Boise Valley canals.
2. 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.
3. 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.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2779.5 ACRES WITHIN THE BOUNDARY OF BOISE VALLEY IRRIGATION DITCH COMPANY.
5. 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. 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. 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. 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.

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
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**Current Water Right No.** 63-31832

9. 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.
10. 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.
11. The portion of Right 63-31832 used for conveyance losses is 5.94 cfs.
12. 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.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No

10. To your knowledge, has any portion of this 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 .03 for MULTIPLICATION 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: NO CHANGE

| 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 |
|-----------|-----------|-----------|--------|--------|--------|--------|------------|------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|           |           |           | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4     | NW 1/4     | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| <u>4N</u> | <u>1E</u> | <u>14</u> |        |        |        |        | <u>MIT</u> | <u>MIT</u> |        |        |        |        |        |        |        |        |        |        |        |
|           |           |           |        |        |        |        |            |            |        |        |        |        |        |        |        |        |        |        |        |
|           |           |           |        |        |        |        |            |            |        |        |        |        |        |        |        |        |        |        |        |
|           |           |           |        |        |        |        |            |            |        |        |        |        |        |        |        |        |        |        |        |
|           |           |           |        |        |        |        |            |            |        |        |        |        |        |        |        |        |        |        |        |

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

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount Remainder 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:

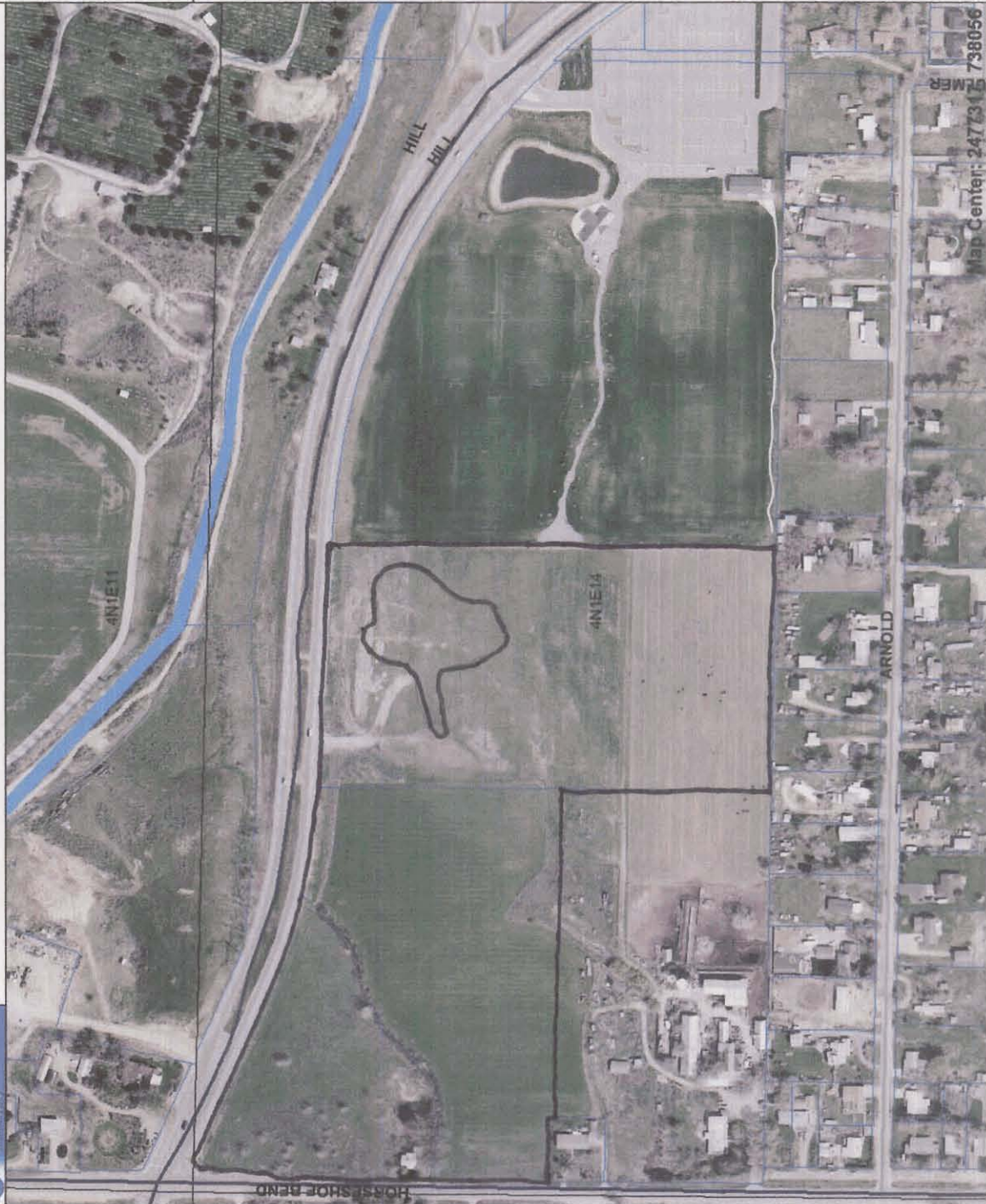
| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |     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

3. Lands irrigated or place of use:

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

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

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



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Scale: 1:4,276



City of Boise  
Central Planning



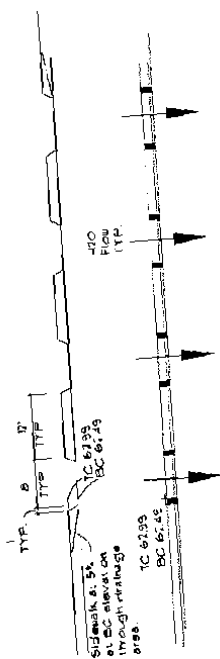
- Legend**
- |                                                                                   |                    |
|-----------------------------------------------------------------------------------|--------------------|
|  | Sections           |
|  | Roads              |
|  | UNKNOWN            |
|  | INTERSTATE         |
|  | LOCAL              |
|  | MAJOR COLLECTOR    |
|  | MINOR ARTERIAL     |
|  | PARKS              |
|  | PRINCIPAL ARTERIAL |
|  | PRIVATE            |
|  | SECTION LINE       |
|  | Railroads          |
|  | Water              |
- 2003 Color Ortho Photos

Scale: 1:10,321

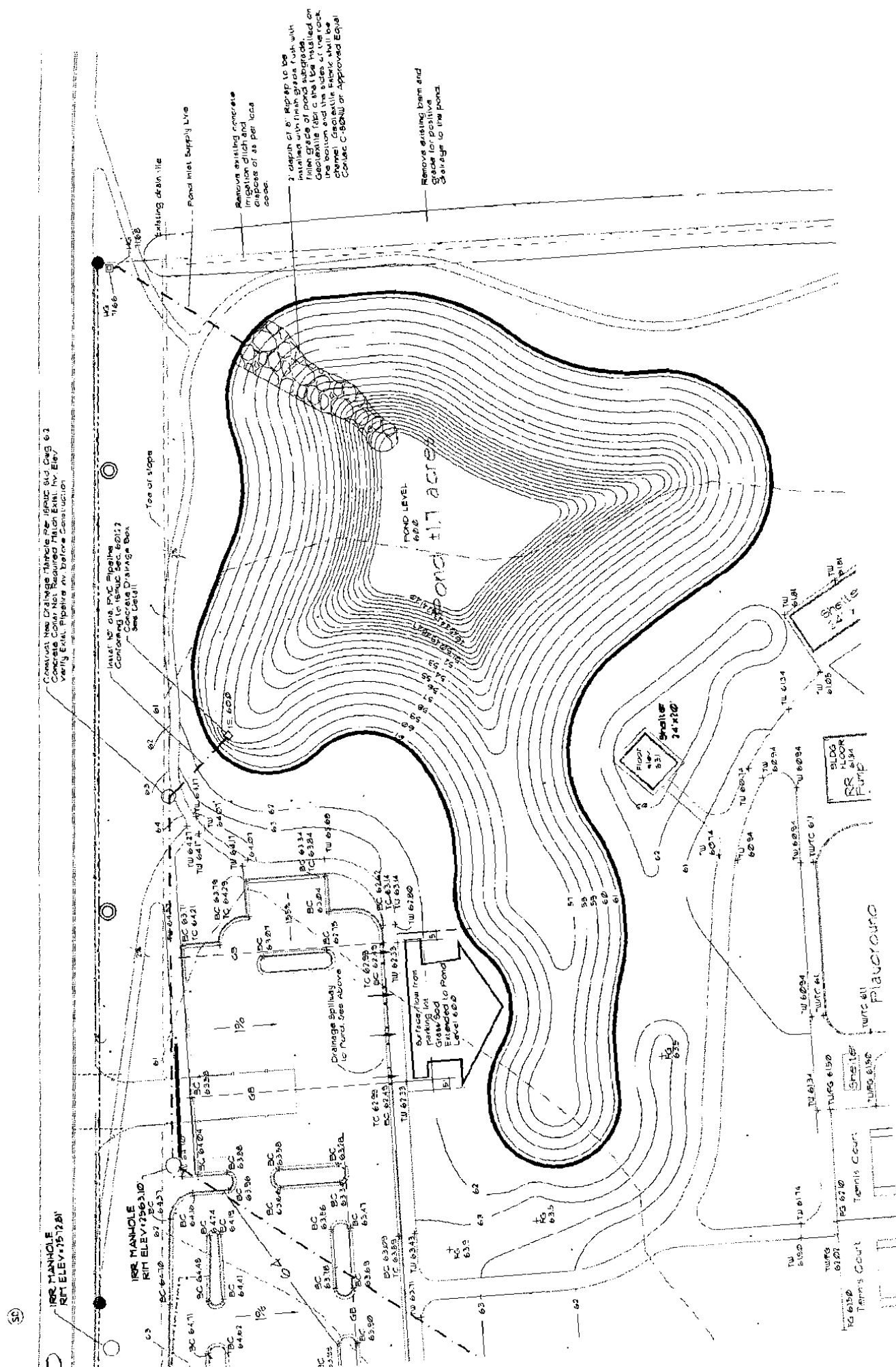


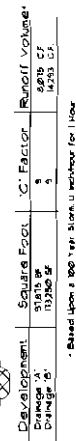
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. **THIS MAP IS NOT TO BE USED FOR NAVIGATION.** Use and distribution of this map subject to copyright and disclaimer notices at [www.jocortex.net](http://www.jocortex.net).

OPTIMIST PAK - PROPOSED POND



### Drainage Spillway to Pond





### PART 3

#### B. CHANGES IN NATURE OF USE

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use               |
|---|-------------------|-----------------------|-----------------|-----------------------------|
|   | <u>Mitigation</u> | <u>.03</u>            |                 | <u>3/15</u> to <u>11/15</u> |
|   |                   |                       |                 | to                          |

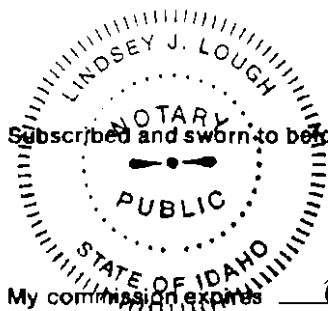
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

No impact on other water users.

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.



Paula Laine officer Mgr.  
(Signature of Applicant)  
Subscribed and sworn to before me this 16<sup>th</sup> day of March, 2005.

Lindsey Lough  
(Notary Public)

#### FOR DEPARTMENT USE ONLY

Transfer contains 13 pages and 0 attachments

Received by DB Date 3-22-05 Protest filed by \_\_\_\_\_

Prelim. check by AR Fee \$100 - W032709

Receipted by DB Date 3-22-05

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

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

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

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

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