

Total Acres

PART 1

6. General Information:

- a. Description of diversion system At the proposed additional point of diversion, a small rock wingwall dam diverts water into a river side-channel also used as a ditch. A pump rediverts from this channel to a sprinkler irrigation 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 ☒ 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:
No change to existing place of use.
- d. Remarks:
23½ shares, equivalent to 0.47cfs, will be diverted from the additional point of diversion to serve about 23.5 acres within the company boundary at 4N 2W 15. Although this property has historically received water through the company's conveyance system, delivery was cumbersome and a change in point of diversion simplifies delivery to this property. The proposed point of diversion is also used as a point of diversion for permit 63-12550.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by: **SEE ATTACHED RECOMMENDED RIGHT REPORT AND TRANSFER NO 72109**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Copy of Ditch Share Certificates

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

PART 2

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 _____ 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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

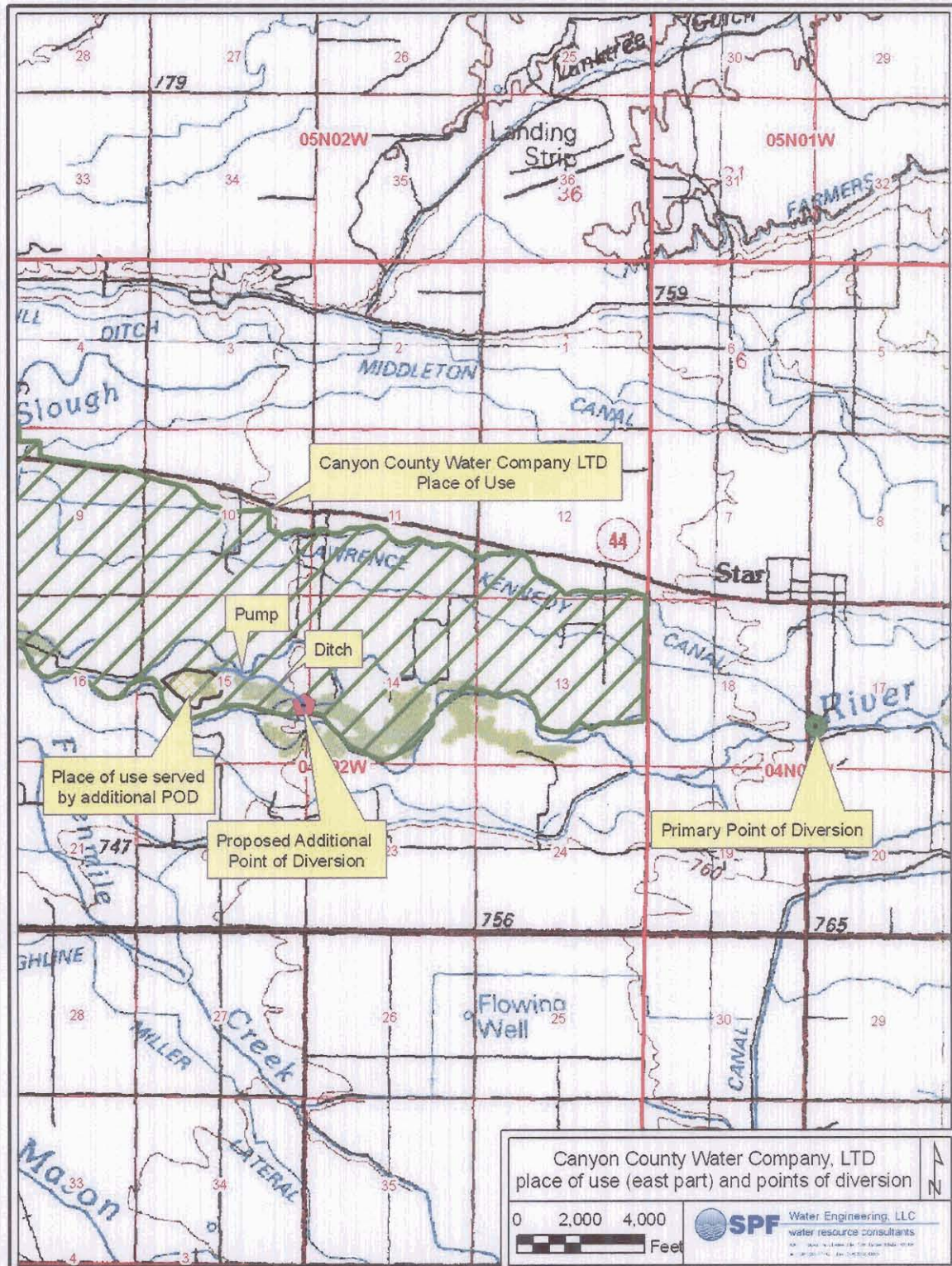
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

Quantity and quality of return flows and location of discharge: _____

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

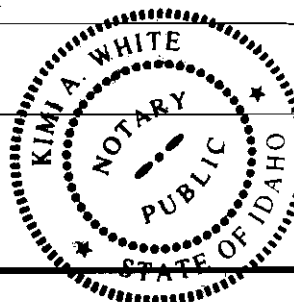
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

x James L. Payne J-Pine
(Signature of Applicant)

Subscribed and sworn to before me this 17th day of October, 20 06.

Kimi A. White
(Notary Public)



My commission expires 04/01/10

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by lgagnon Date 10-27-06 Protest filed by _____

Prelim. Check by _____ Fee 250 -

Receipted by lgagnon Date 10-27-06

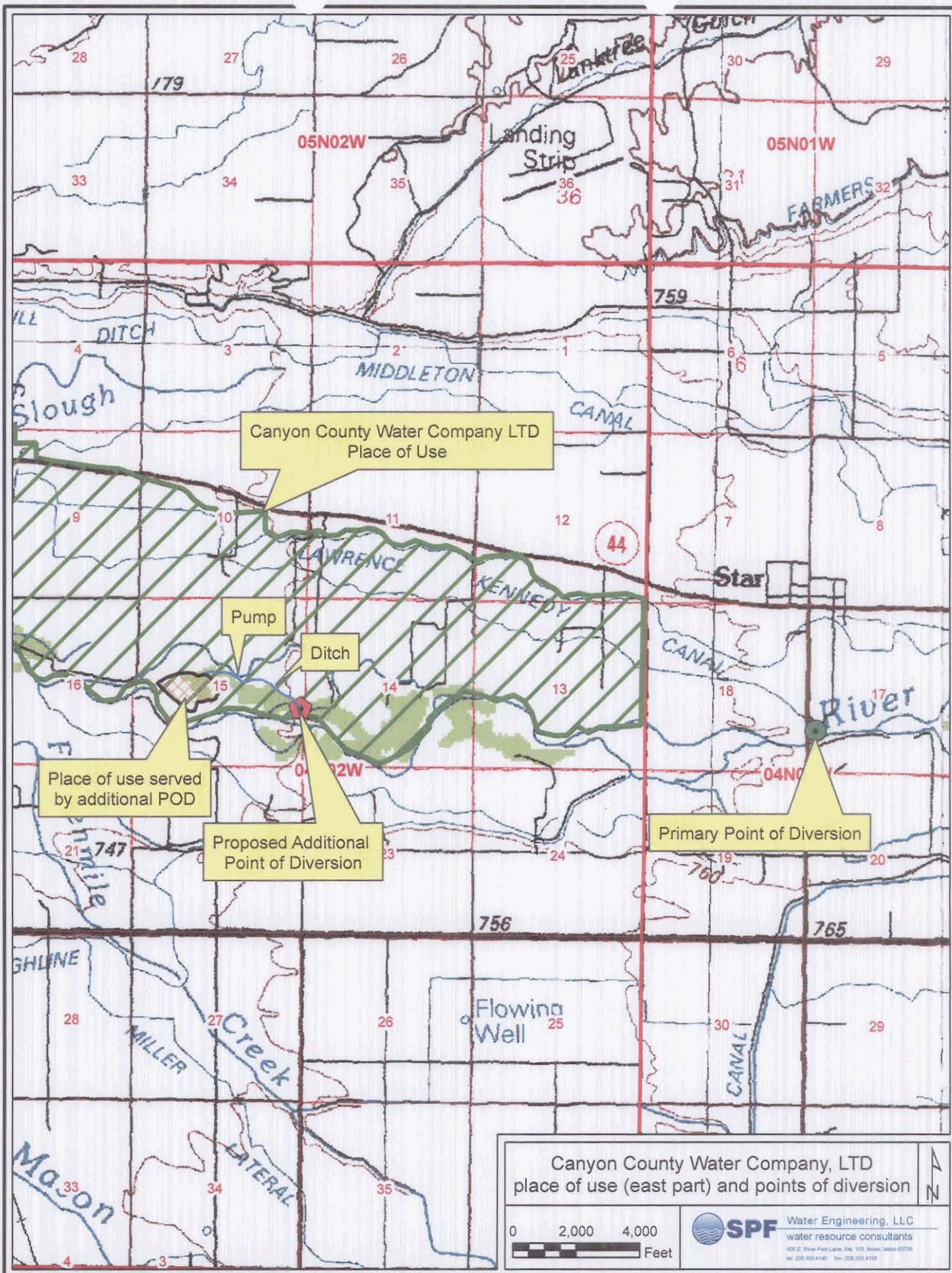
Published in _____ Copies of protest forwarded by _____

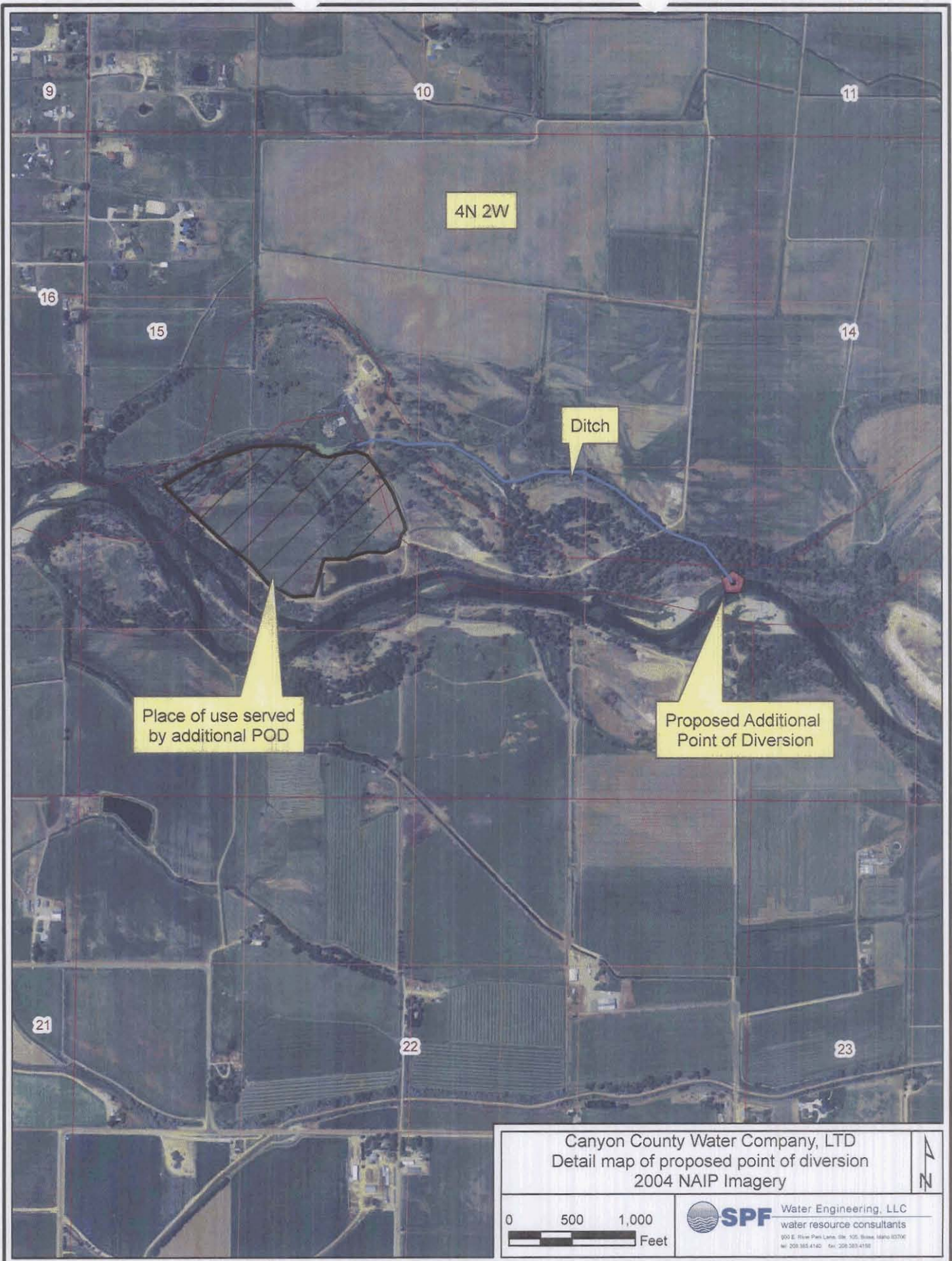
Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____





Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

08/16/2006

WATER RIGHT NO. 63-21761

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANYON COUNTY WATER CO LTD C/O BETHA FOSTER PO BOX 11 STAR, ID 83669 (208)455-1735
Attorney	RINGERT CLARK CHARTERED S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 06/01/1867

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	76.18 CFS	
GROUND WATER RECHARGE	03/01	11/15	0.59 CFS	87.9 AFA
Total Diversion			76.77 CFS	

Location of Point(s) of Diversion:

BOISE RIVER|SWSW|Sec. 17|Township 04N|Range 01 W|ADA County

Place(s) of use: Large POU Info

Conditions of Approval:

1. | 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.

2. X61 The period of use for the irrigation and ground water recharge 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. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
3. 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.
4. 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 groundwater 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.
5. S45 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.
6. 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 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. 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.
8. P29 This right is a combination of old Right Nos. 63-0168 and 63-0277.
9. 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.
10. This right when combined with Right Nos. 63-163 and 63-179B can be used to irrigate up to 3839 acres within the boundary of the Canyon County Water Co Ltd.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 63

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4.5

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72109**

This is to certify that: CANYON COUNTY WATER CO LTD
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	AJC/Decreed	06/01/1867	76.77 cfs	N/A	N/A	4,015.5	BOISE RIVER

Purpose of Transfer (Changes Proposed)

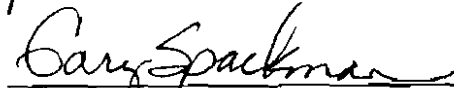
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-21761	NO	NO	YES	NO	NO	YES

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	3,986.2		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		76.77cfs	N/A	N/A	3986.2		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 12th day of September, 2005



Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-21761
As Modified by Transfer No. 72109**

In accordance with the approval of Transfer No. 72109, Water Right No. 63-21761 is now described as follows.

Right Holder: CANYON COUNTY WATER CO LTD
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	03/15	to 11/15	76.18 CFS	
GROUND WATER RECHARGE	03/15	to 11/15	0.59 CFS	87.9 AF
			76.77 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER NWSWSW Sec. 17 Twp 04N Rge 01W ADA County

PLACE OF USE: IRRIGATION, see conditions

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02W	13			X				X		X					X			
																			L 2
																			L 3

CONDITIONS OF APPROVAL

1. Total acres authorized for irrigation under this right are reduced by 29.3 acres per approval of Transfer 72109 to a total of 3986.2 acres based on the acres claimed under this right in the Snake River Basin Adjudication. Approval of this transfer does not preclude the opportunity for review of the total acres authorized under this right in the ongoing Snake River Basin Adjudication.
2. 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 groundwater 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.
3. At the point where water is diverted from the Canyon County Water Company lateral into the pond for groundwater recharge purposes, the right holder shall install and maintain a measuring and recording device that records the total volume of water diverted into the pond annually. The right holder shall make the device and /or records available to the Department for inspection at any time.
4. 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.

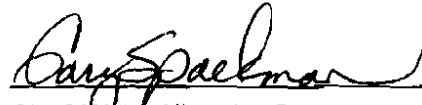
WATER RIGHT NO. 63-21761
As Modified by Transfer No. 72109

CONDITIONS OF APPROVAL

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. The period of use for the irrigation and ground water recharge 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. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 12th day of September, 2005



Chief, Water Allocation Bureau

STOCK CERTIFICATE

Canyon County Water Company, Limited

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

Cert. No 1693

Total Number of Shares, 4000

TOTAL PAR VALUE OF CAPITAL STOCK, \$40,000

3 1/2 Shares

This Certifying, That Richard E. Shari Porter

is the owner of three and one half shares

of the Capital Stock of the CANYON COUNTY WATER COMPANY, Ltd., for and appurtenant to tract 85 in the Cemedded Plot of Long Park Urban District, Canyon Co., Idaho according to the plat filed in Book 4 of Plots, Pg 32 of said Co. and part of Sec. 15 Twp 4 N. R. 2 W. 2 E. Boise Mountain Canyon Co. Idaho

transferable on the books of the Company upon surrender of this Certificate properly endorsed and cancelled in compliance with the By-Laws of the Company.

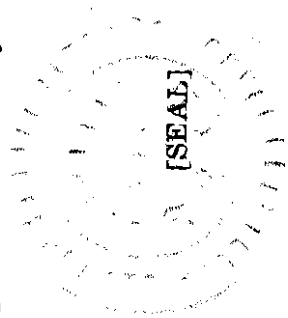
IN WITNESS WHEREOF, The President and Secretary have hereunto subscribed their names and affixed the seal of the Company at its office this 5 day of

April, A. D., 2006.

Baron Doster

Secretary.

Harold A. Dole
President.



STOCK CERTIFICATE

Canyon County Water Company, Limited

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

Cert. No 1700

Total Number of Shares, 4000

20 Shares

TOTAL PAR VALUE OF CAPITAL STOCK, \$40,000

This Certifies, That Shari Porter
is the owner of Twenty shares

of the Capital Stock of the CANYON COUNTY WATER COMPANY, Ltd., for and appurtenant to

20 shares bought from Diamond 2 Mfg.

transferable on the books of the Company upon surrender of this Certificate properly endorsed and cancelled in compliance with the By-Laws of the Company.

IN WITNESS WHEREOF, The President and Secretary have hereunto subscribed their names and affixed the seal of the Company at its office this 30th day of

[SEAL]

May, A. D., 2006.

Shari Porter
Secretary.

Harold Williams
President.