

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75116

This is to certify that: OSPREY PROPERTY OWNERS ASSN INC
 104 FALCON DR
 BOISE ID 83716
 (208) 375-5389

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>
63-5332	WR/Decreed	07/23/1900	0.2 cfs	59.6 af	10.0	60.0	CORRAL CREEK, MORES CREEK
63-5334	WR/Decreed	08/15/1889	1.94 cfs	221.6 af	46.0	60.0	MINNEHA CREEK, MORES CREEK

Purpose of Transfer (Changes Proposed)

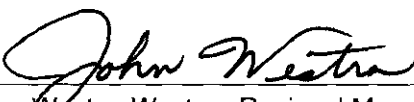
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-5332	NO	NO	YES	NO	NO	NO
63-5334	NO	NO	YES	NO	NO	NO

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>
63-5332	63-5332	0.2 cfs	59.6 af	10.0	215.0		N/A	N/A	N/A	N/A
63-5334	63-5334	1.94 cfs	221.6 af	46.0	215.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		2.14 cfs	281.2 af	56.0	215.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21st day of September, 2009


 John Westra, Western Regional Manager

SUPPORT DATA

IN FILE # 63-5332

WATER RIGHT NO. 63-5332
As Modified by Transfer No. 75116

In accordance with the approval of Transfer No. 75116, Water Right No. 63-5332 is now described as follows.

Right Holder: OSPREY PROPERTY OWNERS ASSN INC
 104 FALCON DR
 BOISE ID 83716

Priority Date: July 23, 1900

Source: CORRAL CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.10 CFS	14.6 AF
IRRIGATION	04/01	to 11/01	0.10 CFS	45.0 AF
			0.20 CFS	59.6 AF

LOCATION OF POINT(S) OF DIVERSION:

CORRAL CREEK SENE Sec. 2 Twp 04N Rge 04E BOISE County
 MORES CREEK NWNESW Sec. 35 Twp 05N Rge 04E BOISE County

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	
04N	04E	2	10.0	30.0	34.0	14.0	28.0												116.0
			L 1	L 2			L 3												
05N	04E	35									20.0	38.0	27.0				14.0		99.0

Total Acres: 215

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. 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.

WATER RIGHT NO. 63-5332
As Modified by Transfer No. 75116

CONDITIONS OF APPROVAL

6. 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 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 Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.
7. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Corral Creek. Availability of water from Corral Creek shall be determined based on the lesser of the flow in Corral Creek at the authorized point of diversion or at the mouth of Corral Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 0.20 cfs.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 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.
9. The total diversion of water from Mores Creek under Rights 63-5332 and 63-5334 shall not exceed 1.12 cfs.
10. Rights 63-5332 and 63-5334 when combined shall not exceed a total diversion rate of 2.14 cfs, a total irrigation annual maximum diversion volume of 266.6 af at the field headgate, and the irrigation of 56 acres in a single irrigation season.
11. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
12. 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.
13. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
14. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 21st day of September, 20 09


John Westra, Western Regional Manager

WATER RIGHT NO. 63-5334
As Modified by Transfer No. 75116

In accordance with the approval of Transfer No. 75116, Water Right No. 63-5334 is now described as follows.

Right Holder: OSPREY PROPERTY OWNERS ASSN INC
 104 FALCON DR
 BOISE ID 83716

Priority Date: August 15, 1889

Source: MINNEHA CREEK
 MORES CREEK

Tributary: MORES CREEK
 BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.94 CFS	207.0 AF
STOCKWATER	01/01	to 12/31	0.03 CFS	14.6 AF
			1.94 CFS	221.6 AF

LOCATION OF POINT(S) OF DIVERSION:

MORES CREEK	NWNESW	Sec. 35 Twp 05N	Rge 04E	BOISE County
MINNEHA CREEK	NWSE	Sec. 36 Twp 05N	Rge 04E	BOISE County

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	
04N	04E	2	10.0	30.0	34.0	14.0	28.0												116.0
			L 1	L 2			L 3												
05N	04E	35								20.0	38.0	27.0					14.0		99.0

Total Acres: 215

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of Transfer 69538 is cause for the Director to rescind approval of the transfer.
3. 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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. 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.

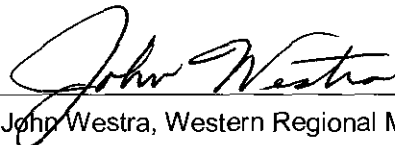
WATER RIGHT NO. 63-5334
As Modified by Transfer No. 75116

CONDITIONS OF APPROVAL

6. 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 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 Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.
7. Diversion from Mores Creek under this right is limited to those times water is available for diversion under this right and priority from Minneha Creek. Availability of water from Minneha Creek shall be determined based on the lesser of the flow in Minneha Creek at the authorized point of diversion or at the mouth of Minneha Creek. The total instantaneous diversion of water from all points of diversion under this right shall not exceed 1.94 cfs.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/1 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.
9. The total diversion of water from Mores Creek under Rights 63-5332 and 63-5334 shall not exceed 1.12 cfs.
10. Rights 63-5332 and 63-5334 when combined shall not exceed a total diversion rate of 2.14 cfs, a total irrigation annual maximum diversion volume of 266.6 af at the field headgate, and the irrigation of 56 acres in a single irrigation season.
11. The portion of Right 63-5334 used for conveyance losses limited to diversion from Minneha Creek is 1.02 cfs.
12. This right is limited to the irrigation of 46 acres within the place of use described above in a single irrigation season.
13. 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.
14. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
15. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 21st day of September, 2009


John Westra, Western Regional Manager