

**RECEIVED****SEP 30 2008****WATER RESOURCES  
WESTERN REGION****STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES****APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**Name of Applicant Gary and/or Deborah BodilyPhone 208-863-6270Post Office address 5019 South Debonair Lane, Meridian, ID 83642Representative Lori Graves, SPF Water Engineering LLC, 300 E. Mallard, Ste 350, Boise, ID. 208-383-4140**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 Applicant has purchased a portion of a water right and proposes to move his purchased portion to a new place of use.**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

| 1. Right Number<br>(Portion of 63-32831) | Priority         | Amount (cfs/ac-ft)         | Nature of Use     | Period of Use               |
|------------------------------------------|------------------|----------------------------|-------------------|-----------------------------|
| <u>TBD</u>                               | <u>4/25/1977</u> | <u>0.18 cfs/40.5 ac-ft</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> |
|                                          |                  |                            |                   | to                          |
|                                          |                  |                            |                   | to                          |

2. Total amount of water being transferred 0.18 cubic feet per second and/or 40.5 acre-feet per annum.3. Source of water Ground Water tributary to \_\_\_\_\_

4. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | NW | NE | 35  | 3N  | 1W  | Ada    |                          |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

5. 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 |        |
| 3N  | 1W  | 35  |      | 9  |    |    |      |    |    |    |      |    |    |    |      |    |    |    | 9      |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres 9

**PART 1**

## 6. General Information:

- a. Description of diversion system Well, pump, sprinklers
- 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:  
Place of use will no longer be irrigated. Water right is currently in the Idaho Water Supply Bank. Upon approval of this transfer, applicant requests that the department release his 9-acre portion from the bank.
- d. Remarks:  
Water is being transferred from lands that receive surface water from Pioneer Irrigation to lands that receive surface water from New York Irrigation District. Both districts typically deliver adequate water supply for the full district irrigation season.

**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 (See attached SRBA recommendation report for water right No. 63-32831)

1. Right as evidenced by:
- 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 \_\_\_\_\_

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 Surface water delivered by Pioneer Irrigation District

**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 Right has been protected in the Idaho Water Supply Bank since 10/2005

**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 0.18 cfs/40.5 ac-ft for Irrigation 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: n/c

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

3. Lands irrigated or place of use: 9 acres irrigataion within the 206-acre ppu described below

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
| 3N  | 2W  | 5   |        |    |    |    |        | 34 | 37 | 6  |        |    |    |    |        |    |    |    | 77     |
| 4N  | 2W  | 32  |        |    |    |    |        |    |    |    | 40     | 26 | 23 | 40 |        |    |    |    | 129    |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres 206

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

1. amount 0.98 cfs/220.5 ac-ft for Irrigation 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: n/c

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

3. Lands irrigated or place of use: Limited to 49 acres irrigation within the 206- acre ppu described below (reduced from 58 acres)

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
| 3N  | 2W  | 5   |        |    |    |    |        | 34 | 37 | 6  |        |    |    |    |        |    |    |    | 77     |
| 4N  | 2W  | 32  |        |    |    |    |        |    |    |    | 40     | 26 | 23 | 40 |        |    |    |    | 129    |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres 206 ppu

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

(See Attached Maps)

- 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.

A large grid for drawing a map, consisting of 10 columns and 10 rows of squares. The grid is used to depict land by section, township, and range number.

Scale: 2 inches equal 1 mile. Draw plan in ink.

**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.


 Subscribed and sworn to before me this 19<sup>th</sup> day of September, 20 08.  
Larry Bodily  
 (Signature of Applicant)  
Lori Graves  
 (Notary Public)  
 My commission expires 6/18/2010

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 3 attachments

Received by DB Date 9.30.08 Protest filed by \_\_\_\_\_

Prelim. Check by SC Fee \$100-

Received by DB/W036954 Date 9.30.08

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 \_\_\_\_\_

2008051165

RECORDED

2008 SEP 23 PM 2 51

WILLIAM H. ROBERTS  
CANYON CITY RECORDER  
BY *[Signature]*

*SP-1 Water Engineering*  
*Deed 6-008*

## SPECIAL WARRANTY DEED FOR WATER RIGHT

FOR VALUE RECEIVED, **Arbor Ridge LLC**, an Idaho limited liability company ("Grantor"), whose address is P.O. Box 344, Meridian, ID 83680 does hereby grant, bargain, sell, convey and assign unto **Gary Bodily** ("Grantee"), whose address is 5019 South Debonair Lane, Meridian, ID 83642, the following described portion of Water Right No. 63-32831 (Hereinafter this portion is referred to as the "Water Right"):

Quantity: 0.18 cubic feet per second, 40.5 acre feet per year

Acres: 9 acres within the described permissible place of use:

|      |      |     |      |    |
|------|------|-----|------|----|
| T03N | R02W | S05 | NWNW | 34 |
| T03N | R02W | S05 | SWNW | 37 |
| T03N | R02W | S05 | SENW | 6  |
| T04N | R02W | S32 | NESW | 40 |
| T04N | R02W | S32 | NWSW | 26 |
| T04N | R02W | S32 | SWSW | 23 |
| T04N | R02W | S32 | SESW | 40 |

Within Canyon County, Idaho

TO HAVE AND TO HOLD, the above-described portion of Water Right No. 63-32831 unto the Grantee and to the successors and assigns of Grantee forever. And the said Grantor does hereby represent, warrant and covenant to and with the said Grantee, that it is the owner in fee simple of the Water Right, that the Water Right is free from all encumbrances, that the Water Right has been diverted and beneficially used (or that the nonuse thereof is legally excused) so as to avoid partial or complete forfeiture or abandonment, and that the Water Right was the sole source of supplemental ground water used on the land to which it was appurtenant.

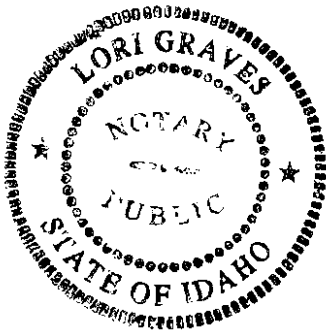
Attachment A  
(3 pgs)

IN WITNESS WHEREOF, the Grantor has executed this Deed this 22 day of September, 2008.

Gregory B. Johnson  
Grantor Managing Member

State of Idaho )  
County of Ada ) SS.  
)

Subscribed and sworn (or affirmed) before me this 22 of Sept, 2008.



Lori Graves  
Notary Public  
Residing at Boise  
My commission Expires 6/18/2010



A Pioneer Company

**PIONEER TITLE COMPANY**  
OF ADA COUNTY

8151 W. Rifleman Ave / Boise, Idaho 83704 / (208) 377-2700

P 175795 SO

Read and Approved: *LB* *OB*

**WARRANTY DEED**

(INDIVIDUAL)

FOR VALUE RECEIVED

BRUCE HESS and DARACHANN HESS, Husband and Wife

Grantor s , do hereby grant, bargain, sell and convey unto D. GARY BODILY and DEBORAH KAY BODILY, Husband and Wife

the Grantee s , whose current address is: *9109 HOWARD, CROWLEY, ID 83605*  
the following described real property in Ada County, State of Idaho, more particularly described as follows, to-wit:  
LOT 2 IN BLOCK 1 OF FLOWERS ESTATES SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 72 OF PLATS AT PAGES 7368-7369, RECORDS OF ADA COUNTY, IDAHO.

TAX PARCEL ID NO: R2861920200

**PIONEER TITLE**

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHO

1999 JA 20 PM 3: 51

RECORDED - REQUEST OF

FEE *3.00* DEPUTY *[Signature]*

99005866

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and Grantee heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, the Grantor s are the owner s in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee s and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantor s will warrant and defend the same from all lawful claims whatsoever.

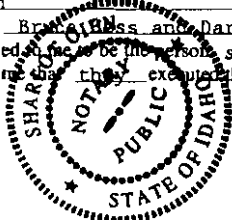
Dated: January 14, 1999

*Bruce Hess*  
Bruce Hess

*Darachann Hess*  
Darachann Hess

STATE OF Idaho, County of Ada, ss.

On this 15 day of January, in the year of 1999, before me Sharlot Oien, a notary public, personally appeared Bruce Hess and Darachann Hess, known or identified to me to be the persons whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public: *Sharlot Oien*  
Residing at: Boise, Idaho  
My Commission Expires: 6/23/2001

*AB*

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

08/21/2008

WATER RIGHT NO. 63-32831

| Owner Type     | Name and Address                                                               |
|----------------|--------------------------------------------------------------------------------|
| Current Owner  | ARBOR RIDGE LLC<br>PO BOX 344<br>MERIDIAN, ID 83680<br>(208)888-9946           |
| Original Owner | VIRGIL L ISAACSON<br>19240 MIDDLETON RD<br>CALDWELL, ID 83605<br>(208)459-3331 |
| Original Owner | SHAUNA R ISAACSON                                                              |
| Original Owner | STEVE L ISAACSON<br>1806 LION CT<br>NAMP, ID 83651<br>(208)467-3630            |

Priority Date: 04/25/1977

Basis: License

Status: Active

Water Supply Bank Status: Active

| Source       | Tributary |
|--------------|-----------|
| GROUND WATER |           |

| Beneficial Use  | From  | To    | Diversion Rate | Volume  |
|-----------------|-------|-------|----------------|---------|
| IRRIGATION      | 03/15 | 11/15 | 1.16 CFS       | 261 AFA |
| Total Diversion |       |       | 1.16 CFS       |         |

Location of Point(s) of Diversion

GROUND WATER|SESW|Sec. 32|Township 04N|Range 02W|CANYON County  
GROUND WATER|SESW|Sec. 32|Township 04N|Range 02W|CANYON County

IRRIGATION Use:  
Acre Limit: 118

Place(s) of use

Place of Use Legal Description: IRRIGATION CANYON County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 03N      | 02W   | 5       |     | NWNW  | 34    |     | SWNW  | 37    |     | SESW  | 6     |     |       |       |
| 04N      |       | 12      |     | NESW  | 40    |     | NWSW  | 26    |     | SWSW  | 23    |     | SESW  | 40    |

Total Acres: 206

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-32831 and 63-32833 shall not exceed 2.10 cfs, nor a total combined annual volume of 472.5 af.
4. R65 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.
5. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. X61 The period of use for the irrigation 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 3/1 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.
7. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. X60 Place of use includes Blackhawk and Monarch Subdivisions.
9. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. This right is a split from former right 63-8737.
11. X06 This right is limited to the irrigation of 58 acres within the place of use described above in a single irrigation season.
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.
13. W40 Use of this right is combined with water from Pioneer Irrigation District.

Dates:

## Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

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:

Cary Act Number:

Mingation Plan: False

## Water Supply Bank:

Lessor Name(s): ARBOR RIDGE LLC

Lease Status: Active

Lease Amount: Part

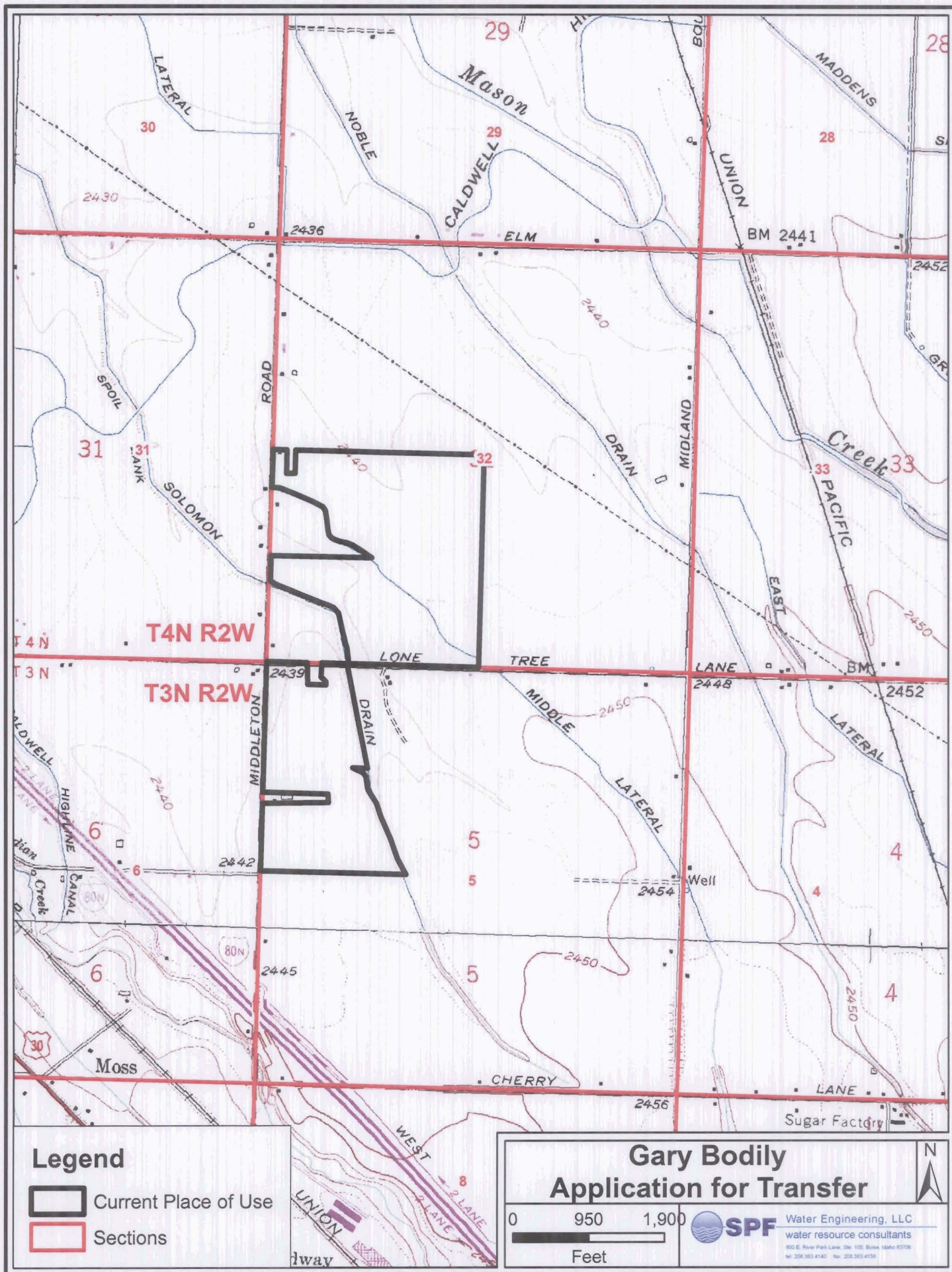
Rental Availability: All

Date Received: 10/17/2005

Lease Begin Date: 10/17/2005

Expiration Date: Indefinite

[Close](#)



Attachment C (2)

