

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74506

** AMENDED **

This is to certify that: HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION RD
BOISE ID 83716
(208)344-1131

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

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-2973	WR/Decreed	12/28/1953	0.42 cfs	108 af	N/A	355.0	GROUND WATER
63-7103	WR/Decreed	06/25/1968	1.2 cfs	363 af	80.5	355.0	GROUND WATER

Summary of Associated Water Rights (conditions being updated and mitigation parameters added)

63-365	WR/Decreed	07/02/1902	7.10 cfs	1597.5 af	N/A	355.0	GROUND WATER
63-8627	WR/Decreed	03/21/1977	1.42 cfs	690.1 af	N/A	195.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

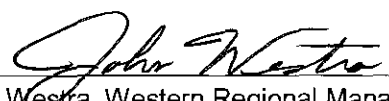
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-2973	NO	YES	NO	YES	NO	NO
63-7103	NO	YES	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-2973	63-2973	0.42 cfs	108 af	18.4	355.0		N/A	N/A	N/A	N/A
63-7103	63-7103	1.2 cfs	363 af	80.5	355.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		1.62 cfs	471 af	98.9	355.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of June, 2009


John Westra, Western Regional Manager

SUPPORT DATA

IN FILE # 63-2973

WATER RIGHT NO. 63-2973
As Modified by Transfer No. 74506

In accordance with the approval of Transfer No. 74506, Water Right No. 63-2973 is now described as follows.

Right Holder: HARRIS FAMILY LTD PARTNERSHIP
 4940 E MILL STATION RD
 BOISE ID 83716

Priority Date: December 28, 1953

Source: GROUND WATER

Tributary: BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.32 CFS	82.8 AF
MITIGATION	03/01	to 11/15	0.10 CFS	25.2 AF
			0.42 CFS	108.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 19 Twp 03N	Rge 03E	ADA County
GROUND WATER	SWSE	Sec. 19 Twp 03N	Rge 03E	ADA County
GROUND WATER	SWSE	Sec. 19 Twp 03N	Rge 03E	ADA County
GROUND WATER	SWSE	Sec. 19 Twp 03N	Rge 03E	ADA County
GROUND WATER	SWSW	Sec. 20 Twp 03N	Rge 03E	ADA 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							
03N	03E	19									4.0				.5				18.0				15.7	32.5	70.7
03N	03E	20									L 4														89.0
03N	03E	29																							154.0
03N	03E	30					16.7	34.0	38.0	17.3					19.0	19.0	2.0	8.0							41.3
			27.0	7.3		7.0					L 3	L 4	L 4	L 3											
			L 9	L 9		L 8																			

Total Acres: 355

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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

**WATER RIGHT NO. 63-2973
As Modified by Transfer No. 74506**

CONDITIONS OF APPROVAL

5. Ground water diverted under this right shall not exceed a water bearing zone greater than 200 feet below land surface.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. This right is limited to the irrigation of 18.4 acres within the place of use described above in a single irrigation season.
8. 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.
9. Prior to diversion and use of water under Transfer approval 74506, the right holder shall install lockable controlling works and an acceptable measuring device for the irrigation pump station located in T3N, R3E, Section 19, SW ¼ of SE ¼ associated with the ponds authorized under this approval. The measuring device shall be equipped to measure the rate of flow and total volume of water diverted from this point of diversion. The measuring device and the lockable controlling works must be acceptable to the watermaster. After specific notification by the Department, the right holder shall install similar equipment acceptable to the watermaster on the other points of diversion authorized under this approval.
10. Rights 63-365, 63-2973 and 63-7103 when combined for irrigation shall not exceed a total diversion rate of 6.99 cfs, a total annual maximum diversion volume of 1572.3 af at the field headgate, and the irrigation of 349.4 acres in a single irrigation season.
11. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 63-32966. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.10 cfs of this right, which shall remain undiverted in the aquifer.

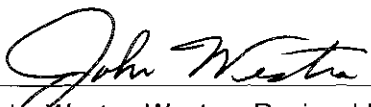
If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Right 63-32966 that is being mitigated shall be reduced by the same proportion as the reduction to this right.

Rights 63-365 and 63-2973 when combined for mitigation shall not exceed a total diversion rate of 0.11 cfs and a total annual maximum diversion volume of 25.2 af for the reduction of 5.6 acres of irrigation.

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.

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 24th day of June, 2009


John Westra, Western Regional Manager

WATER RIGHT NO. 63-7103
As Modified by Transfer No. 74506

In accordance with the approval of Transfer No. 74506, Water Right No. 63-7103 is now described as follows.

Right Holder: HARRIS FAMILY LTD PARTNERSHIP
 4940 E MILL STATION RD
 BOISE ID 83716

Priority Date: June 25, 1968

Source: GROUND WATER

Tributary: BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	1.20 CFS	363.0 AF
			1.20 CFS	363.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESW	Sec. 19 Twp 03N	Rge 03E	ADA County
GROUND WATER	SWSE	Sec. 19 Twp 03N	Rge 03E	ADA County
GROUND WATER	SWSE	Sec. 19 Twp 03N	Rge 03E	ADA County
GROUND WATER	SWSE	Sec. 19 Twp 03N	Rge 03E	ADA County
GROUND WATER	SWSW	Sec. 20 Twp 03N	Rge 03E	ADA 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							
03N	03E	19									4.0				.5				18.0				15.7	32.5	70.7
03N	03E	20									L 4														89.0
03N	03E	29																							154.0
03N	03E	30																							41.3
			27.0	7.3		7.0																			
			L 9	L 9		L 8																			

Total Acres: 355

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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

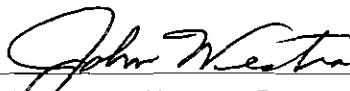
WATER RIGHT NO. 63-7103
As Modified by Transfer No. 74506

CONDITIONS OF APPROVAL

5. Ground water diverted under this right shall not exceed a water bearing zone greater than 200 feet below land surface.
6. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. This right is limited to the irrigation of 80.5 acres within the place of use described above in a single irrigation season.
8. 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.
9. Prior to diversion and use of water under Transfer approval 74506, the right holder shall install lockable controlling works and an acceptable measuring device for the irrigation pump station located in T3N, R3E, Section 19, SW ¼ of SE ¼ associated with the ponds authorized under this approval. The measuring device shall be equipped to measure the rate of flow and total volume of water diverted from this point of diversion. The measuring device and the lockable controlling works must be acceptable to the watermaster. After specific notification by the Department, the right holder shall install similar equipment acceptable to the watermaster on the other points of diversion authorized under this approval.
10. Rights 63-365, 63-2973 and 63-7103 when combined for irrigation shall not exceed a total diversion rate of 6.99 cfs, a total annual maximum diversion volume of 1572.3 af at the field headgate, and the irrigation of 349.4 acres in a single irrigation season.
11. 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.

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 24th day of June, 2009


John Westra, Western Regional Manager

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-365

Priority: July 2, 1902

Maximum Diversion Rate: 7.10 CFS
Maximum Diversion Volume: 1,597.5 AF

Right holder: HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION RD
BOISE ID 83716

SOURCE

WARM SPRINGS CREEK

Tributary: BOISE RIVER**BENEFICIAL USE****PERIOD OF USE****DIVERSION RATE****ANNUAL
DIVERSION VOLUME**

IRRIGATION

3/1 to 11/15

6.99 CFS

1,572.3 AF

MITIGATION

3/1 to 11/15

0.11 CFS

25.2 AF

LOCATION OF POINT(S) OF DIVERSION:

WARM SPRINGS CREEK

NE1/4SW1/4

Sec. 20, Twp 03N, Rge 03E, B.M.

ADA 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	
03N	03E	19									4.0			.5	18.0		15.7	32.5	70.7
											L 4			L 5					
03N	03E	20									7.0	24.0	38.0	20.0					89.0
03N	03E	29					16.7	34.0	38.0	17.3	19.0	19.0	2.0	8.0					154.0
									L 5		L 3	L 4	L 4	L 3					
03N	03E	30	27.0	7.3		7.0													41.3
			L 9			L 8													

Total Acres: 355

CONDITIONS OF APPROVAL

1. Use of this right with rights listed below is limited for irrigation to a total combined diversion rate of 6.99 cfs and to a total combined annual diversion volume of 1572.3 AF. Combined Right Nos.:63-365, 63-2973, 63-7103 and 63-8627.
2. Use of this right with Right Nos. 63-2973, 63-7103 and 63-8627 is limited to the irrigation of a combined total of 349.4 acres in a single irrigation season.
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. 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.

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-365

CONDITIONS OF APPROVAL

5. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 63-32966. To prevent injury to other water right holders, the right holder shall cease diverting and using 0.11 cfs of this right, which shall remain undiverted in Warm Springs Creek.

If the mitigation portion of this right and right 63-2973 are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Right 63-32966 that is being mitigated shall be reduced by the same proportion as the reduction to this right.

Rights 63-365 and 63-2973 when combined for mitigation shall not exceed a total diversion rate of 0.11 cfs and a total annual maximum diversion volume of 25.2 af for the reduction of 5.6 acres of irrigation.

This water right is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of June, 2009.



John Westra, Western Regional Manager

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-8627

Priority: March 21, 1977

Maximum Diversion Rate: 1.42 CFS
Maximum Diversion Volume: 690.1 AF

Right holder: HARRIS FAMILY LTD PARTNERSHIP
4940 E MILL STATION RD
BOISE ID 83716

SOURCE

GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	1.42 CFS	690.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER (Rediversion)	NE1/4SW1/4	Sec. 20, Twp 03N, Rge 03E, B.M. ADA County
GROUND WATER (Injection)	NE1/4SW1/4	Sec. 20, Twp 03N, Rge 03E, B.M. ADA County
GROUND WATER (Rediversion)	SE1/4SW1/4	Sec. 20, Twp 03N, Rge 03E, B.M. ADA County
GROUND WATER	NE1/4SW1/4	Sec. 20, Twp 03N, Rge 03E, B.M. ADA 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					
03N 03E 19									4.4			.4	19.0	12.4	31.1	67.3	
03N 03E 20									6.3	22.0	38.5	20.0				86.8	
03N 03E 29					11.9	29.0										40.9	

Total Acres: 195

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 349.4 acres in a single irrigation season. Combined Right Nos.: 63-365, 63-2973, 63-7103 and 63-8627
2. Use of this right with Right No. 63-7103 shall not exceed a maximum combined annual diversion volume of 1054.7 AF at the field headgate.
3. The right holder shall comply with the requirements of Sections 42-222 and 42-233 Idaho Code, when proposing any future change to the use of water under this right.
4. The rights listed below are limited to a total combined diversion rate of 6.99 cfs and to a total combined annual diversion volume of 1572.3 AF. Combined Right Nos.: 63-365, 63-2973, 63-7103 and 63-8627.

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-8627

CONDITIONS OF APPROVAL

5. Water diverted under this right is injected into Warm Springs Creek and is rediverted from Warm Springs Creek in the NESW S20, T3N, R3E, or in the SESW, S20, T3N, R3E, at the intersection of the creek and the Penitentiary Canal.
6. 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.
7. 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 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/21/2008.
8. Use of this right with Right No. 63-7103 is limited to the irrigation of a combined total of 238.5 acres in a single irrigation season.
9. When the appurtenant surface water rights are not available, the portion of the place of use located east of the rediversion points may be irrigated under this right by diverting water from the Penitentiary Canal in exchange for replenishing the Penitentiary Canal with an equal amount of water diverted under this right, so long as the arrangement is acceptable to the owners/operators of the Penitentiary Canal.
10. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
11. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
12. The right holder shall install and maintain measuring devices and lockable controlling works at the point of rediversion from Warm Springs Creek into the Penitentiary Canal and at the point where Penitentiary Canal is diverted in exchange for water diverted under this right
13. Water temperature measured at 180 degrees F.
14. Water is low temperature geothermal water.

This water right is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of June, 2009.


John Westra, Western Regional Manager