

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 27 2006
WATER RESOURCES
WESTERN REGION

Transfer No. 73777

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant CANYON COUNTY WATER COMPANY, LTD Phone (208) 455-1735

Post Office address P.O. Box 11, STAR, ID 83664

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 PROPOSES CHANGING THE NATURE OF USE OF 0.26 CFS (12.91 ACRES) FROM IRRIGATION TO GROUND WATER RECHARGE. THE GROUND WATER RECHARGE USE WILL BE ASSOCIATED WITH A NEW WATER RIGHT PERMIT FOR AESTHETIC PONDS STORAGE USE WITHIN THE CANYON COUNTY WATER CO. SERVICE AREA.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-21761</u>	<u>06/01/1867</u>	<u>75.92 CFS</u>	<u>IRRIGATION</u>	<u>03/15</u> to <u>11/15</u>
		<u>0.85 CFS *</u>	<u>GROUND WATER RECHARGE</u>	<u>03/15</u> to <u>11/15</u>
	<u>TOTAL DIVERSION</u>	<u>76.77 CFS</u>		to
				to

* INCLUDES 0.59 CFS FOR GROUND WATER RECHARGE FROM TRANSFER NO. 72109

2. Total amount of water being transferred 76.77 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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NW	SW	SW	17	4N	1W	ADA	

5. Lands irrigated or place of use: CANYON COUNTY WATER COMPANY SERVICE AREA

[illegible]

WITHDRAWN

Total Acres 3986.2

PART 1

6. General Information:

- a. Description of diversion system EXISTING DIVERSION DAM, WITH CANAL AND LATERALS
TO PLACE OF USE. GROUND WATER RECHARGE WATER WILL BE DIVERTED
TO PONDS IN MIDDLETON LAKES SUBDIVISION.
- 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:
NO CHANGE IN PLACE OF USE OF TRANSFERRED WATER; IRRIGATED
PLACE OF USE FOR WATER RIGHT 63-21761 IN SECTION 7, T4N., R2W WILL
BE REDUCED BY 12.9 ACRES.
- d. Remarks:
SEE COMPANION 'APPLICATION FOR PERMIT' SUBMITTED BY PROVIDENCE DEVELOPMENT
GROUP, LLC FOR 134 AFA OF AESTHETIC STORAGE IN 6 PONDS TOTALING 12.9 ACRES
OF SURFACE AREA. THE 'NEW' PERMIT WILL BE MITIGATED BY THE 0.26 CFS
(12.9 ACRES) PROPOSED TO BE TRANSFERRED HEREIN AT 1:1 POND TO IRRIGATED ACRES.

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 RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. 35 Decreed to CANYON COUNTY WATER COMPANY
in case of FARMERS COOPERATIVE DITCH COMPANY vs. RIVERSIDE IRRIGATION DISTRICT
dated 01/18/1906 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-21761 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 BOISE RIVER tributary to _____4. Date or priority 06/01/1867

5. Water is used for the following purposes:

amount 76.18 CFS for IRRIGATION purposes from 03/15 to 11/15
(cfs/ac-ft)

amount 0.59 CFS for GROUND WATER RECHARGE purposes from 03/15 to 11/15
(cfs/ac-ft)

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

6. Total amount of water under right 76.77 CFS cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	N	W	SW	17	4N	1W	ADA	

8. Lands irrigated or place of use: CANYON COUNTY WATER COMPANY SERVICE AREA
(SEE ATTACHED COPY OF WATER RIGHT NO. 63-21761 (Pages 1 to 4))

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	

Total Acres 3,986.29. Describe any other water rights used for the same purpose as described above 63-163, 63-179B, 63-3618C,
63-21761, 63-21762

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 0.26 cfs for GROUND WATER RECHARGE purposes from 03/15 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:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	SW	SW	17	4N	1W	ADA	

3. Lands irrigated or place of use:

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	
4N	2W	7									9.3					3.6			12.9

Total Acres 12.9

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

1. amount 75.92 cfs for IRRIGATION purposes from 03/15 to 11/15
 (cfs/ac-ft)
 amount 0.59 cfs for GROUND WATER RECHARGE purposes from 03/15 to 11/15
 (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
	NW	SW	SW	17	4N	1W	ADA	

3. Lands irrigated or place of use: UNCHANGED (SEE ATTACHED COPY OF WATER RIGHT NO. 63-2176) (PAGES 1-4)

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	

SEE ATTACHMENT

Total Acres 3986.2

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.

The grid is a 12x12 square grid. The horizontal lines are solid, and the vertical lines are dashed. The text "SEE ATTACHED MAPS" is handwritten in the center of the grid.

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

PART 3

B. CHANGES IN NATURE OF USE

1.

New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
<u>GROUND WATER RECHARGE</u>	<u>0.26 CFS</u>	<u>245/DAYS/YEAR</u>	<u>03/15</u> to <u>08/15</u>
			to _____
2. Quantity and quality of return flows and location of discharge: NO QUANTITY CHANGE, DISCHARGE IS TO PONDS W/ CANAL COMPANY SERVICE AREA, RESULTING IN GROUNDWATER RECHARGE AND RESULTANT RIVER GAINS. QUALITY IMPROVEMENT DUE TO REDUCED OVERLAND FLOW TO DISCHARGE POINTS RESULTING IN REDUCED SEDIMENT LOAD.
3. Describe effects on other water uses resulting from the proposed change:
THE TRANSFER WILL ALLOW THE USE OF GROUNDWATER FOR AESTHETIC PONDS FOR MIDDLETON LAKES SUBDIVISION WITHOUT DEPLETING THAT RESOURCE OR REDUCING THE QUANTITY OF THAT RESOURCE AVAILABLE TO OTHER WATER RIGHTS. THE TRANSFER IS NOT AN ENLARGEMENT OF THE WATER RIGHT OR AN INFRINGEMENT ON OTHER RIGHTS, BECAUSE THE ACREAGE AND CONSUMPTIVE USE DO NOT INCREASE.

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.

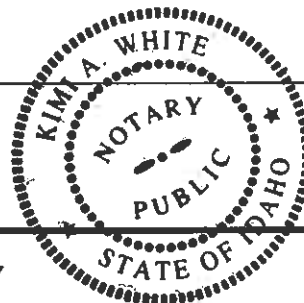
I understand that any willful misrepresentations made in this application may result in voiding its approval.

James Payne V-P
 (Signature of Applicant)

Subscribed and sworn to before me this 28th day of September, 2006.

Kim A. White
 (Notary Public)

My commission expires 01/01/10



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by lgagnon Date 9-27-06 Protest filed by _____

Prelim. Check by _____ Fee 200 - 250.00 Per Receipt, DAN 4-1-08

Received by lgagnon Date 9-27-06 W034731

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 Claim Report

07/25/2006

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	03/15	11/15	76.18 CFS	
GROUND WATER RECHARGE	03/15	11/15	0.59 CFS	87.9 AFA
Total Diversion			76.77 CFS	

Location of Point(s) of Diversion:

BOISE RIVER	NWSWSW	Sec. 17	Township 04N	Range 01W	ADA County
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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
04N	02W	5		SWSW	7									
				SWSE	40.5									
		7		NENE	29		NWNE	6		SWNE	35		SENE	38
				NENW	11		SWNW	37		SENE	38			
				NESW	38		NWSW	31						
				NESE	36		NWSE	32						
		8		NENE	40		NWNE	40		SWNE	32		SENE	38
				NENW	35		NWNW	10		SWNW	25		SENE	35
				NESW	4		NWSW	15						
				NESE	38		NWSE	36		SWSE	22		SESE	21
		9		SWNE	30		SENE	31						
				NENW	20		NWNW	26		SWNW	35		SENE	32
				NESW	40		NWSW	30		SWSW	36		SESE	40
				NESE	35		NWSE	37		SWSE	38		SESE	33
		10		SWNW	25		SENE	19						
				NESW	30		NWSW	34		SWSW	32		SESE	32
				NESE	14		NWSE	25		SWSE	35		SESE	38
		11		SENE	3									
				SENE	4									
				NWSW	15		SWSW	36		SESE	38			
				NWSE	14		SWSE	31		SESE	40			
		12		NWSW	2		SWSW	40		SESE	36			
		13		NENE	40		NWNE	40		SWNE	31.5		SENE	39
				NENW	38		NWNW	40		SWNW	36		SENE	27.5
				NESW	13.5		NWSW	30						
				NESE	28		NWSE	26.2						
		14		NENE	36		NWNE	37		SWNE	30		SENE	24
				NENW	36		NWNW	40		SWNW	37		SENE	36
				NESW	10		NWSW	10		SESE	6			
				NESE	7		NWSE	10						
		15		NENE	38		NWNE	40		SWNE	17		SENE	36
				NENW	39		NWNW	37		SWNW	33		SENE	18
				NWSW	5		SESE	28						
				SWSE	24		SESE	35						
		16		NENE	35		NWNE	38		SWNE	19		SENE	33
				NENW	38		NWNW	25		SENE	8			
		17		NENE	9									

03W	1	SWSW	35	SESW	15				
	2	NESE	15	SWSE	9	SESE	38		
	10	NWNE	20	SWNE	25	SENE	36		
		SENE	28						
		NESW	7	NWSW	8				
		NESE	8	NWSE	9				
	11	NENE	36	NWNE	35	SWNE	38	SENE	37
		SWNW	14	SENE	36				
		NESW	34	NWSW	36	SWSW	15	SESW	4
		NESE	10	NWSE	8				
	12	NENE	37	NWNE	36	SWNE	34	SENE	35
		NENW	35	NWNW	35	SWNW	36	SENE	34
		NESW	27	NWSW	30				
		NESE	34	NWSE	18				

Place of Use Legal Description: GROUND WATER RECHARGE CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	02W	13		SWNE										
				SENE										
				NESW										
				NWSE										

Total Acres: 3986.2

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.
5.	R05	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.	R43	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.	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.
8.	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.
9.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10.	T08	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.	T09	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.

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

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

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

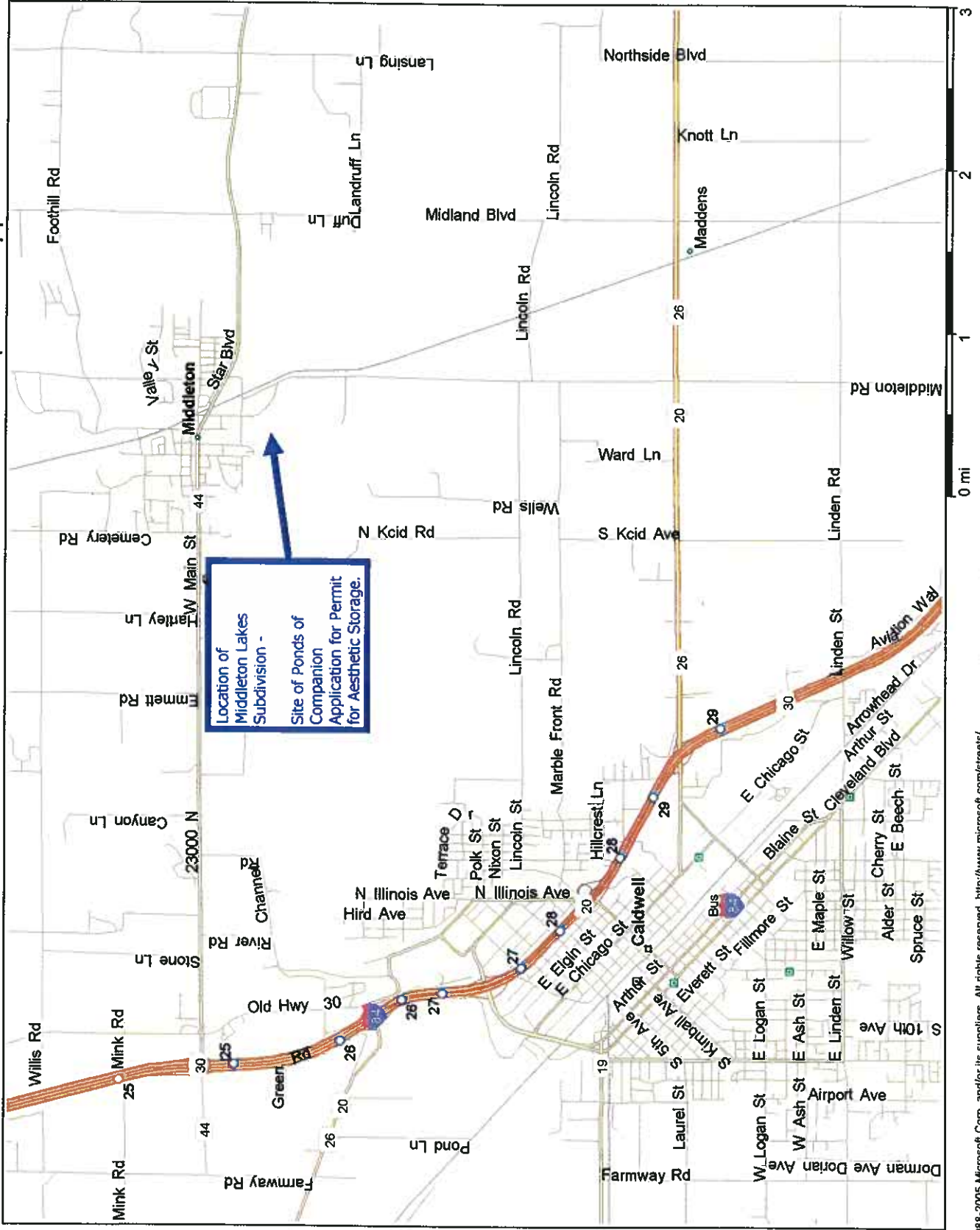
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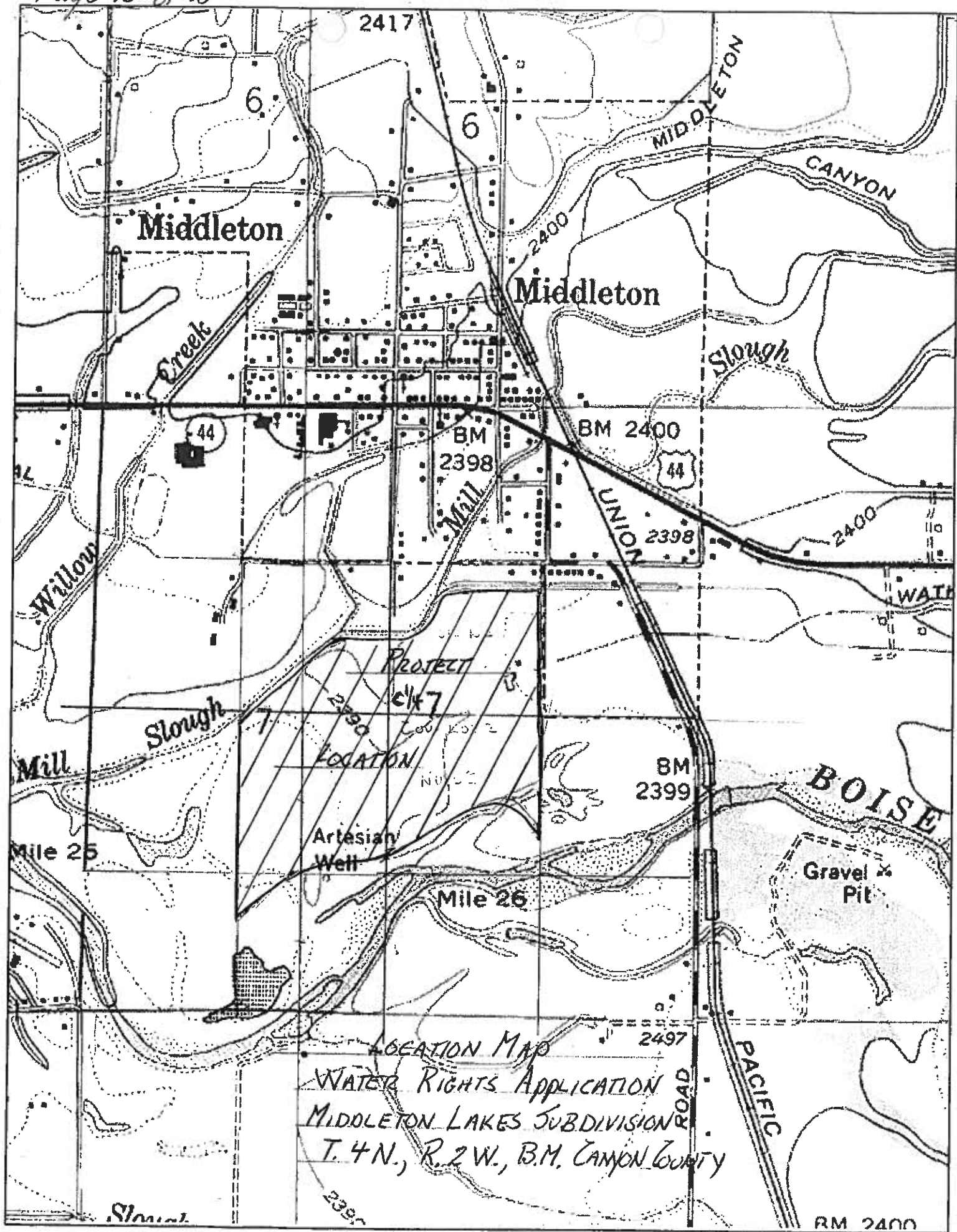
Cary Act Number:

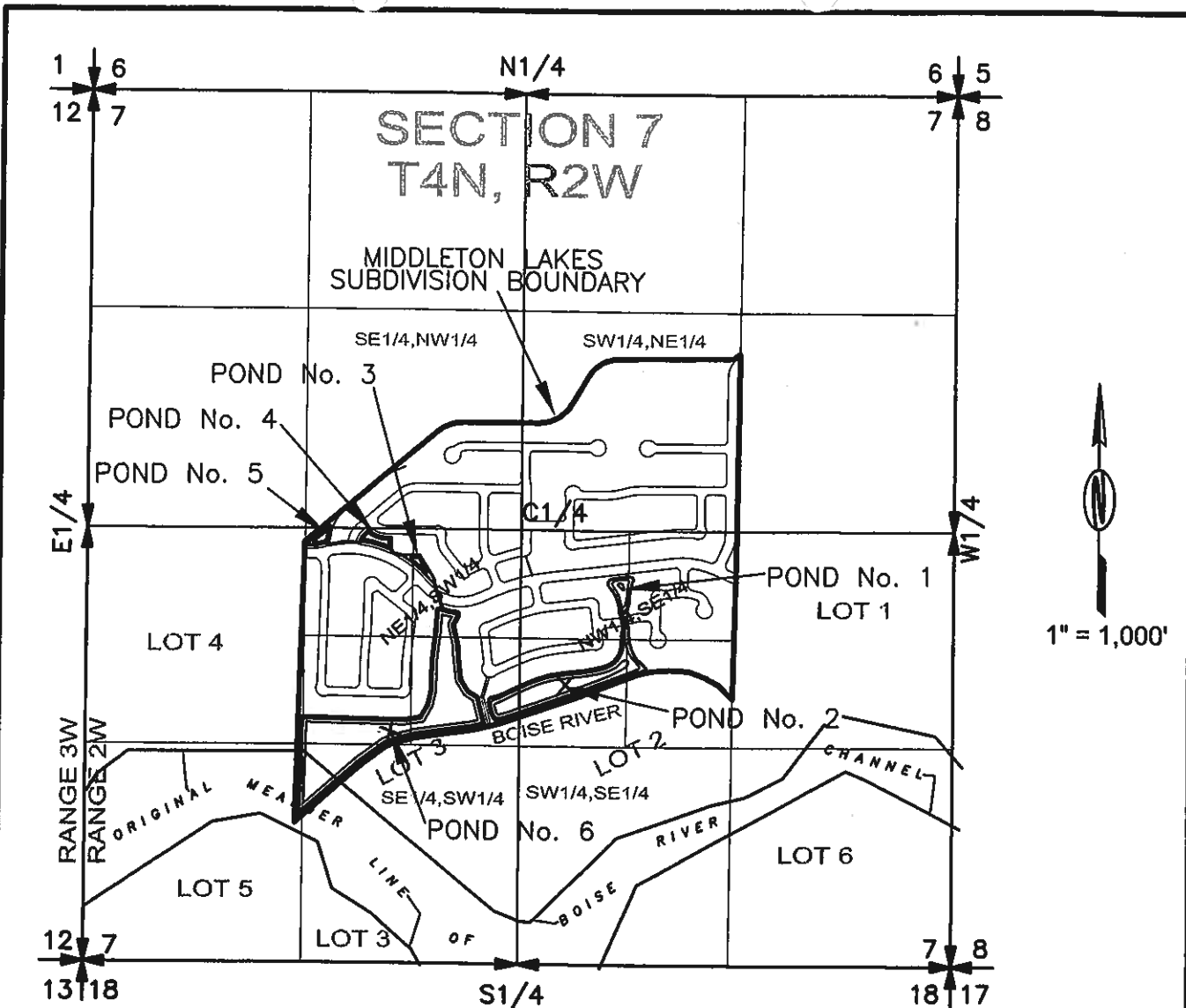
Mitigation Plan: False

Close

Location Map - Middleton Lakes Subdivision - Site of Ponds Cited in Companion 'Application for Permit'







POND DATA

POND No.	LOCATION POINTS OF DIVERSION POINTS OF USE 1/4SEC, 1/4SEC, 1/4SEC	SURFACE AREA (ACRES)	VOLUME (ACRES-Feet)	AVE. DEPTH (Feet)
1	NW,NW,SE (GOV. LOT 2)	0.43	3.02	7.0
2	SW,NW,SE (GOV. LOT 2)	3.16	32.54	10.3
3	NE,NE,SW (GOV. LOT 3)	0.19	1.04	5.5
4	NW,NE,SW (GOV. LOT 3)	0.24	1.40	5.9
5	NW,NE,SW (GOV. LOT 3)	0.17	0.95	5.7
6	SW,NE,SW (GOV. LOT 3)	8.73	95.04	10.9
TOTALS		12.91	133.98	

CADD A1-R3 © STANLEY CONSULTANTS

REVISIONS

WATER RIGHT APPLICATION EXHIBIT FOR
PROVIDENCE DEVELOPMENT GROUP, LLC
PERMIT FOR AESTHETIC STORAGE FOR SIX
PONDS IN MIDDLETON LAKES SUBDIVISION
IN SECTION 7
T.4 N., R.2 W., B.M.
CITY OF MIDDLETON, ADA COUNTY, IDAHO


Stanley Consultants INC.
1940 S. BONITO WAY
SUITE 140
MERIDIAN, IDAHO 83642
208-288-0573

DRAWN:

IBI

DATE: 6/01/06

SCALE: 1"=1000'

JOB NO. 17601

STOCK CERTIFICATE

Canyon County Water Company, Limited

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

Cert. No 1616

Total Number of Shares, 4000

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

96.3 Shares

This Certifies, That Providence Development Corp. LLC

is the owner of Ninety six point three

shares

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

of land located in Development Lots 2 and 3, and the Southwest Quarter

of the Northwest Quarter of Section 7, Township 4 North, Range 2 West, Bearing North

Canyon County, 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 17 day of

[SEAL]

Bellevue, A. D., 1920

Robert S. Carter

Secretary.

Frank B. Phillips

President.