

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 74751

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant Canyon County Water Company, Limited Phone (208) 455-1735Mailing address P.O. Box 11, Star ID, 83669 Email _____**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 See Attachment B.**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>75.90 cfs</u>	<u>Irrigation</u>	<u>3/1</u> to <u>11/15</u>
		<u>0.59 cfs</u>	<u>Ground Water Recharge</u>	<u>3/1</u> to <u>11/15</u>
		<u>0.28 cfs</u>	<u>Mitigation</u>	<u>3/1</u> to <u>11/15</u>

2. Total amount of water being transferred 76.77 cfs cubic feet per second and/or _____ acre-feet per annum.3. Source of water Boise River tributary to Snake River4. Point(s) of Diversion: Canyon County Water Company Service Area.

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

See Attachment B

RECEIVED

APR 09 2008

WITHDRAWN

Total Acres _____

PART 1

6. General Information:

- a. Description of diversion system See Attachment B.

- 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:
See Attachment B.

- d. Remarks:
See Attachment B.

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:

- 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. 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 Shares Certificate

3. Source of water Boise River tributary to Snake River4. Date or priority 06/01/1867

5. Water is used for the following purposes:

amount 76.18 cfs for Irrigation purposes from 3/1 to 11/15
(cfs/ac-ft)

amount 0.59 cfs for Ground Water Recharge purposes from 3/1 to 11/15
(cfs/ac-ft)

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

6. Total amount of water under right 76.77 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
	NW	SW	SW	17	4N	1W	ADA	

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	

See Attachment B.

Total Acres _____

9. Describe any other water rights used for the same purpose as described above 63-179B, 63-21761, 63-21762

PART 2

Transfer No. _____

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 0.28 cfs for Mitigation purposes from 3/1 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	¼	¼	¼	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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	2W	7										J	J						
4N	3W	12													J				

Total Acres _____

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

1. amount 75.90 cfs for Irrigation purposes from 3/1 to 11/15
 (cfs/ac-ft)
 amount 0.59 cfs for Ground Water Recharge purposes from 3/1 to 11/15
 (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
	NW	SW	SW	17	4N	1W	ADA	

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	

See Attachment B.

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 form consists of a large grid for drawing a map. The grid is composed of solid lines forming a 4x4 square pattern, with dashed lines forming a 16x16 section grid. The text "See Attachment 'C' Figures 1 & 2" is centered over the grid.

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>
	<u>Mitigation</u>	<u>0.28 cfs</u>	<u>24/260/yr</u>	<u>3/1</u> to <u>11/15</u>
				to _____

2. Quantity and quality of return flows and location of discharge: See attachment B.

3. Describe effects on other water uses resulting from the proposed change:
See Attachment B.

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.

Betha Foster
 (Signature of Applicant)

Betha Foster Sec.
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 29th day of March, 20 08.

Reba Sharon Scott
 (Notary Public)

REBA SHARON SCOTT
 Notary Public
 State of Idaho

My commission expires 5-15-12

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by DB Date 4-9-08 Protest filed by _____

Prelim. Check by _____ Fee \$250-

Received by DB/W036351 Date 4-9-08

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 _____

Attachment A

Stock Certificate

STOCK CERTIFICATE

Canyon County Water Company, Limited

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

Cert. No 1695

Total Number of Shares, 4000

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

This Certifies, That Riverland Estates Inc

is the owner of One Hundred Twelve

shares

of the Capital Stock of the CANYON COUNTY WATER COMPANY, Ltd., for and appurtenant to Lots 4, 5 and 7, and the SE 1/4 of the NW 1/4 of Sec 7, Township 4 N., Range 2 W. of the Boise Meridian, 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 18 day of

[SEAL]

April, A. D., 2006

Edna Foster

Secretary.

Frank W. Phillips

President.

Attachment B

Narrative

ATTACHMENT B

Application For Transfer of Water Rights Applicant: Canyon County Water Company, Limited

Part 1.A.2. – Describe the reason for the proposed changes:

Overview. Canyon County Water Company, Limited (Applicant) intends to change the nature of use of Water Right No. 63-21761 (76.77 cfs) of lands within the proposed River Run Subdivision (“Development”), by Riverbend Estates LC (“Developer”). The Applicant requests a change in use of 0.28 cfs of existing water right 63-21761 from **Irrigation** to **Mitigation** use for the purpose of offsetting evaporative losses from amenity ponds proposed in the Development.

Part 1.B.5. - Lands irrigated or place of use:

Canyon County Water Company, Limited - Service Area

Twp	Rge	Sec	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02W	5											7				40.5		47.5
		7	29	6	35	38	11		33	36	38	J & 27	J		36	32			294
		8	40	40	32	38	35	10	25	35	4	15			38	36	22	21	391
		9			30	31	20	26	35	32	40	30	36	40	35	37	38	33	463
		10							25	19	30	34	32	32	14	25	35	38	284
		11				3				4		15	36	38		14	31	40	181
		12										2	40	36					78
		13	40	40	31.5	39	38	40	36	28	13.5	30			28	26.2			389.7
		14	36	37	30	24	36	40	37	36	10	10		6	7	10			319
		15	38	40	17	36	39	37	33	18		5		28			24	35	350
		16	35	38	19	33	38	25		8									196
		17	9																9
04N	03W	1											35	15					50
		2													15		9	38	62
		10		20	25	36				28	7	8			8	9			141
		11	36	35	38	37			14	36	34	36	15	4	10	8			303
		12	37	36	34	35	35	35	36	34	27	30			J & 30	18			357

Total Acres 3972.2

Part 1.B.6a. – Description of diversion system:

Water is diverted at the existing diversion dam, and delivered through a canal and laterals to the place of use. Aesthetic water will remain in the ditch and be delivered back to the Boise River.

Part 1.B.6c. – Describe the effects on the land now irrigated if the place of use is changed pursuant to this transfer:

No change in place of use of the transferred water. Irrigated place of use for water right No. 63-21761 (in Section 7, T4N, R2W and Section 12, T4N, R2W) will be reduced by

14.0 acres. The site of the Development historically has been flood-irrigated to produce pasture grass. A portion of the land within the current place of use will cease to be irrigated due to the presence of impervious surfaces and constructed ponds. Areas within the Development that are not dedicated to impervious surfaces will be landscaped with turf, trees and shrubs and irrigated with an efficient pressure system, or will be dedicated to ponds, or will not be irrigated (natural open spaces).

Part 1.B.6d. – Remarks:

Mitigation.

In accordance with the Idaho Department of Water Resources (IDWR) “1:1 Swap” policy, 1 acre of irrigation for each acre of pond surface area will be retired to offset evaporative losses in the pond. The 14.0 acres will be changed from irrigation to mitigation use. Therefore;

$$3986.2 \text{ acres} - 14.0 \text{ acres} = \mathbf{3972.2 \text{ acres remaining (for irrigation use)}}$$

$$76.18 \text{ cfs} - (0.02 \text{ cfs/Ac.} * 14.0 \text{ Ac.}) = 75.90 \text{ cfs remaining (for irrigation use)}$$

$$0.02 \text{ cfs} * 14.0 = 0.28 \text{ cfs}$$

The 0.28 cfs will be diverted from the Canyon County Water Company, Limited irrigation ditch and returned to the Boise River within the boundaries of the proposed River Run Subdivision.

Riverbend Estates LC has concurrently submitted an Application For Permit for 232 acre-feet of aesthetic groundwater storage in the proposed ponds for the Development.

Irrigation.

The Canyon County Water Company, Limited (“Applicant”) has three other water rights that are combined and delivered to share holders within there service boundary. The Development has 112 shares from the Canyon County Water Company, Limited (“Applicant”). Each share is equal to a flow of 0.02 cfs. The developer will divert 14 shares or 0.28 cfs from the irrigation ditch to the Boise River to mitigate the evaporative losses from 14.0 acres of proposed ponds within the development.

$$112 \text{ shares} * 0.02 \text{ cfs} = 2.24 \text{ cfs}$$

$$14 \text{ shares} * 0.02 \text{ cfs} = 0.28 \text{ cfs}$$

$$2.24 \text{ cfs} - 0.28 \text{ cfs} = 1.96 \text{ cfs}$$

The development will divert a maximum of 1.96 cfs into a proposed irrigation system. A flow meter shall be installed at the point of diversion out of the irrigation ditch to limit the diversion to 1.96 cfs. This irrigation water will then be pumped through a pressure irrigation system to be used over the entire development.

PART 2

Part 2.A.8. - Lands irrigated or place of use:

Based on information obtained in the IDWR Adjudication Claim Report for Water Right No. 63-21761

Twp	Rge	Sec	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02W	5											7				40.5		47.5
		7	29	6	35	38	11		37	38	38	31			36	32			331
		8	40	40	32	38	35	10	25	35	4	15			38	36	22	21	391
		9			30	31	20	26	35	32	40	30	36	40	35	37	38	33	463
		10							25	19	30	34	32	32	14	25	35	38	284
		11				3				4		15	36	38		14	31	40	181
		12										2	40	36					78
		13	40	40	31.5	39	38	40	36	27.5	13.5	30			28	26.2			389.7
		14	36	37	30	24	36	40	37	36	10	10		6	7	10			319
		15	38	40	17	36	39	37	33	18		5		28			24	35	350
		16	35	38	19	33	38	25		8									196
		17	9																9
04N	03W	1											35	15					50
		2													15		9	38	62
		10		20	25	36				28	7	8			8	9			141
		11	36	35	38	37			14	36	34	36	15	4	10	8			303
		12	37	36	34	35	35	35	36	34	27	30			34	18			391

Total Acres 3986.2

Part 2.C.3. - Lands irrigated or place of use

Twp	Rge	Sec	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02W	5											7	41					47.5
		7	29	6	35	38	11		33	36	38	27			36	32			321
		8	40	40	32	38	35	10	25	35	4	15			38	36	22	21	391
		9			30	31	20	26	35	32	40	30	36	40	35	37	38	33	463
		10							25	19	30	34	32	32	14	25	35	38	284
		11				3				4		15	36	38		14	31	40	181
		12										2	40	36					78
		13	40	40	31.5	39	38	40	36	27.5	13.5	30			28	26.2			389.7
		14	36	37	30	24	36	40	37	36	10	10		6	7	10			319
		15	38	40	17	36	39	37	33	18		5		28			24	35	350
		16	35	38	19	33	38	25		8									196
		17	9																9
04N	03W	1											35	15					50
		2													15		9	38	62
		10		20	25	36				28	7	8			8	9			141
		11	36	35	38	37			14	36	34	36	15	4	10	8			303
		12	37	36	34	35	35	35	36	34	27	30			30	18			387

Total Acres 3972.2

PART 3.B.

Part 3.B.2. – Quantity and quality of return flows and location of discharge:

The portion of the water right changed from irrigation to mitigation will be diverted from the irrigation ditch and into the Boise River, within the boundaries of the proposed River Run Subdivision, to mitigate the evaporative losses from the proposed ponds.

Part 3.B.3. – Describe effects on other water users resulting from the proposed change:

This transfer will allow Applicant and Riverbend Estates LC to continue the beneficial use of water right no. 63-21761 on appurtenant lands within the Canal Company's service area. The transfer also will facilitate the use of Aesthetic Ponds in the proposed River Run Subdivision by mitigating the evaporative losses from the proposed ponds without depleting the ground water or reducing the amount of water available to fill other water rights.

This transfer will not result in an enlargement of the water right or cause injury to other water rights because the acres to which the water will be applied and consumptive use of the water will not increase. The irrigation area for water right 63-21761 will be reduced by 14.0 acres. The portion of the water right changed from irrigation to mitigation will not impact other water users.

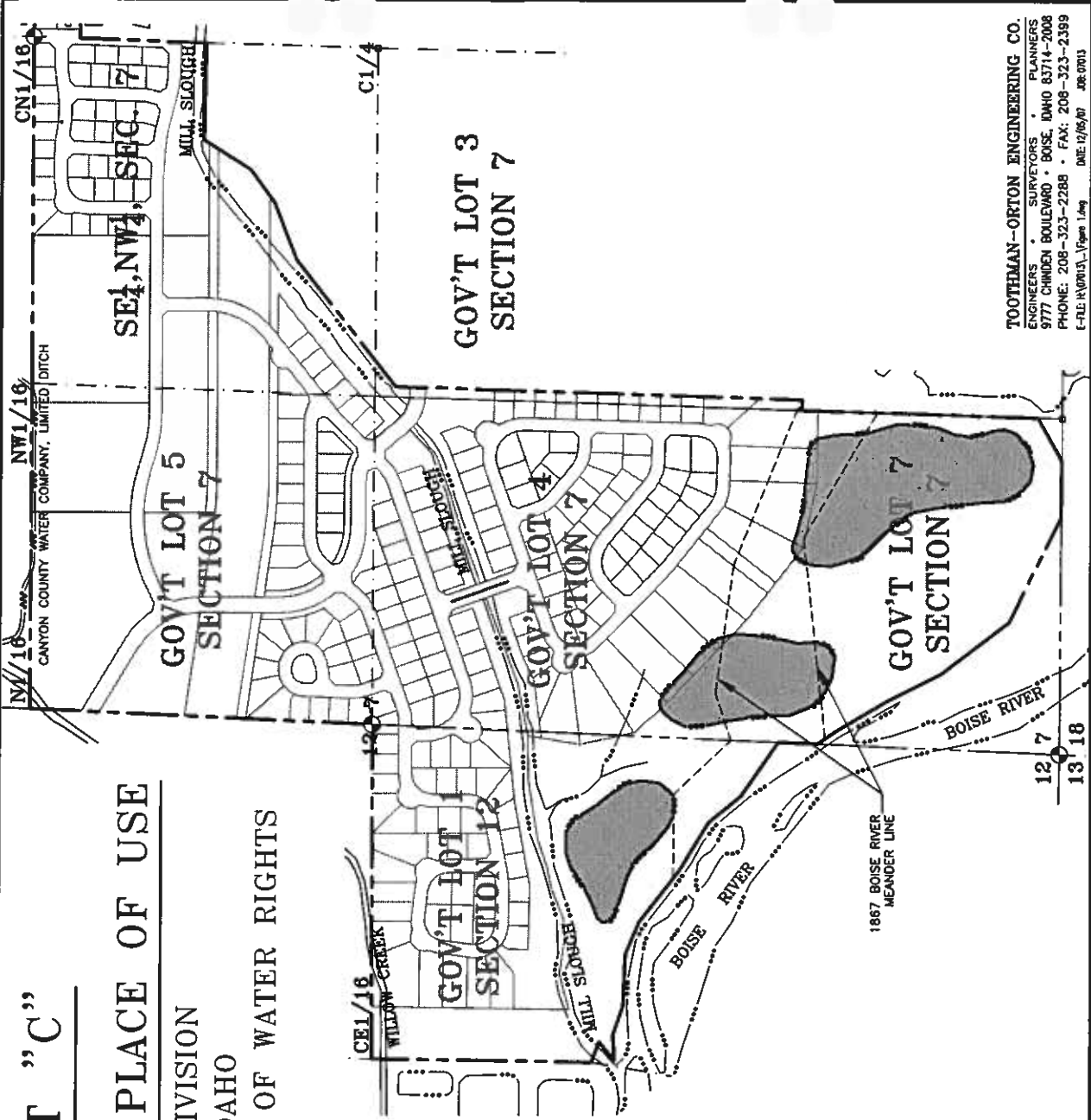
Attachment C

Figures 1 & 2

ATTACHMENT "C"

FIGURE 1: PROPOSED PLACE OF USE

RIVER RUN SUBDIVISION
MIDDLETON, IDAHO
APPLICATION FOR TRANSFER OF WATER RIGHTS



TOOTHMAN-ORTON ENGINEERING CO.
ENGINEERS • SURVEYORS • PLANNERS
9777 CHIMDEN BOULEVARD • BOISE, IDAHO 83714-2008
PHONE: 208-323-2288 • FAX: 208-323-2399
E-FILE: 10/01/03, 10/01/03, 10/01/03

