

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Alpine Creek, LLC Phone 208-229-3276
Post Office address 5529 W. School Ridge Rd., Boise, ID 83714

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 Clarify source name
2. Describe the reason for the proposed changes Water rights 63-4023A and 63-4086A have a common irrigation system and a 122-acre permissible place of use(PPU), as listed in the rights' decreed place of use (POU), points of diversion (POD) and remarks. Water rights 63-4980, 63-4981 and 63-4982 have a common irrigation system as reflected in their decreed remarks, but were not decreed with a PPU. The purpose of this transfer is to 1) modify the 122-acre PPU to account for future modifications to the property, including re-alignment of Hwy 55 and development of a park along Dry Creek, 2) clarify the source listed on rights 63-4023A, 63-4086A and 63-4980 from "Spring Creek Ditch" and "Spring Creek" to Spring Valley Creek as listed on the topo map, 3) describe the actual Spring Valley Creek POD location in the SWSE S26 on rights 63-4023A and 63-4086A, 4) reflect a common irrigation system on all five rights, and 5) add a POD from Dry Creek in the SWNW, S35, T5N R1E. Also, the original GIS shape for right 63-4981 contained an error, describing the water right on land owned by a neighbor. This error is corrected in the proposed PPU. See attached topo maps for visual details.

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>63-4023A</u>	<u>07/01/1927</u>	<u>2.44 cfs</u>	<u>Irrigation</u>	<u>3/1</u>	to <u>11/15</u>
<u>63-4086A</u>	<u>07/20/1960</u>	<u>2.44 cfs</u>	<u>Irrigation</u>	<u>3/1</u>	to <u>11/15</u>
<u>63-4980</u>	<u>03/01/1919</u>	<u>0.62 cfs</u>	<u>Irrigation</u>	<u>3/1</u>	to <u>11/15</u>
<u>63-4981</u>	<u>03/01/1926</u>	<u>1.37 cfs</u>	<u>Irrigation</u>	<u>3/1</u>	to <u>11/15</u>
<u>63-4982</u>	<u>03/01/1920</u>	<u>0.45 cfs</u>	<u>Irrigation</u>	<u>3/1</u>	to <u>11/15</u>

2. Total amount of water being transferred *2.44 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Dry Creek tributary to Boise River
Spring Valley Creek Dry Creek

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	26	5N	1E	Ada	Existing Spring Creek POD
		NW	NE	35	5N	1E	Ada	Existing Dry Creek POD
		SW	NW	35	5N	1E	Ada	Proposed Dry Creek POD

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	
5N	1E	35					35	19	36	30	2								122

PART 1

6. General Information:

- a. Description of diversion system Existing PODs: headgates, flumes, gravity ditches
Proposed POD: perforated pipe, sump 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?
X Yes 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:
N/A
- d. Remarks:
The proposed POD on Dry Creek is an old dam that washed out in 1998. The dam site will be rebuilt to enhance stream flow and reduce sediment load. NRCS and Idaho DEQ are funding and participating in this project, which also includes re-vegetation of the stream banks and improving wildlife habitat. A future park is planned within the proposed PPU on both sides of the Dry Creek.

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 Partial Decrees 63-4023A, 63-4086A, 63-4980, 63-4981 and 63-4982. Transfer pages 3 and 4 apply to all five rights)

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 None other than those included on this transfer application.

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 _____ for _____ purposes from _____ to _____
(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

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	

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(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

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	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3
(See Attached Map)

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.

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
 N/A _____ to _____
 _____ to _____

Quantity and quality of return flows and location of discharge: _____

N/A _____

2. Describe effects on other water uses resulting from the proposed change:

N/A _____

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.



Nicki M. Tatterson, Manager Alpine Creek LLC
 (Signature of Applicant)

Subscribed and sworn to before me this 31st day of March, 2008

Lori Graves
 (Notary Public)

My commission expires 6/18/2010

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 8 attachments

Received by JMH by DB Date 4-11-08 Protest filed by _____

Prelim. Check by KW Fee \$330-

Receipted by JMH Date 4-11-08 W036362

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 _____

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I R C.P. 54(b) FOR
Case No 39576)
) Water Right 63-04023A

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 10 2007

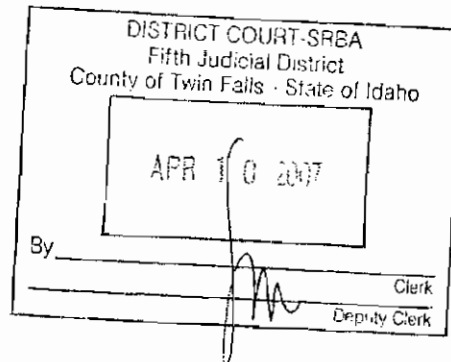
By _____ Clerk
_____ Deputy Clerk

limited to a total

Attachment A,

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-04086A



NAME AND ADDRESS: ALPINE CREEK LLC
5529 W SCHOOL RIDGE RD
BOISE, ID 83714

SOURCE: DRY CREEK TRIBUTARY: BOISE RIVER
SPRING CREEK DITCH TRIBUTARY: DRY CREEK

QUANTITY: 2.44 CFS

PRIORITY DATE: 07/20/1960

POINT OF DIVERSION: 105N R01E S35 NWNE Within Ada County
NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	2.44 CFS

PLACE OF USE:	Irrigation	Within Ada County
	105N R01E S35	NWNE 19.0
		SWNW 36.0
		SENE 28.0
	122.0 Acres Total	

Use of this right with the rights listed below is limited to the irrigation of a combined total of 122 acres in a single irrigation season. Combined Right Nos : 63-4023A, 63-4980, 63-4981 and 63-4982

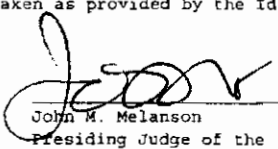
Use of this right with rights listed below is limited to a total combined diversion rate of 2.44 cfs. Combined Right Nos : 63-4023A, 63-4980, 63-4981 and 63-4982

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

A2

In Re SRBA) PARTIAL DECREE PURSUANT TO
) I R C.P. 54(b) FOR
Case No 19576)
)
) Water Right 63-04980

NAME AND ADDRESS: ALPINE CREEK LLC
5529 W SCHOOL RIDGE RD
BOISE ID 83714

SOURCE: SPRING CREEK IRIBUINARY: DRY CREEK

QUANTITY: 0.62 CFS

PRIORITY DATE: 03/01/1919

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.62 CFS

Use of this right with the rights listed below is limited to the irrigation of a combined total of 122 acres in a single irrigation season. Combined Right Nos : 63-4023A, 63-4086A, 63-4981 and 63-4982

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. I C SECTION 42-1412(6)

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), F.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

PAGE 1
Mar-16-2007

 A_3

A 4

In Re SRBA) PARTIAL DECREE PURSUANT TO
) 1 R C P 54(b) FOR
Case No 39576)
)
) Water Right 63-04982

to

DISTRICT COURT SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 10 2007

By _____ Clerk
_____ Deputy Clerk

PRIORITY DATE: 03/01/1920

POINT OF DIVERSION: I05N R01E S35 NWNE Within Ada County

PLACE OF USE:	Irrigation		Within Ada County
	105N R01E S35	SWNW 1 0	SENE 19 0
		NESW 3 0	NWSW 1 0
	24 0 Acres Total		

Use of this right with the rights listed below is limited to the irrigation of a combined total of 122 acres in a single irrigation season. Combined Right Nos : 63-4023A, 63-4086A 63-4980 and 63-4981

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WAIVER RIGHT:

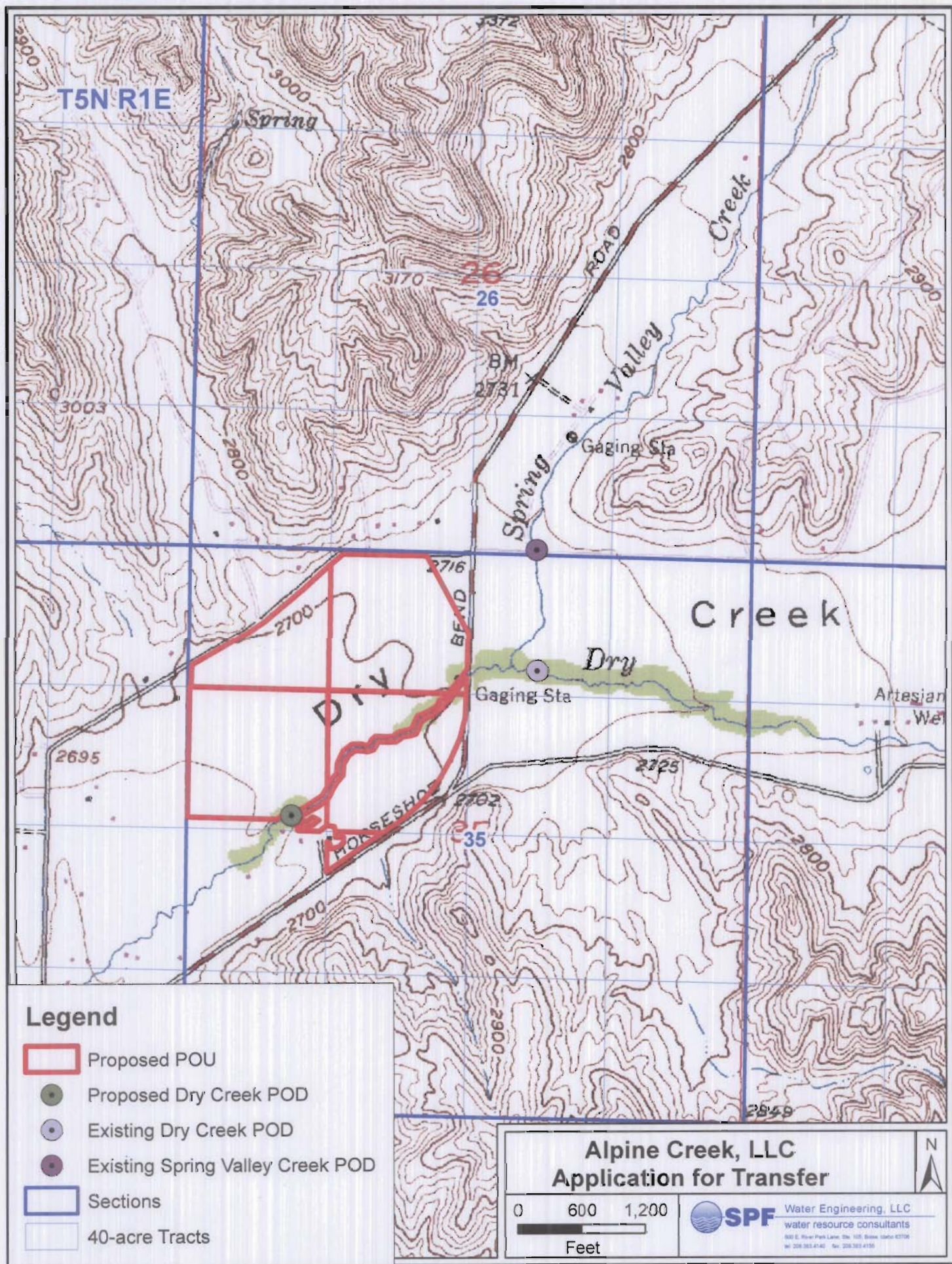
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE I.C. SECTION 42-1412(6)

RULE 54(b) CERTIFICATE

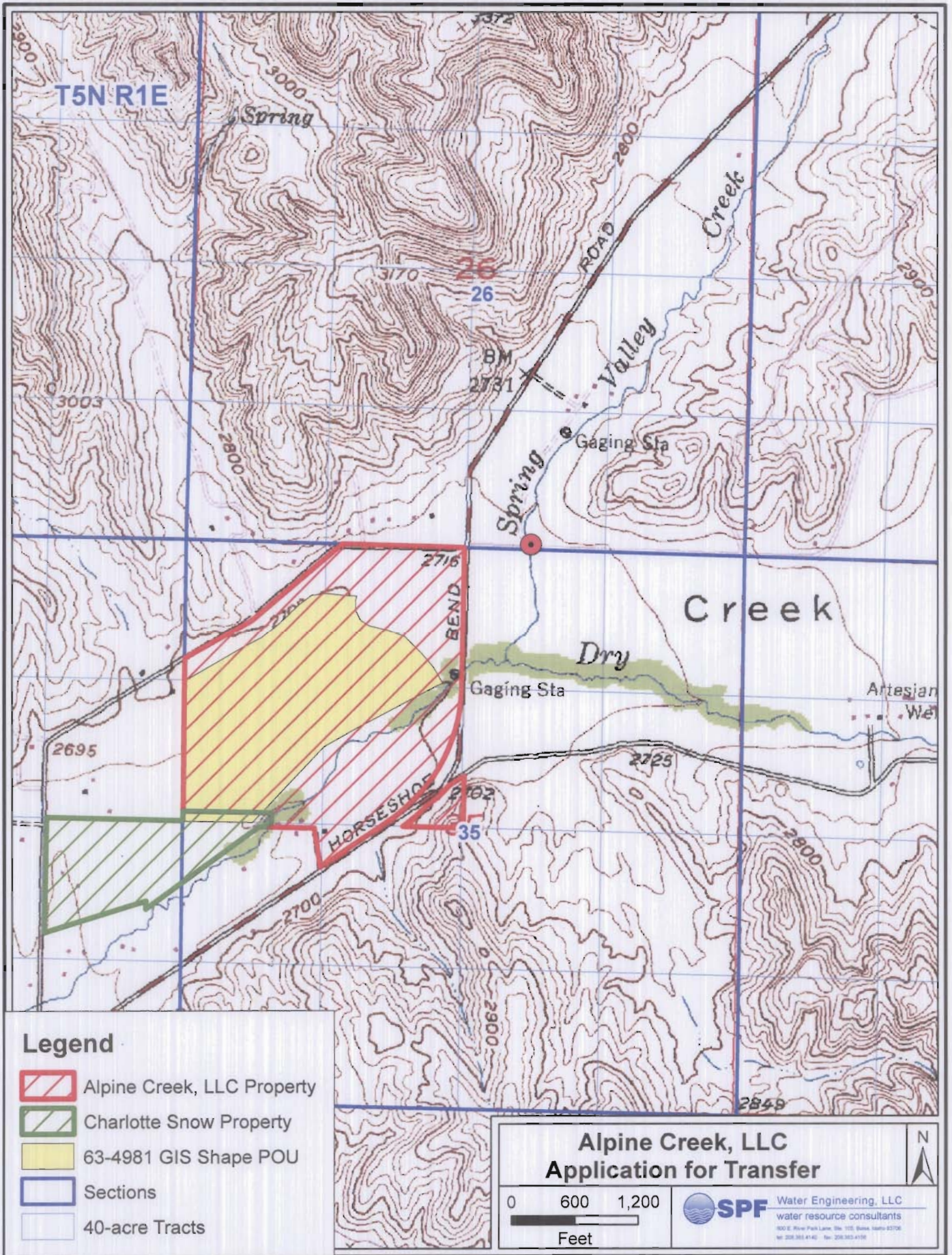
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I R C P , that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

A5



Attachment B1



B2



March 31, 2008

SPF Water Engineering, LLC
Attn: Lori Graves
600 E. River Park Ln., Suite 105
Boise, ID 83706-6551

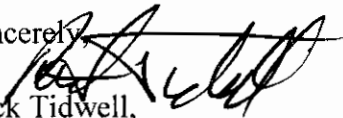
Re: Application for Transfer of Water Rights for Alpine Creek, LLC

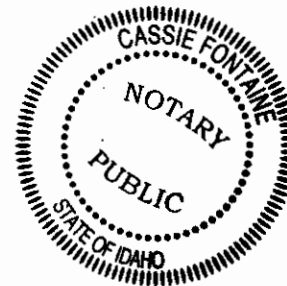
Dear Lori,

Idaho Banking Company has reviewed a copy of the Application for Transfer of Water Right for Alpine Creek, LLC, including water right nos. 63-4023A, 63-4086A, 63-4980, 63-4981 and 63-4982.

Idaho Banking Company currently has a mortgage on the property where the transfer of water rights will occur.

We approve of the transfer that is being proposed on this property.

Sincerely,

Rick Tidwell,
Vice President
Meridian Branch Manager



State of Idaho)
) SS.
County of Ada)
Rick Tidwell)

Subscribed and sworn (or affirmed) before me this 31 day of March, 2008.


Notary Public
Residing at Boise, ID
My Commission Expires 9/4/13

- **Eagle**
402 S. Eagle Rd.
Eagle, Idaho 83616
208-939-7040
- **Fairview**
6010 Fairview Ave.
Boise, Idaho 83704
208-472-4700
- **Meridian**
1875 S. Eagle Rd.
Meridian, Idaho 83642
208-955-0686
- **ParkCenter**
449 E. Parkcenter Blvd.
Boise, Idaho 83706
208-395-1505
- **Mortgage**
2965 E. Tarpon Dr., Ste. 150
Meridian, Idaho 83642
208-378-1013
- **Construction**
2965 E. Tarpon Dr., Ste. 150
Meridian, Idaho 83642
208-947-5588
- **Administration**
7661 Riverside Dr., Ste. 201
Boise, Idaho 83714
208-287-6505

Attachment C