

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 72104

This is to certify that: B W INC  
250 S BEECHWOOD STE120  
BOISE ID 83709  
(208)375-6666

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**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-194       | AJC/Decreed         | 06/01/1877      | 5.20 cfs    | N/A           | N/A               | 238.0              | BOISE RIVER   |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-194                | NO           | NO         | NO         | NO             | YES                  | YES                  |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-194                | <b>63-194</b>                    | 5.20 cfs             | N/A                    | N/A               | 200.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>5.20 cfs</b>      | <b>N/A</b>             | <b>N/A</b>        | <b>200.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 7<sup>th</sup> day of July, 2006

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-194**  
**As Modified by Transfer No. 72104**

In accordance with the approval of Transfer No. 72104, Water Right No. 63-194 is now described as follows.

**Right Holder:** T R CO LLC  
 250 S BEECHWOOD AVE STE 120  
 BOISE ID 83709

**Priority Date:** June 01, 1877

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | to 11/15  | 4.37 CFS              |               |
| AESTHETIC STORAGE     | 01/01       | to 12/31  |                       | 112.1 AF      |
| DIVERSION TO STORAGE  | 03/01       | to 11/15  | 0.83 CFS              |               |
|                       |             |           | 5.20 CFS              |               |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER                      SWSW                      Sec. 16 Twp 04N   Rge 01E   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   |        |       |
| 04N 01E 17  |    |    | 14.6 | 15.2 |    |    |    | 8.6 |    |    |    | 29.4 | 6.2 | 34.9 | 29.2 | 26.7 | 35.2   | 200.0 |
|             |    |    | L 7  | L 8  |    |    |    | L 6 |    |    |    | L 6  |     |      |      | L 8  | L 7    |       |

Total Acres: 200

**PLACE OF USE:**    AESTHETIC STORAGE

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE  |     |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE  | NW  | SW | SE |        |
| 04N 01E 17  |    |    |    |    |    |    |    |    |    |    |    |    | X   | X   | X  | X  |        |
|             |    |    |    |    |    |    |    |    |    |    |    |    | L 8 | L 7 |    |    |        |

**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. 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.

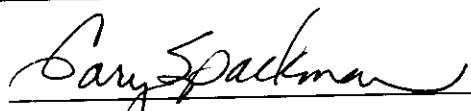
**WATER RIGHT NO. 63-194**  
**As Modified by Transfer No. 72104**

**CONDITIONS OF APPROVAL**

4. 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.
5. 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.
6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. Right 63-194 authorizes the diversion of an annual total of 112.1 af for Aesthetic Storage to be used for the replacement of losses caused by evaporation from the 38.0 acre total surface area of sixteen (16) ponds established under Right 63-32139.
8. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the lands above.
10. Use of this right is combined with water from the Mace-Catlin Ditch Company.
11. This right is also designated as Right No. 63 in the Boise River Stewart Decree and Boise River Water Distribution Report.
12. Property is also known as Two Rivers Subdivision.

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 7th day of July, 2006

  
Chief, Water Allocation Bureau