

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72503

This is to certify that: BOULDER MEADOWS IRRIGATION INC
C/O MILLEMANN PITTENGER MCMAHAN & PEMBERTON LLP
PO BOX 1066
MC CALL ID 83638
(208)634-7641

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>
65-2963	WR/Decreed	12/09/1965	6.18 cfs	490 af	N/A	350.0	BOULDER CREEK
65-12007	WR/Decreed	09/30/1977	N/A	80 af	N/A	350.0	BOULDER CREEK

Purpose of Transfer (Changes Proposed)

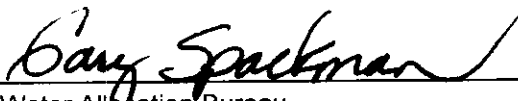
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-2963	NO	NO	YES	NO	NO	NO
65-12007	NO	NO	YES	NO	NO	NO

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>
65-2963	65-2963	6.18 cfs	490 af	N/A	350.0		N/A	N/A	N/A	N/A
65-12007	65-12007	N/A	80 af	N/A	350.0		N/A	N/A	N/A	N/A
COMBINED TOTALS		6.18 cfs	570 af	N/A	350.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 22nd day of May, 20 06


Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 65-2963

WATER RIGHT NO. 65-2963
As Modified by Transfer No. 72503

In accordance with the approval of Transfer No. 72503, Water Right No. 65-2963 is now described as follows.

Right Holder: BOULDER MEADOWS IRRIGATION INC
 C/O MILLEMANN PITTENGER MCMAHAN & PEMBERTON LLP
 PO BOX 1066
 MC CALL ID 83638

Priority Date: December 09, 1965

Source: BOULDER CREEK

Tributary: NORTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/15	6.18 CFS	
IRRIGATION STORAGE	01/01	to 12/31		490.0 AF
IRRIGATION FROM STORAGE	04/15	to 10/15		490.0 AF
			6.18 CFS	490.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BOULDER CREEK SWNE Sec. 28 Twp 18N Rge 04E VALLEY County

PLACE OF USE: IRRIGATION 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	
18N	04E	27							X			X							
18N	04E	28			X	X									X	X			

PLACE OF USE: IRRIGATION & IRRIGATION FROM STORAGE (See Conditions of Approval #1 & 2)

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Rights 65-2963 and 65-12007 when combined shall not exceed the irrigation of 350 acres in a single irrigation season within the Boulder Meadows Irrigation Inc. boundaries.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 65-2963
As Modified by Transfer No. 72503

CONDITIONS OF APPROVAL

5. 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.
6. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
7. 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. 65D.
8. 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(s).
9. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/5/2004.
10. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 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 22nd day of May, 20 06



Chief, Water Allocation Bureau

WATER RIGHT NO. 65-12007
As Modified by Transfer No. 72503

In accordance with the approval of Transfer No. 72503, Water Right No. 65-12007 is now described as follows.

Right Holder: BOULDER MEADOWS IRRIGATION INC
 C/O MILLEMANN PITTENGER MCMAHAN & PEMBERTON LLP
 PO BOX 1066
 MC CALL ID 83638

Priority Date: September 30, 1977

Source: BOULDER CREEK

Tributary: NORTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION FROM STORAGE	4/15	10/15		80.0 AF
IRRIGATION STORAGE	1/01	12/31		80.0 AF
				80.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BOULDER CREEK SWNE Sec. 28 Twp 18N Rge 04E VALLEY County

PLACE OF USE: IRRIGATION 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	
18N	04E	27							X			X							
18N	04E	28			X	X									X	X			

PLACE OF USE: IRRIGATION & IRRIGATION FROM STORAGE (See Conditions of Approval #1 & 2)

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Rights 65-2963 and 65-12007 when combined shall not exceed the irrigation of 350 acres in a single irrigation season within the Boulder Meadows Irrigation Inc. boundaries.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 65-12007
As Modified by Transfer No. 72503

CONDITIONS OF APPROVAL

5. 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.
6. Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
7. 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. 65D.
8. 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(s).
9. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/5/2004.
10. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 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 22nd day of May, 20 06



Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72503

Digital Boundary for Boulder Meadows irrigation Inc
Rights 65-2963 & 65-12007
May 22, 2006

