

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Transfer No. 72109
Revisions Approved
by: [Signature]
date: 4-28-05

Post Office address P.O. Box 11, Star, ID 83669

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 0.59 cfs from irrigation to mitigation. The mitigation use will be associated with a new water right permit for aesthetic ponds and supplemental irrigation uses of groundwater within the Canyon County Water Company service area.

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

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>63-21761</u>	<u>6/1/1867</u>	<u>76.18 cfs</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
<u> </u>	<u> </u>	<u>0.59 cfs</u>	<u>~~mitigation~~</u> <u>ground water</u> <u>Recharge</u> MM	<u>Mar. 15</u> to <u>Nov. 15</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

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:

[illegible]

5. Lands irrigated or place of use: **Canyon County Water Company Service Area**

[illegible]

~~RECEIVED~~

Total Acres 3986.2

RECEIVED

MAY 02 2005

FEB 28 2005

WATER RESOURCES
WESTERN REGION

PART 1

6. General Information:

- a. Description of diversion system Existing diversion dam, with canal and laterals to place of use. Mitigation water will be diverted into ponds.
- 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 the transferred water; irrigated place of use for water right 63-21761 (in Section 13, T4N, R2W) will be reduced by 29.3 acres.
- d. Remarks:
See companion Amended Application for Permit submitted by Jevin Investments, Inc. for 16.8 acres of aesthetic ponds and supplemental irrigation on 75 acres at 0.5 af/ac (37.5 af). The new permit will be mitigated by the 0.59 cfs/29.3 acres proposed to be transferred herein: 16.8 acres for ponds (1:1 pond to irrigated area) and 12.5 acres for supplemental irrigation (3 af/ac x 12.5 acres = 37.5 af).

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. 35 Decreed to Canyon County Water Company
in case of Farmers Cooperative Ditch Company vs. Riverside Irrigation District
dated 1/18/1906 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 Snake River

4. Date or priority 6/1/1867

5. Water is used for the following purposes:
amount 76.77 cfs for irrigation purposes from Mar. 15 to Nov. 15
(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	
													7				40.5		47.5
4N	2W	5													36	32			331
		7	29	6	35	38	11		37	38	38	31			38	36	22	21	391
		8	40	40	32	38	35	10	25	35	4	15			35	37	38	33	463
		9			30	31	20	26	35	32	40	30	36	40	35	37	38	33	284
		10							25	19	30	34	32	32	14	25	35	38	181
		11				3				4		15	36	38		14	31	40	78
		12									2	40	36						419
		13	40	40	40	39	38	40	36	35	25	30			28	28			319
		14	36	37	30	24	36	40	37	36	10	10		6	7	10			350
		15	38	40	17	36	39	37	33	18		5		28			24	35	196
		16	35	38	19	33	38	25		8									9
		17	9																50
4N	3W	1											35	15					

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	
		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 4015.5

9. Describe any other water rights used for the same purpose as described above 63-163, 63-179B, 63-3618C, 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 0.59 for irrigation purposes from Mar. 15 to Nov. 15
(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	13			8.5					7.5	11.5					1.8			29.3

Total Acres 29.3

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

1. amount 76.18 for irrigation purposes from Mar. 15 to Nov. 15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

3. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NW	SW	SW	17	4N	1W	Ada	

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	
													7				40.5		47.5
4N	2W	5													36	32			331
		7	29	6	35	38	11		37	38	38	31			38	36	22	21	391
		8	40	40	32	38	35	10	25	35	4	15			35	37	38	33	463
		9			30	31	20	26	35	32	40	30	36	40	14	25	35	38	284
		10							25	19	30	34	32	32		14	31	40	181
		11				3				4		15	36	38					78
		12										2	40	36					389.7
		13	40	40	31.5	39	38	40	36	27.5	13.5	30			28	26.2			319
		14	36	37	30	24	36	40	37	36	10	10		6	7	10			350
		15	38	40	17	36	39	37	33	18		5		28			24	35	196
		16	35	38	19	33	38	25		8									9
		17	9																50
4N	3W	1											35	15					62
		2													15		9	38	141
		10		20	25	36				28	7	8			8	9			303
		11	36	35	38	37			14	36	34	36	15	4	10	8			391
		12	37	36	34	35	35	35	36	34	27	30			34	18			

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.

See Attached Maps

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

PART 3**B. CHANGES IN NATURE OF USE**

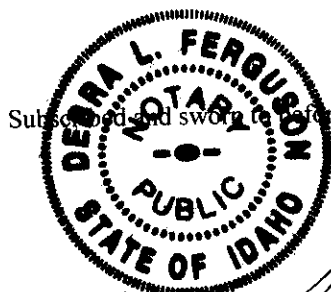
1.

New Nature of Use	Amount(cfs/af-ft)	Hours/days/year	Period of Use
<u>mitigation</u>	<u>0.59 cfs</u>	<u>245 day/yr</u>	<u>3/15</u> to <u>11/15</u>
2. Quantity and quality of return flows and location of discharge: No change in quantity. Discharge will be to ponds within canal company service area, resulting in groundwater recharge and resultant river gains. Quality of return flow may improve due to reduced overland flow to drains (with resultant reduction in sediment load).
3. Describe effects on other water uses resulting from the proposed change:
This transfer will allow Canyon County Canal Company and the proposed River Ranch development to continue the beneficial use of water right 63-21761 on appurtenant lands within the Canal Company's service area. The transfer also will facilitate the use of ground water without depleting the resource 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 the consumptive use of water will not increase. The irrigated area for water right 63-21761 will be reduced by 29.3 acres.

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.

Frank W Phillips
 (Signature of Applicant)



Subscribed and sworn to before me this 17th day of January, 20 05.

Debra L Ferguson
 (Notary Public)

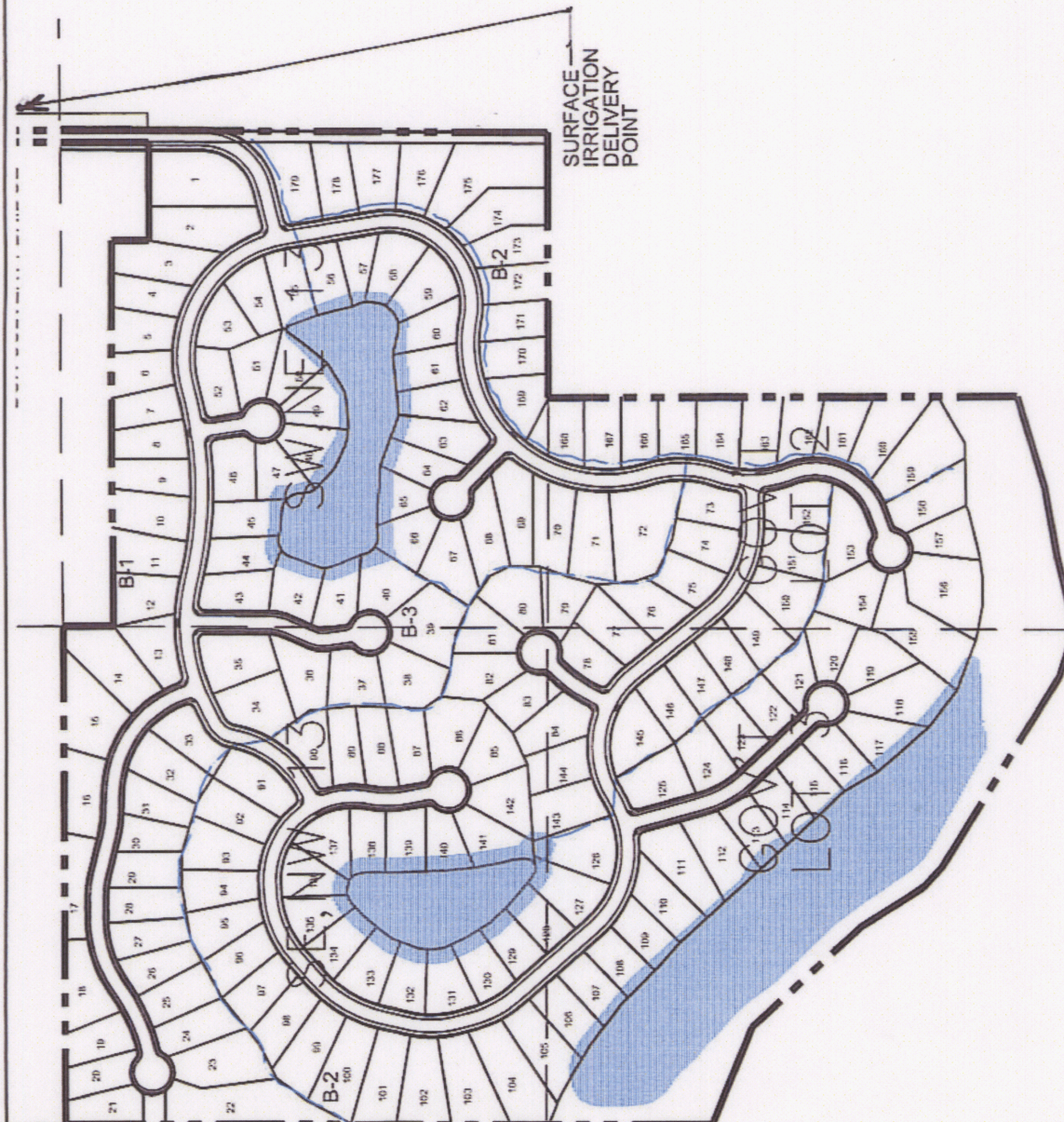
My commission expires 10-31-07

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments
 Received by DB Date 2-28-05 Protest filed by _____
 Prelim. Check by 6 Fee \$250- W032639
 Receipted by DB Date 2-28-05
 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 _____



PROPOSED RIVER RANCH DEVELOPMENT

POST-DEVELOPMENT IRRIGATED ACREAGE

SE1/4, NW1/4, SECTION 13
 TOTAL ACRES = 40.0
 IRRIGATED ACRES = 25.5
 POND ACRES = 3.2

SW1/4, NE1/4, SECTION 13
 TOTAL ACRES = 36.0
 IRRIGATED ACRES = 22.5
 POND ACRES = 4.6

GOV'T LOT 3, SECTION 13
 TOTAL ACRES = 30.0
 IRRIGATED ACRES = 15.4
 POND ACRES = 9.0

GOV'T LOT 2, SECTION 13
 TOTAL ACRES = 19.0
 IRRIGATED ACRES = 11.6
 POND ACRES = 0.0

Section 13, Township 4N, R2W

RiverRidge Engineering Company

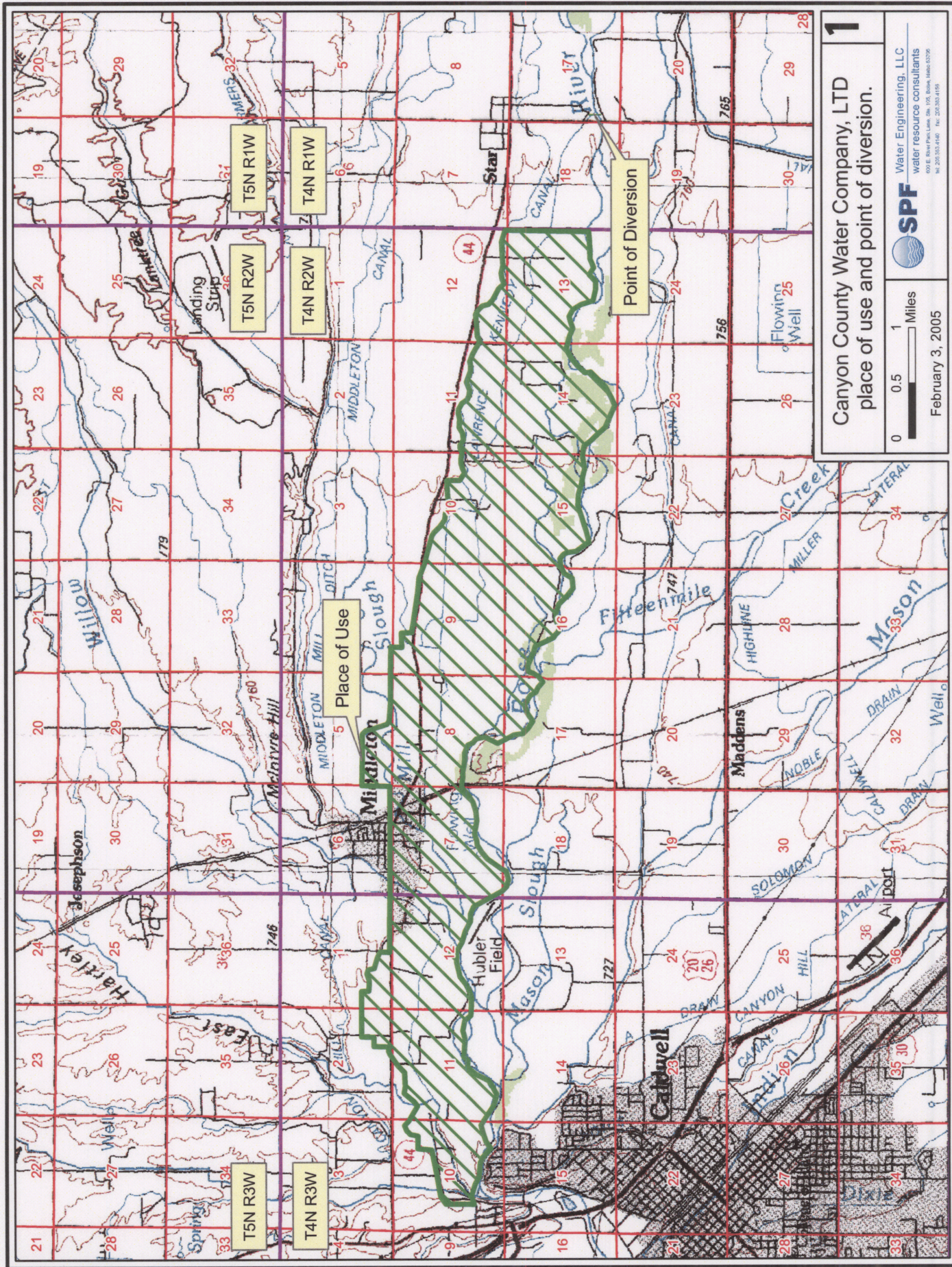
405 W. Myrtle St. Boise, Idaho 83702
 PHONE: (208) 344-1189 FAX: (208) 344-1182

DATE: _____

JOB: _____

C-FILE: _____

DRAWN BY: _____



1

Canyon County Water Company, LTD
place of use and point of diversion.

0 0.5 1 Miles

February 3, 2005

SPF Water Engineering, LLC
water resource consultants
603 E. River Park Lane, Ste. 105, Boise, Idaho 83706
Tel: 208.353.4140 Fax: 208.353.4150

Copy

STOCK CERTIFICATE **Canyon County Water Company, Limited**

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

Cert. No 1655 Total Number of Shares, 4000 65 Shares
 TOTAL PAR VALUE OF CAPITAL STOCK, \$40,000

This Certifies, That Frank W. Dille
 is the owner of 65 shares
 of the Capital Stock of the CANYON COUNTY WATER COMPANY, Ltd., for and appurtenant to
21433 1/2 Ave - Boise ID

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 11 day of

[SEAL]

February, A. D., 2005

John D. Lee Secretary. Frank W. Dille President.

STOCK CERTIFICATE

Canyon County Water Company, Limited

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

Cert. No 1516 Total Number of Shares, 4000 40 Shares

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

This Certificate, That *Stephen A. Muthill & Linda A. Turner* is the owner of *forty* shares of the Capital Stock of the CANYON COUNTY WATER COMPANY, Ltd., for and appurtenant to *a portion of the W 1/2 of the NE 1/4 of Sec 13 Township 4 N Range 2 W. Boise Meridian Canyon Co. 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 14 day of

[SEAL]

W. Muthill, A. D., 1929

Frank W. Dill Secretary.

Frank W. Dill President.