

Page 1 of 7STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72104APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant BW Inc Phone 375-6666
Post Office address 250 S. Beechwood, Suite 120, Boise, Idaho 83709

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 Land which was irrigated for various crops, including alfalfa, in the past is now being converted to ponds for aesthetic and wildlife use. The full amount of the diversion is no longer needed. The total pond area (16 ponds) is 38.1 Acres. The remaining irrigated land is for yard and garden is 114.6 acres. The remaining unused amount will be placed in the water bank.

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 |
|-----------------|------------|--------------------|--------------------|----------------|
| 63-194 | 06-01-1877 | 0.83 cfs | Aesthetic/Wildlife | 03-15 to 11-15 |
| 63-194 | 06-01-1877 | 2.50 cfs | Irrigation | 03-15 to 11-15 |
| 63-194 | 06-01-1877 | 1.86 cfs | Water Bank | 03-15 to 03-15 |
- Various crops, including alfalfa, have been historically grown on the proposed land to
2. Total amount of water being transferred 5.20 cfs 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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	16	4N	1E	Ada	Thomas Aikens Canal beginning reach
								Location clarified but not physically changed

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
04N	01E	17			5.4	7.3				4.9	18.7			5.0	19.7	17.3	17.5	18.9	114.6
04N	01E	17				JW	JW			JW	JW			JW	JW	JW	JW	JW	38.1 aesthetic
04N	01E	17			9.2	7.9				3.7	10.7			1.2	15.2	11.9	9.2	16.3	85.3 water bank

Total acres 238.0

PART 1

6. General Information:

- a. Description of diversion system Typical diversion from river, distribution by buried pipe through pond network. Pressurized irrigation for yard, garden, and open space.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes NO 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 the place of use is proposed. Some land that was previously irrigated is now impervious surface. The water used to irrigate the impervious surface is proposed to be placed in the water bank. See accompanying water bank application. Proposing storage use for ponds with Application for Permit. No change in original total acreage is proposed.
- d. Remarks:
Use is for evaporation (ET) losses in ponds and the irrigation of yards, gardens, and open space. Point of diversion on decreed right 63-194 is incorrect. The correct location in SWSW Sec 16. of same township which has been clarified. Returns to Mason-Catlin canal NWSW Sec 16 T4N R1E BW Inc. and T R Company, LLC are associated owners. See attached description.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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 evidenced by:

- a. Decree No. 63-194 Decreed to Thomas H. Aikens (now BW Inc.)
in case of _____ vs. _____
dated 06-01-1877 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-194 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a 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 Boise River tributary to Snake River

4. Date or priority 06-01-1877

5. Water is used for the following purpose:

amount 5.2 cfs for Irrigation purposes from 03-15 to 11-15
(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 5.2 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
		SW	SW	16	4N	1E	Ada	Thomas Aiken canal - clarified

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1E	17			15	16				10	40			10	40	40	30	37	238

Total acres 238

9. Describe any other water rights used for the same purpose as described above 63-132, 63-133, 63-182 share
the same quarter quarter, but may not be the same place of use exactly.

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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

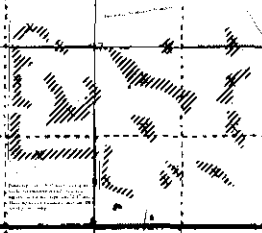
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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 rights described in part 1. Clearly depict the land by section, township and range number.

SEE ATTACHED QUARTER QUARTER MAPS MAPS ARE AT 1 INCH = 200 FEET Areas were calculated from subdivision plat and 2004 aerial (National Agriculture Imagery Program (NAIP)) photos aligned to plat. Some areas are not yet occupied and impervious areas were estimated based on typical home/driveway footprint. Water right quarter section area and measured quarter section area do not always agree. The amount of water right reflected in the "retired irrigation" category was adjusted to not exceed the allotted water right based on 238 acres at 0.02 cfs per acre, or 4.76 cfs total right even though the decreed right is based on a slightly higher value.											
T 4 N, R 1 E, Sec. 17  Point of diversion											

T 4 N, R 1 E, Sec. 17

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/ac-ft)	Hours/days/year	Period of Use
	Aesthetics, pond evaporation	0.76 cfs		03-15 to 11-15
				to

2. Quantity and quality of return flows and location of discharge:

The quantity of return flow would be small resulting from infiltration. All use computed at 0.0218 cfs/acre.

The quality would be equivalent or better than the original use.

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

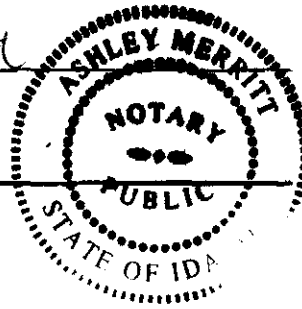
None anticipated.

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.

Dennis M. Baker
 (Signature of Applicant)
 Dennis M. Baker, president
 Subscribed and sworn to before me this 24th day of June, 2005

Ashley Merritt
 (Notary Public)
 My commission expires 10/08

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by G Fee \$450

Received by DB W032439 Date 12/2/2004

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

An aerial photograph from 1987 showing a landscape with a yellow grid overlay. The grid is composed of both straight and wavy lines. A central section is labeled 'T4N R1E'. To the left of this section is the number '18', to the right is '16', and below the central section is '17'. The photograph shows various land uses, including fields, roads, and some buildings.

1987 Aerial Photo

T4N R1E

18

17

16



Two Rivers Water Rights Detail	SENE Acres
Area - Water Right	16.0
Area - Measured	14.4
Impervious Surface	6.3
Pond Area	0.8
Retired Irrigation (Adjusted)	7.9
Remaining Irrigation	7.3



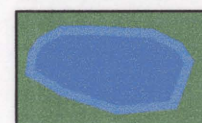
Property
Boundary



Impervious surface,
existing, 2004

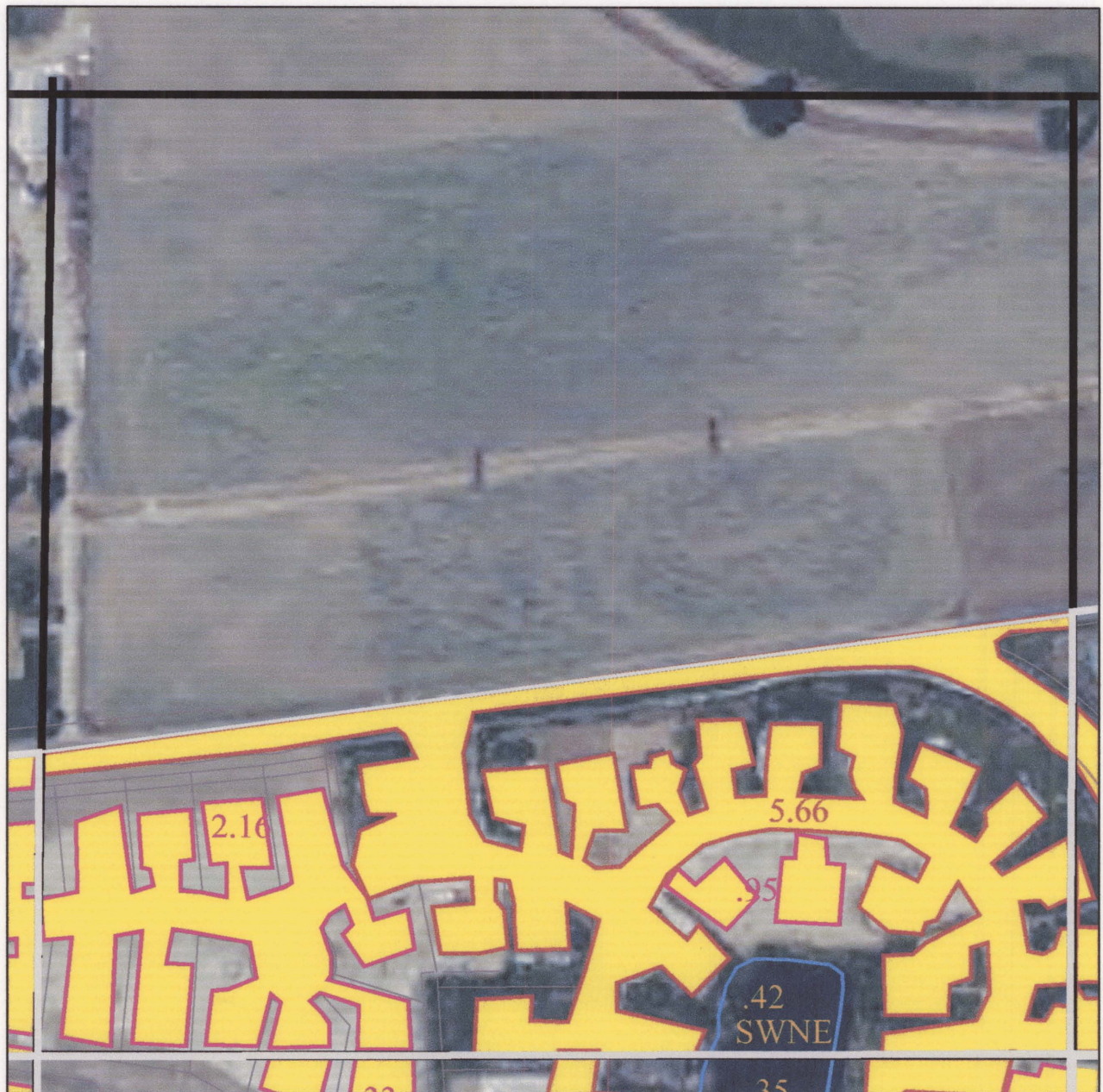


Impervious surface,
projected, 2004

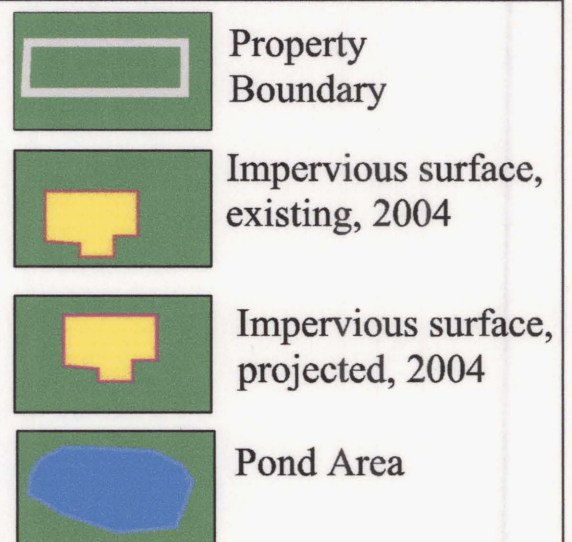


Pond Area

SENE, Section 17, T 4 N, R 1 E
TWO RIVERS SURFACE AREA



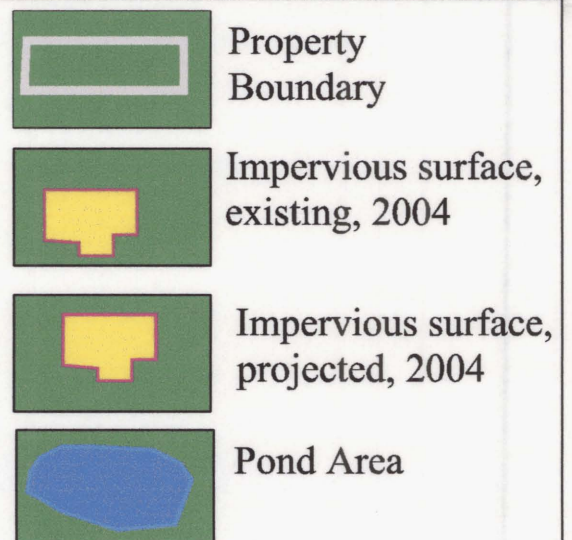
Two Rivers Water Rights Detail	SWNE
	Acres
Area - Water Right	15.0
Area - Measured	14.6
Impervious Surface	8.8
Pond Area	0.4
Retired Irrigation (Adjusted)	9.2
Remaining Irrigation	5.4



SWNE, Section 17, T 4 N, R 1 E
TWO RIVERS SURFACE AREA



Two Rivers Water Rights Detail	SENW
	Acres
Area - Water Right	10.0
Area - Measured	11.6
Impervious Surface	5.3
Pond Area	1.4
Retired Irrigation (Adjusted)	3.7
Remaining Irrigation	4.9

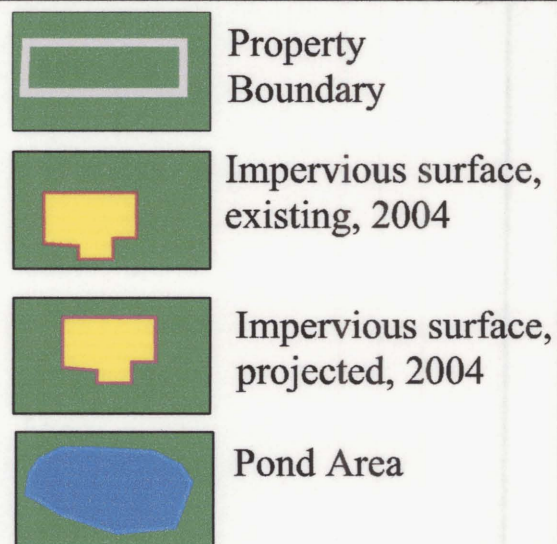


SENW, Section 17, T 4 N, R 1 E

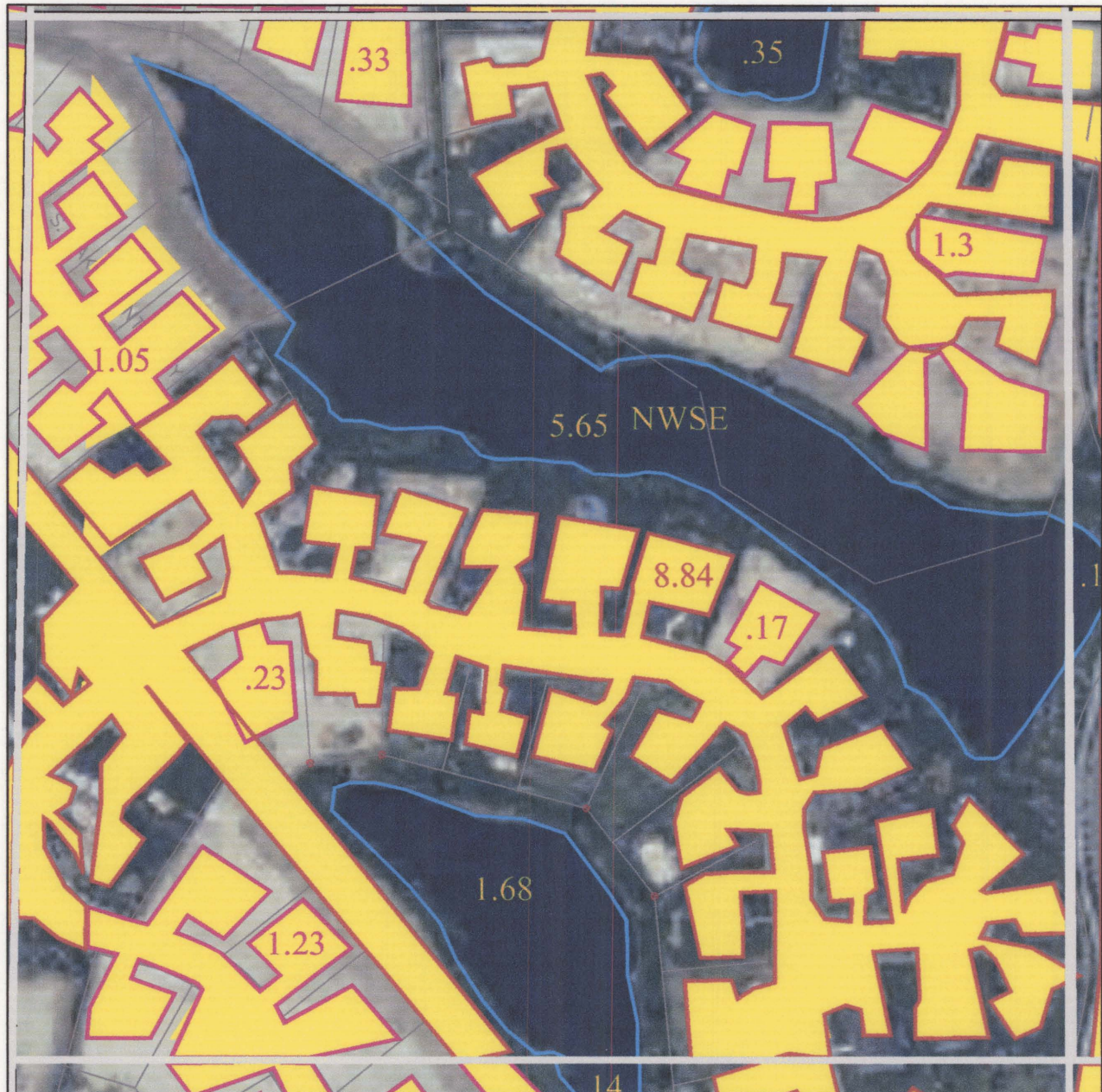
TWO RIVERS SURFACE AREA



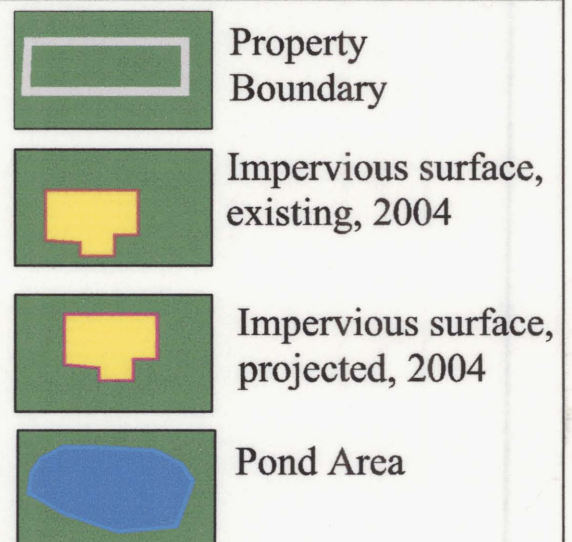
Two Rivers Water Rights Detail	NESE Acres
Area - Water Right	40.0
Area - Measured	39.3
Impervious Surface	14.5
Pond Area	5.1
Retired Irrigation (Adjusted)	15.2
Remaining Irrigation	19.7



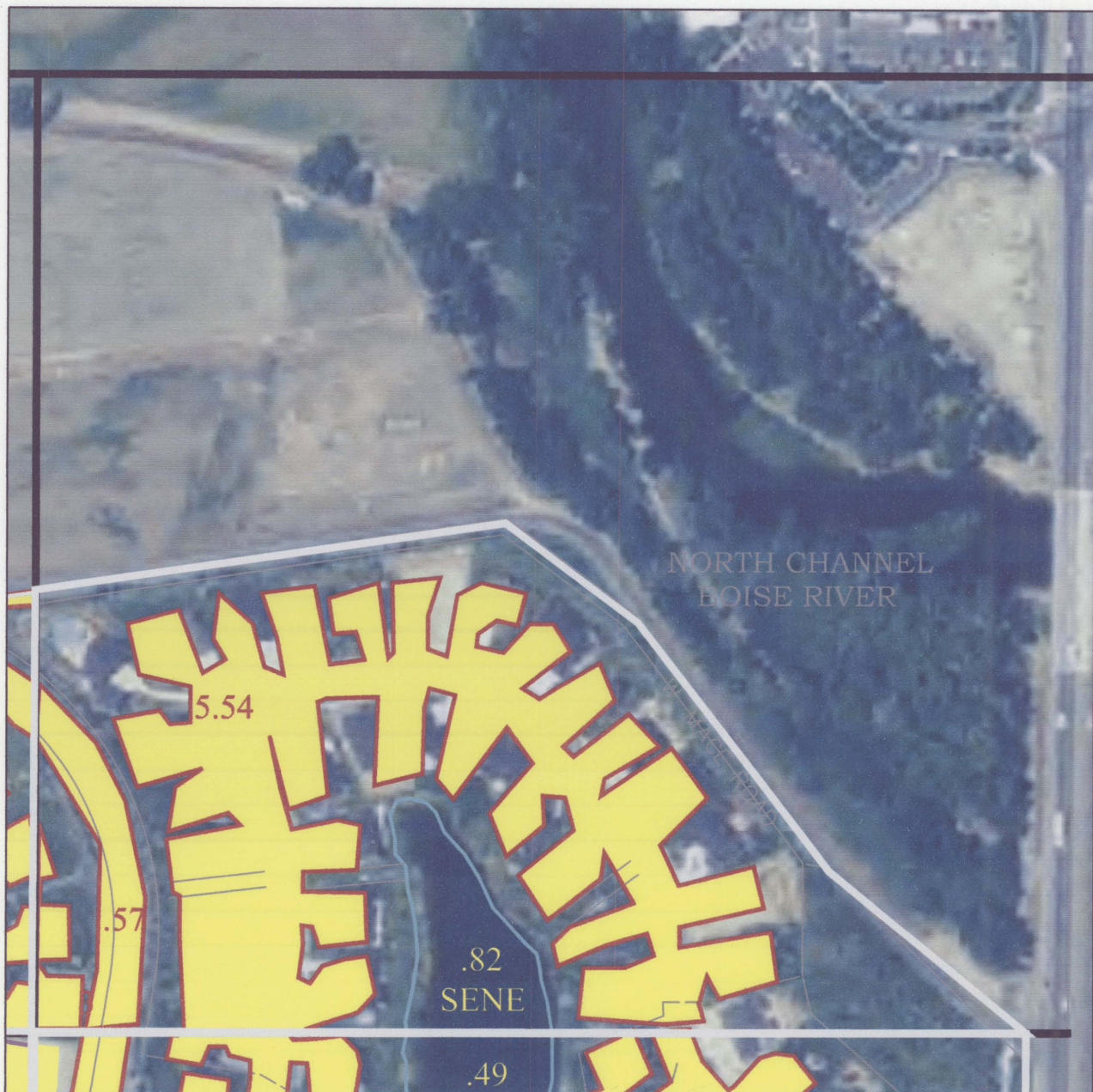
NESE, Section 17, T 4 N, R 1 E
TWO RIVERS SURFACE AREA



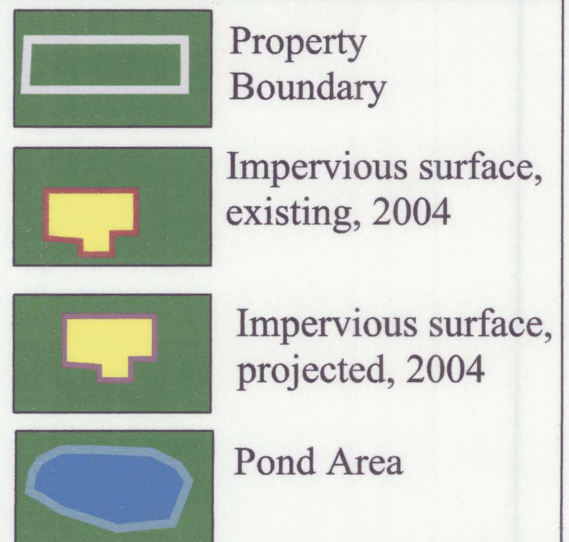
Two Rivers Water Rights Detail	NWSE
	Acres
Area - Water Right	40.0
Area - Measured	41.3
Impervious Surface	13.2
Pond Area	10.8
Retired Irrigation (Adjusted)	11.9
Remaining Irrigation	17.3



NWSE, Section 17, T 4 N, R 1 E
TWO RIVERS SURFACE AREA



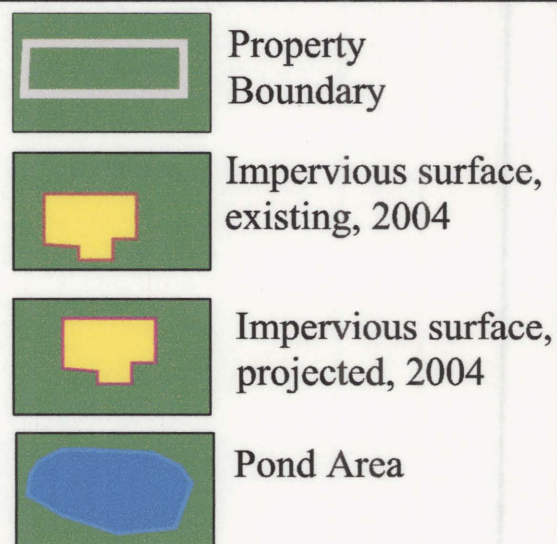
Two Rivers Water Rights Detail	SENE
	Acres
Area - Water Right	16.0
Area - Measured	14.4
Impervious Surface	6.3
Pond Area	0.8
Retired Irrigation (Adjusted)	7.9
Remaining Irrigation	7.3



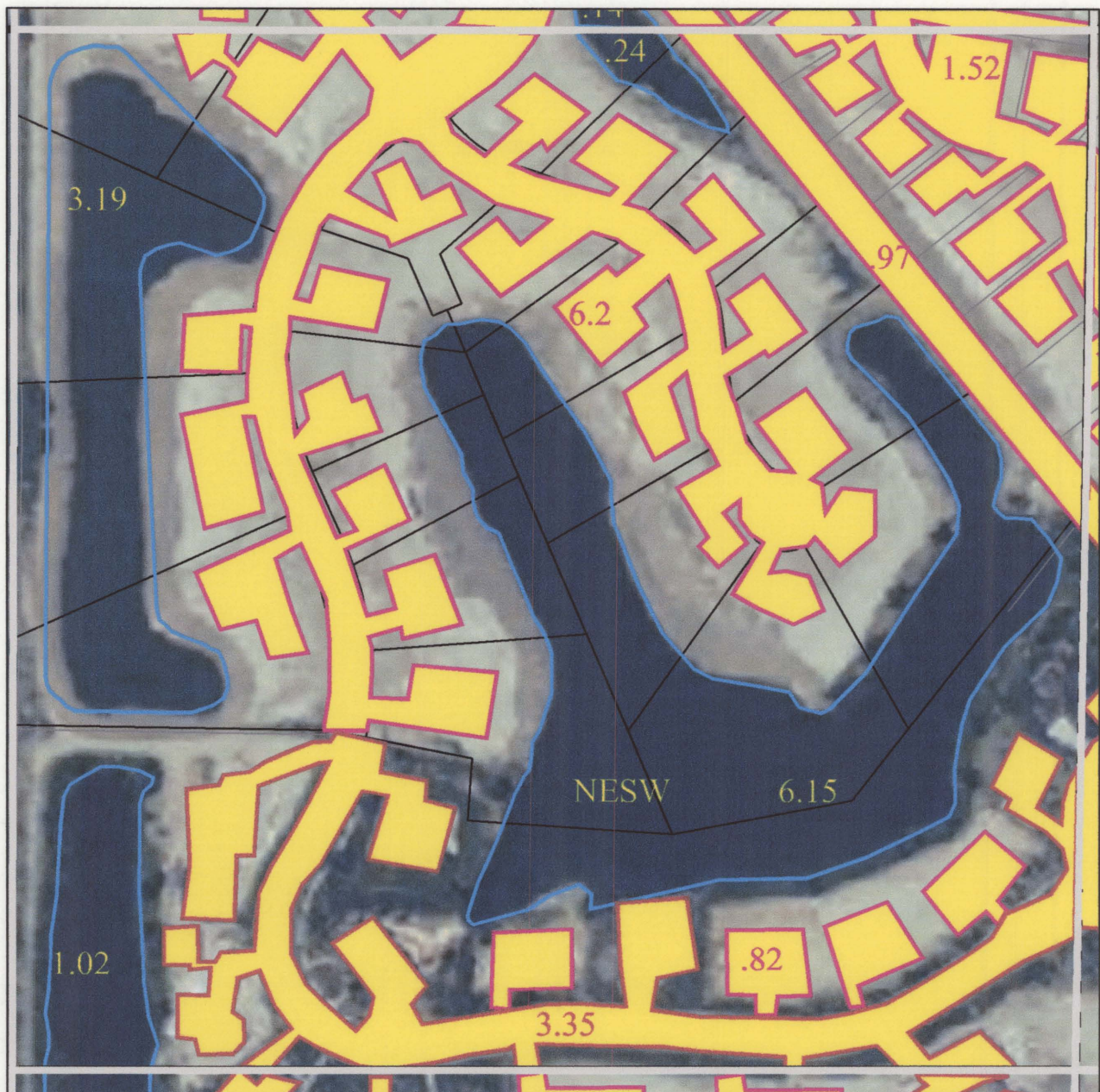
SENE, Section 17, T 4 N, R 1 E
TWO RIVERS SURFACE AREA



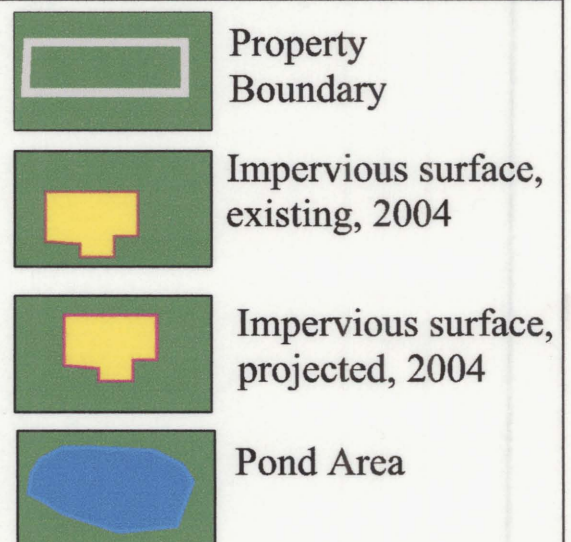
Two Rivers Water Rights Detail	SWSE
	Acres
Area - Water Right	30.0
Area - Measured	34.0
Impervious Surface	13.2
Pond Area	3.3
Retired Irrigation (Adjusted)	9.2
Remaining Irrigation	17.5



SWSE, Section 17, T 4 N, R 1 E
TWO RIVERS SURFACE AREA



Two Rivers Water Rights Detail	NESW
	Acres
Area - Water Right	40.0
Area - Measured	42.2
Impervious Surface	12.9
Pond Area	10.6
Retired Irrigation (Adjusted)	10.7
Remaining Irrigation	18.7



NESW, Section 17, T 4 N, R 1 E
TWO RIVERS SURFACE AREA



Two Rivers Water Rights Detail	SESW Acres
Area - Water Right	10.0
Area - Measured	10.0
Impervious Surface	1.2
Pond Area	3.8
Retired Irrigation (Adjusted)	1.2
Remaining Irrigation	5.0



Property Boundary



Impervious surface, existing, 2004



Impervious surface, projected, 2004



Pond Area

SESW, Section 17, T 4 N, R 1 E
TWO RIVERS SURFACE AREA





Two Rivers Water Rights Detail	Allocation		Total	NWSE	SESE	SWSE	NESE	SESW	NESW	SENW	SWNE	SENE
	Right cfs	Miners inch	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres	Acres
Area - Water Right	5.20	4.76	238.0	40.0	37.0	30.0	40.0	10.0	40.0	10.0	15.0	16.0
Area - Measured			244.4	41.3	37.2	34.0	39.3	10.0	42.2	11.6	14.6	14.4
Impervious Surface			91.8	13.2	16.5	13.2	14.5	1.2	12.9	5.3	8.8	6.3
Pond Area	0.83	0.76	38.1	10.8	1.8	3.3	5.1	3.8	10.6	1.4	0.4	0.8
Retired Irrigation (Adjusted)	1.86	1.71	85.3	11.9	16.3	9.2	15.2	1.2	10.7	3.7	9.2	7.9
Remaining Irrigation	2.50	2.29	114.6	17.3	18.9	17.5	19.7	5.0	18.7	4.9	5.4	7.3
Total	5.20	4.76	238.0	40.0	37.0	30.0	40.0	10.0	40.0	10.0	15.0	16.0