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Form 1-222
12-82

DEC 02 2004

WATER RESOURCES
WESTERN REGION

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

ORIGINAL

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name 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 in the past is now being converted to ponds for aesthetic and wildlife use. The full amount of the diversion from the Boise River is no longer needed. The total pond area for 16 ponds is 38.5 Acres. The remaining land in irrigation for yard and garden is 127.3 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 | 0.84 cfs | Aesthetic/Wildlife | 03-15 to 11-15 |
| 63-194 | 06-01-1877 | 2.78 cfs | Irrigation | 03-15 to 11-15 |
| 63-194 | 06-01-1877 | 1.58 cfs | Water Bank | 03-15 to 03-15 |
| | | | | to |
2. Total amount of water being transferred 5.2 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			10.1	9.3				5.4	21.7			4.5	25.2	17.7	16.0	17.4	127.3
04N	01E	17			JW	JW				JW	JW			JW	JW	JW	JW	JW	38.5 mitigation
04N	01E	17			4.5	5.8				3.0	7.5			1.2	9.8	14.2	9.6	16.6	72.2 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 mitigation 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 River4. 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	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 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	

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

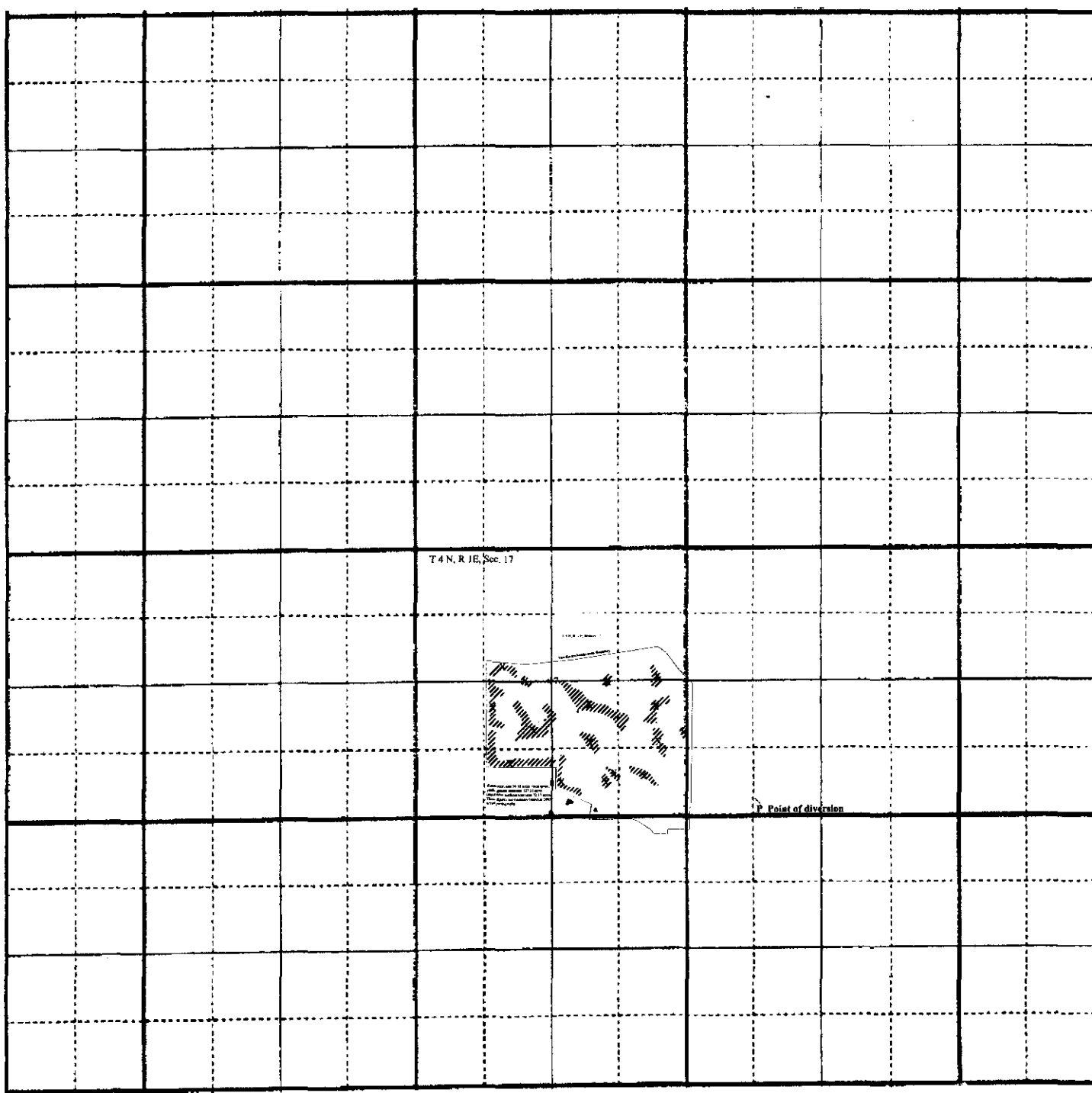
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE 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	

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.



T 4 N, R 1 E, Sec. 17

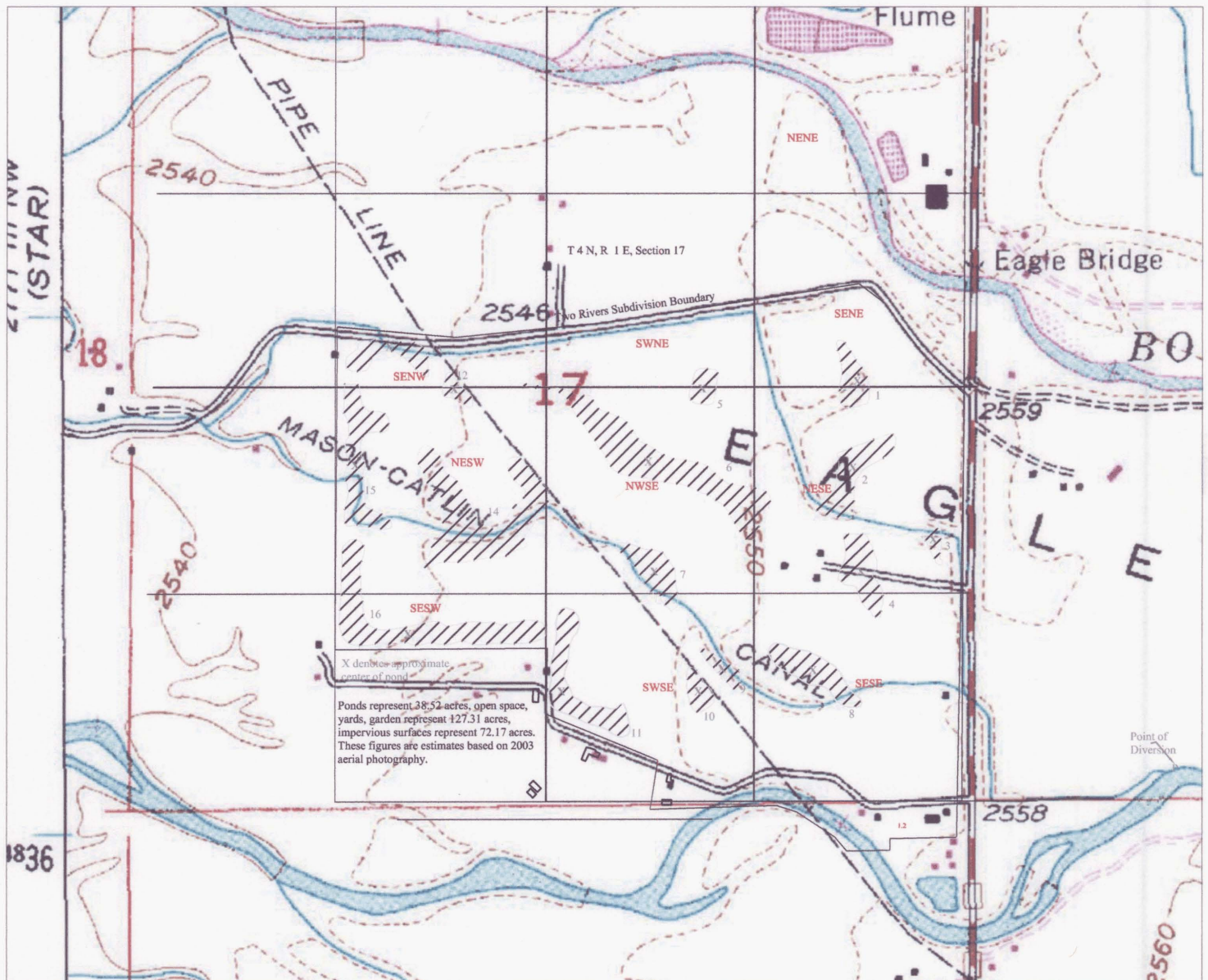
SCALE: 2 inches equal 1 mile. Draw plan in ink.

Pond area = 38.52 acres

Yard, garden, common areas = 127.31 acres

Impervious areas = 72.17 acres

Volume at average depth of 8 feet = 308 acre-feet



B.W. Inc.
TR Company, LLC
250 S. Beechwood
Boise, Idaho 83709
(208) 375-6666

1" = 1000'

Two Rivers Subdivision
Pond Layout

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	0.84 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 0.0226 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.

(Signature of Applicant)
Dennis M. Baker, president

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by AB Date 12-2-04 Protest filed by _____

Prelim. check by _____ Fee \$450 -

Received by AB W032439 Date 12-2-04

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 of a landscape, likely a river valley, with a grid overlay. The grid consists of thin yellow lines forming a rectangular pattern. A thicker yellow line runs horizontally across the middle of the image, with several smaller yellow lines branching off it. The landscape features a river or stream flowing through the center, with various land uses including fields, forests, and some buildings. The text "1987 Aerial Photo" is printed in yellow in the upper right quadrant. The text "T4N R1E" is printed in white in the center. The numbers "18", "17", and "16" are printed in yellow near the left, center, and right edges of the horizontal yellow line, respectively.

1987 Aerial Photo

T4N R1E

18

17

16

Impervious areas = 72.17 acres

Volume at average depth of 8 feet = 308 acre-feet


$$1'' = 1000'$$

Two Rivers Subdivision Pond Layout

Two Rivers Water Rights De		Total	NWSE		SESE		SWSE		NESE		SESW		NESW		SENE		SWNE		SENE		
	Right cfs	Acres	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%	Acres	%	
Total	5.20	238.00	238.000	40		37		30.0		40		10		40		15		16		16	
Ponds	0.84	38.52	38.520	8.09	0.20225	2.97	0.08027	4.46	0.148667	5	0.125	4.35	0.435	10.77	0.26925	1.61	0.161	0.42	0.028	0.85	
Surface	1.58	72.17	72.170	14.2	0.4	16.6	0.4	9.6	0.3	9.8	0.2	1.2	0.1	7.5	0.2	3.0	0.3	4.5	0.3	5.8	
Yard	2.78	127.31	127.310	17.71	0.44275	17.43	0.471081	16.0	0.532	25.24	0.631	4.45	0.445	21.73	0.54325	5.39	0.539	10.08	0.672	9.32	
Total	0.00		238.000																		

AF
Volume 8.00 308.16

Pond	Total	ACRES OF POND WITHIN QUARTER QUARTER																		
1	1.32																			0.85
2	2.37																			
3	0.42																			
4	2.10						0.36					1.74								
5	0.77			0.35														0.42		
6	6.60			6.14			0.46													
7	1.83			1.6				0.2												
8	2.15						2.15													
9	0.57							0.6												
10	0.74							0.7												
11	2.92							2.9												
12	0.49													0.34		0.15				
13	1.46															1.46				
14	6.37													6.37						
15	3.07													3.07						
16	5.34										4.35			0.99						
	38.52																			

ATTACH
BUD INE.
T R Co. Re-labouring
Explanation.

Fees
Permit 370.00
TRANSFER 820.00
\$ 1190.00

POND #5 & CACS.