

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 70620**

This is to certify that: WARM SPRINGS DITCH CO  
C/O HOFF COMPANIES INC  
280 E CORPORATE DR STE 200  
MERIDIAN ID 83642  
(208)884-2002

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-192       | AJC/Decreed         | 06/01/1876      | 2.30 cfs    | N/A           | N/A               | 462.0              | BOISE RIVER   |
| 63-19425     | AJC/Decreed         | 06/01/1882      | 5.06 cfs    | N/A           | N/A               | 462.0              | BOISE RIVER   |
| 63-216C      | AJC/Decreed         | 06/01/1889      | 0.40 cfs    | N/A           | N/A               | 462.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-192                | NO           | NO         | YES        | NO             | YES                  | YES                  |
| 63-19425              | NO           | NO         | YES        | NO             | YES                  | YES                  |
| 63-216C               | NO           | NO         | YES        | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-192                 | <b>63-192</b>                    | 2.30 cfs             | N/A                    | N/A               | 449.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-19425               | <b>63-19425</b>                  | 5.06 cfs             | N/A                    | N/A               | 449.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-216C                | <b>63-216C</b>                   | 0.40 cfs             | N/A                    | N/A               | 449.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>7.76 cfs</b>      | <b>N/A</b>             | <b>N/A</b>        | <b>449.0</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 4<sup>th</sup> day of March, 2005

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

**SUPPORT DATA**

**IN FILE #** 63-192

**WATER RIGHT NO. 63-192**  
**As Modified by Transfer No. 70620**

In accordance with the approval of Transfer No. 70620, Water Right No. 63-192 is now described as follows.

**Right Holder:** WARM SPRINGS DITCH CO  
 C/O HOFF COMPANIES INC  
 280 E CORPORATE DR STE 200  
 MERIDIAN ID 83642

**Priority Date:** June 01, 1876

**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     | 2.24 CFS              |               |
| DIVERSION TO STORAGE  | 03/01 to    | 11/15     | 0.06 CFS              |               |
| AESTHETIC STORAGE     | 01/01 to    | 12/31     |                       | 11.2 AF       |
|                       |             |           | 2.30 CFS              |               |

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

BOISE RIVER                      L11 (NESE)              Sec. 5   Twp 03N   Rge 02E   ADA County

BOISE RIVER                      L6 (SENW)              Sec. 22   Twp 04N   Rge 01E   ADA County

**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 | 19  | X   |    |     |     |    |     |    |     |    |    |    |    |    |    |    |    |        |
|     |     |     | L 1 |    |     |     |    |     |    |     |    |    |    |    |    |    |    |    |        |
| 04N | 01E | 20  |     |    | X   | X   |    | X   | X  | X   |    |    |    |    | X  | X  |    |    |        |
|     |     |     |     |    | L 7 | L 8 |    | L 5 |    | L 6 |    |    |    |    |    |    |    |    |        |

**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 | 19  | X   |    |     | X   |    |     |     |     |    |    |    |    |    |    |    |    |        |
|     |     |     | L 1 |    |     |     |    |     |     |     |    |    |    |    |    |    |    |    |        |
| 04N | 01E | 20  |     |    | X   | X   |    | X   | X   | X   | X  | X  |    | X  | X  |    |    |    |        |
|     |     |     |     |    | L 7 | L 8 |    | L 5 |     | L 6 |    |    |    |    |    |    |    |    |        |
| 04N | 01E | 21  |     |    | X   | X   |    |     | X   | X   | X  | X  |    |    | X  |    |    |    |        |
|     |     |     |     |    | L 7 | L 8 |    |     | L 5 | L 6 |    |    |    |    |    |    |    |    |        |

Total Acres: 449.0

**CONDITIONS OF APPROVAL**

1. 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.
2. This right is designated as No. 61 in the Stewart Decree and the Boise River Water Masters records.

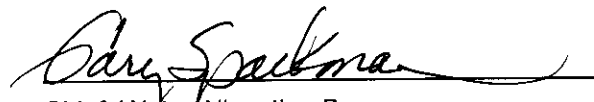
**WATER RIGHT NO. 63-192**  
**As Modified by Transfer No. 70620**

**CONDITIONS OF APPROVAL**

3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
5. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
6. 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 Reservoir 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
9. Rights 63-135, 63-176, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.
10. Rights 63-216C and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

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 4<sup>th</sup> day of March, 2005

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-19425**  
**As Modified by Transfer No. 70620**

In accordance with the approval of Transfer No. 70620, Water Right No. 63-19425 is now described as follows.

**Right Holder:** WARM SPRINGS DITCH CO  
 C/O HOFF COMPANIES INC  
 280 E CORPORATE DR STE 200  
 MERIDIAN ID 83642

**Priority Date:** June 01, 1882

**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  | 4.92 CFS              |               |
| DIVERSION TO STORAGE  | 03/01       | to 11/15  | 0.14 CFS              |               |
| AESTHETIC STORAGE     | 01/01       | to 12/31  | 5.06 CFS              | 24.6 AF       |

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

BOISE RIVER                      L11 (NESE)              Sec. 5 Twp 03N Rge 02E ADA County

BOISE RIVER                      L6 (SENW)              Sec. 22 Twp 04N Rge 01E ADA County

**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 19  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             | L1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N 01E 20  |    |    | X  | X  |    | X  | X  | X  |    |    |    |    | X  | X  |    |    |        |
|             |    |    | L7 | L8 |    | L5 |    | L6 |    |    |    |    |    |    |    |    |        |

**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 19  | X  |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             | L1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N 01E 20  |    |    | X  | X  |    | X  | X  | X  | X  | X  |    |    | X  | X  |    |    |        |
|             |    |    | L7 | L8 |    | L5 |    | L6 |    |    |    |    |    |    |    |    |        |
| 04N 01E 21  |    |    | X  | X  |    |    | X  | X  | X  | X  |    |    |    | X  |    |    |        |
|             |    |    | L7 | L8 |    |    | L5 | L6 |    |    |    |    |    |    |    |    |        |

Total Acres: 449.0

**CONDITIONS OF APPROVAL**

1. 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.
2. This right is designated as Nos. 81, 82, 83, 84 and 85 in the Stewart Decree and the Boise River Water Masters records.

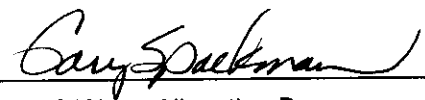
**WATER RIGHT NO. 63-19425**  
**As Modified by Transfer No. 70620**

**CONDITIONS OF APPROVAL**

3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
5. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
6. 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 Reservoir 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
9. Rights 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-216C, 63-221, 63-250, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.
10. Rights 63-192 and 63-216C are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

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 4<sup>th</sup> day of March, 20 05

  
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Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-216C**  
**As Modified by Transfer No. 70620**

In accordance with the approval of Transfer No. 70620, Water Right No. 63-216C is now described as follows.

**Right Holder:** WARM SPRINGS DITCH CO  
 C/O HOFF COMPANIES INC  
 280 E CORPORATE DR STE 200  
 MERIDIAN ID 83642

**Priority Date:** June 01, 1889

**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     | 0.39 CFS              |               |
| DIVERSION TO STORAGE  | 03/01 to    | 11/15     | 0.01 CFS              |               |
| AESTHETIC STORAGE     | 01/01 to    | 12/31     |                       | 2.0 AF        |
|                       |             |           | 0.40 CFS              |               |

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

BOISE RIVER                      L11 (NESE)              Sec. 5 Twp 03N Rge 02E ADA County

BOISE RIVER                      L6 (SENW)              Sec. 22 Twp 04N Rge 01E ADA County

**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 19  | X   |    |     |     |    |     |    |     |    |    |    |    |    |    |    |    |        |
|             | L 1 |    |     |     |    |     |    |     |    |    |    |    |    |    |    |    |        |
| 04N 01E 20  |     |    | X   | X   |    | X   | X  | X   |    |    |    |    | X  | X  |    |    |        |
|             |     |    | L 7 | L 8 |    | L 5 |    | L 6 |    |    |    |    |    |    |    |    |        |

**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 19  | X   |    |     | X   |    |     |     |     |    |    |    |    |    |    |    |    |        |
|             | L 1 |    |     |     |    |     |     |     |    |    |    |    |    |    |    |    |        |
| 04N 01E 20  |     |    | X   | X   |    | X   | X   | X   | X  | X  |    |    | X  | X  |    |    |        |
|             |     |    | L 7 | L 8 |    | L 5 |     | L 6 |    |    |    |    |    |    |    |    |        |
| 04N 01E 21  |     |    | X   | X   |    |     | X   | X   | X  | X  |    |    |    |    | X  |    |        |
|             |     |    | L 7 | L 8 |    |     | L 5 | L 6 |    |    |    |    |    |    |    |    |        |

Total Acres: 449.0

**CONDITIONS OF APPROVAL**

1. 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.
2. This right is designated as No. 116 in the Stewart Decree and the Boise River Water Masters records.

**WATER RIGHT NO. 63-216C**  
**As Modified by Transfer No. 70620**

**CONDITIONS OF APPROVAL**

3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. The total instantaneous diversion of water from all points of diversion under Rights 63-192, 63-216C and 63-19425 shall not exceed 7.76 cfs for the irrigation of 449.0 acres and diversion to aesthetic storage.
5. Rights 63-192, 63-216C and 63-19425 authorize the diversion of an annual total of 37.8 af to be used for the replacement of losses caused by evaporation from the 13.0 acre total surface area of ponds established under Right 63-31690.
6. 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 Reservoir 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. Water is delivered through the Thurman Mill Canal and the Warm Springs Canal.
9. Rights 63-135, 63-176, 63-192, 63-193, 63-210, 63-211, 63-221, 63-250, 63-19425, 63-30125, 63-30129, 63-30130, 63-30131 and 63-31936 are also diverted through the point of diversion described above as Lot 11 (NESE), S05, T03N, R02E.
10. Rights 63-192 and 63-19425 are also diverted through the point of diversion described above as Lot 6 (SENW), S22, T04N, R01E.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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.

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 4th day of March, 2005

  
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Chief, Water Allocation Bureau