

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71023

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

DEC 15 2003

WATER RESOURCES
WESTERN REGIONName of applicant City of Idaho CityPhone (208) 392-4584Post Office address P.O. Box 130, Idaho City, Idaho 83631

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 Canody's have transferred this water right to the City of Idaho City. See the attached Deed.

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
63-30398 5/20/1961 .02 Irrigation 4/1 to 10/31
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred .02 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Mores Creek tributary to Boise River
Ground water Mores Creek
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
10	—	SE	SE	26	6N	5E	Boise	Alternate diversions from related sources in same location, 2 plcd (1 ground water, 1 surface water)

5. 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	
6N	5E	26																.5	.5
																		L10	

Total acres .5

PART 1

6. General Information:

a. Description of diversion system SEE Attachment 1.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX 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:

The existing place of use will no longer be irrigated.

d. Remarks:

See Attachment 1.

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: See the attached Water Right Report.

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-30398 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 Partial Decree

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purpose:

amount _____ for _____ purposes from _____ to _____
 (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 _____ 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

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	

Total acres _____

9. Describe any other water rights used for the same purpose as described above NONE

PART 2

Transfer No. _____

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 Entire Right.

(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) Entire Right.

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 the map attached hereto.

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

PART 3**B. CHANGES IN NATURE OF USE** No Change.

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

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

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

None.

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.

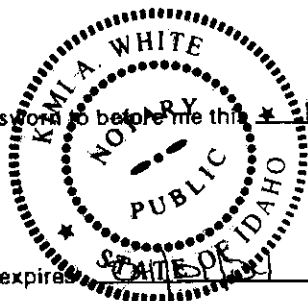
Subscribed and sworn to before me this

12th

day of

December

, 2003



(Signature of Applicant)

(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLYTransfer contains 6 pages and 5 attachmentsReceived by R Date 12/15/03

Protest filed by _____

Prelim. check by R Fee \$100Receipted by R Date 12/31/03

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 _____

ATTACHMENT 1

The City of Idaho City acquired water right number 63-30398 on or about July 22, 2003. The Deed to said water right is attached to this transfer application. The City would like to transfer the point of diversion and place of use for said water right to irrigate a portion of the Boise Basin Community Park.

The new point of diversion would consist of a shallow, less than eighteen feet, well on the City's property and which is adjacent to Mores Creek. The City's use of the shallow well would then be limited to the amount of water historically diverted and used by virtue of water right number 63-30398. The City intends to divert the water and use it on its new place of use to irrigate a baseball park. While water right number 63-30398 is for less than one acre, the City intends to acquire or obtain other water rights in the future for the purpose of supplying additional irrigation water to the Park. This water right is capable of being administered and regulated by the Watermaster for Water District 63, and it is capable of being regulated so that no more water is diverted than has been historically used.

SEE PART 1, items 83-4 for Alternate diversion works.

T. 71023
ATTACHMENT 1

DEED TO A WATER RIGHT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency whereof are hereby acknowledged, James S. and Chola J. Canody, do hereby grant and convey unto the City of Idaho City, a water right for .02 cfs of the water of Bear Run, a tributary of Elk Creek, with priority date of May 20, 1961, being the water right evidenced by Water Right No. 63-30398 that originally was appurtenant to land in the Sections 26, Township 6 North, Range 5 East, B.M., Boise County, Idaho. TO HAVE AND TO HOLD, all and singular the above mentioned and described property together with the appurtenances unto the City of Idaho City, and to their successors and assigns forever.

IN WITNESS WHEREOF, James S. and Chola J. Canody have executed this document this 22 day of July, 2003.

JAMES S. and CHOLA J. CANODY,
husband and wife

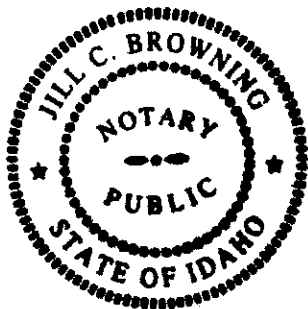
James S. Canody
James S. Canody
Chola J. Canody
Chola J. Canody

STATE OF IDAHO)
) ss.
County of Boise)

On this 22 day of July, 2003, before me, Jill C. Browning, the undersigned, a notary public in and for said state, personally appeared James S. Canody and Chola J. Canody, known or identified to me to be the husband and wife that executed the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SEAL

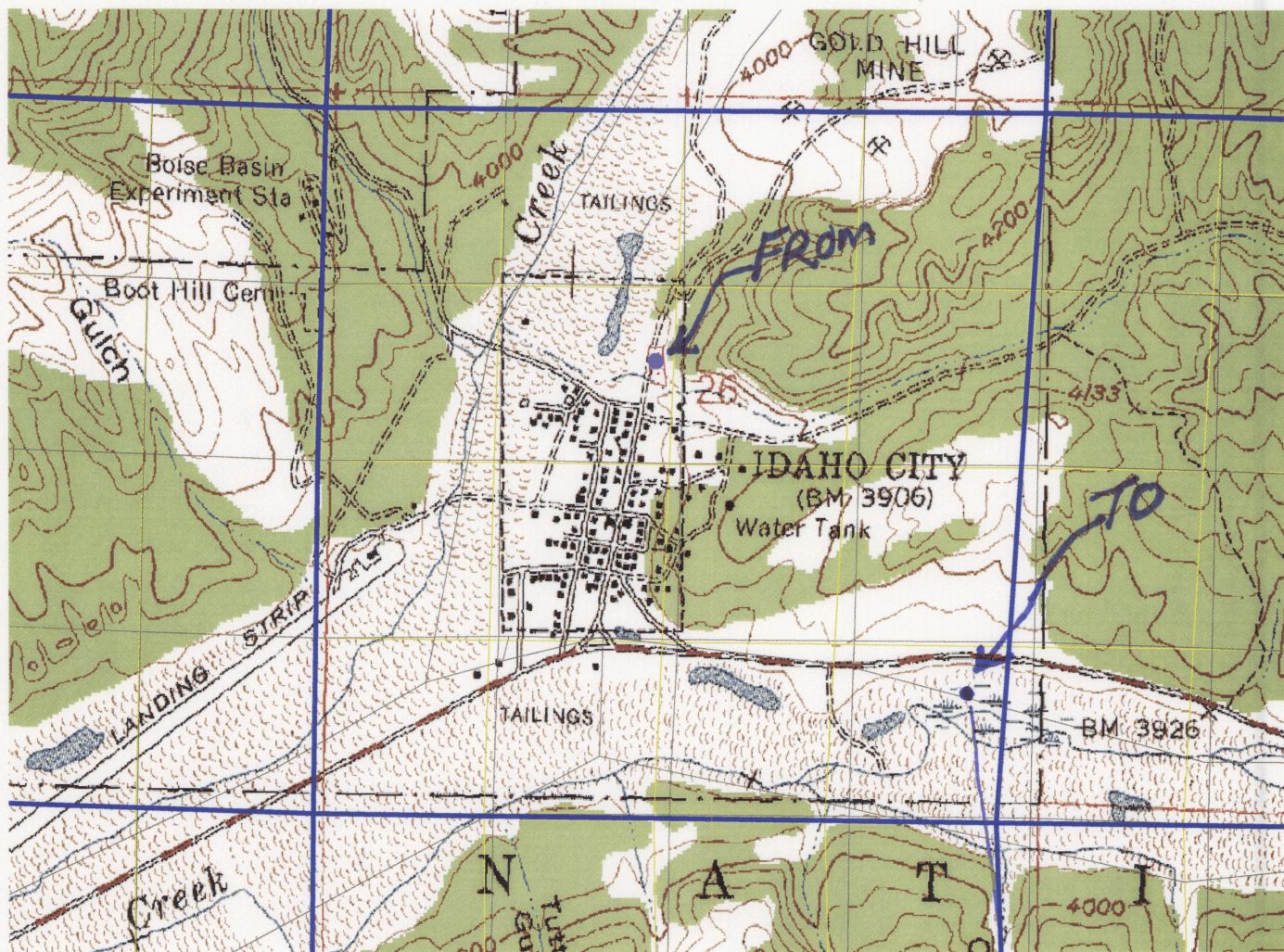


Jill C. Browning
Notary Public for Idaho
Residing at Idaho City
My Commission Expires 4-12-09

~~EXHIBIT A~~

T. 71023
ATTACHMENT 2

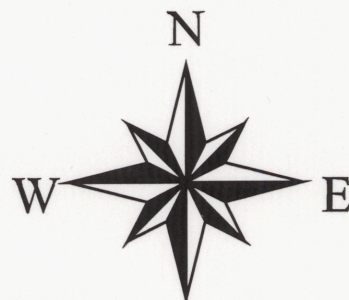
63-30398



0.3 0 0.3 0.6 Miles

New point of diversion
& place of use.
(2 points of diversion)

- Point of Diversion (existing)
- Sections
- ▨ Place of Use (existing)
- QQ



S T. 71023
Attachment 3

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-30398

WATER RIGHT NUMBER: 63-30398

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHOLA JOAN CANODY PO BOX 81 IDAHO CITY, ID 83631 (208)392-4486
Current Owner	JAMES S CANODY PO BOX 81 IDAHO CITY, ID 83631 (208)392-4486

Priority Date: 05/20/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR RUN	ELK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.020 CFS	
<u>Total Diversion:</u>		0.020 CFS	

Location of Point(s) of Diversion

BEAR RUN	SE1/4SE1/4NW1/4	Sec. 26, Twp 06N, Rge 05E, B.M.
BOISE County		

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	
06N	05E	26																	.5

Total Acres: 0.5

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

T. 71023
Attachment 4
(2 pgs.)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-30398

Comments:

1. Iharris 1/10/2002 GPS

Comment: GPS measurement 30398

2. Iharris 1/10/2002 Evidence of Priority

Comment: Evidence of priority in file, letter dated 1/30/96.

3. mminicuc 1/25/2002 Source and System Description

Comment: This diversion is a perforated culvert filled with large rocks, set vertically into the ground. A 4 inch perforated well casing is driven down the middle. A 1 horsepower surface pump is used to pump water to sprinklers for yard irrigation. Diversion is located approximately 50 feet south of the current streambed for Bear Run Creek. Creek has moved over the years due to leveling of mine tailings piles, City construction projects, etc. Claimant originally had a pump in the creek.

Property also has a ground water well

Dates and Other Information:

Licensed Date:

Decreed Date: 4/21/2003

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

4/21



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Lower Snake River District
3948 Development Avenue
Boise, Idaho 83705
<http://www.id.blm.gov/offices/lsrcd>



In Reply Refer To:
2912
IDI-31768

RECEIVED

AUG 30 2004

WATER RESOURCES
WESTERN REGION

August 24, 2004

Mr. S. Bryce Farris
Ringert Clark Chartered Lawyers
P.O. Box 2773
Boise, ID 83701

Dear Mr. Farris:

This letter is provided in response to a request for clarification from the Idaho Department of Water Resources concerning the application for transfer of water right 63-30398 between the City of Idaho City and the Bureau of Land Management.

The following described lands are public lands administered by the Bureau of Land Management:

T. 6 N., R. 5 E., B.M., Idaho
Section 26: Lot 10 and 14, part of Lot 13 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$

These lands are currently leased to the City of Idaho City under Recreation and Public Purposes Lease IDI-31768.

Please send all correspondence and related information regarding this water right to my attention at the above address. If you have further questions, please contact me at 208-384-3357, at the above address or via email at effie_schultsmeier@blm.gov.

Sincerely,

Effie Schultsmeier
Four Rivers Realty Specialist

T. 71023
Attachment 5