

(Internet)

RECEIVED

SEP 04 2002

age 1 of 6

AMENDED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No.

RECEIVED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

AUG 29 2002

DEC 30 2003

PART 1

WATER RESOURCES
WESTERN REGION

WATER RESOURCES
WESTERN REGION

Name of applicant Eureka Water Company Phone (208) 342-4591

Post Office address c/o Daniel V. Steenson, P.O. Box 2773, Boise, ID 83701

cc: Michael Creamer, P.O. Box 2720, Boise, Idaho 83701

I. 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 Portion of water right associated with 10.5 shares of Eureka stock to be used to offset evaporation from excavated ponds intercepting shallow groundwater. The transfer affects only 0.21 cfs of water right 63-145.

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
63-145	06/01/1865	33.11	Irrigation	3-15 to 11-15
		0.21	Groundwater Recharge	3-15 to 11-15
				to
				to

2. Total amount of water being transferred 0.21 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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	24	4N	1W	Ada	Phyllis Canal-Boise River Diversion

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	
4N	1W	17																E	
		20	E		E														

Total acres _____

COPY

PART 1

6. General Information:

- a. Description of diversion system Boise River headgate to Phyllis Canal (of Pioneer Ditch Company) and redirection from Phyllis Canal into Eureka Canal in NWSWNW Sec. 24, T4NR1W. Portions of Phyllis Slough also used for conveyance of this water. No change proposed in point of diversion or means of delivery to place of use.
- 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. x 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

See Attachment C (narrative).**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 _____, 20_____.

SCANNED

DEC 24 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

Right evidenced by:

- a. Decree No. 63-145 Decreed to Eureka Water Company
in case of Farmers Coop. Ditch Company vs. Riverside Irrigation District
dated 1/18/06 in Boise, ID county of Ada
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ 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 6-1-1865
5. Water is used for the following purpose:
amount 33.32 for Irrigation purposes from 3-15 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 33.32 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	NE	NW	24	4N	1W	Ada	Phyllis Canal - Boise River Diversion

8. Lands irrigated or place of use: See Attachment B.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres 18269. Describe any other water rights used for the same purpose as described above 63-16383

DEC 24 2002

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 _____ See Attachment D.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED This does not involve split of right.
 (If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.21 cfs for Irrigation purposes from 3-15 to 11-15
 (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
	SW	NE	NW	24	4N	1W	Ada	Phyllis Canal - Boise River 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	
04N	01W	17																4.5	4.5
		20	5			1													4.5

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

Total acres 10.5

1. amount _____ for Balance of water right 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

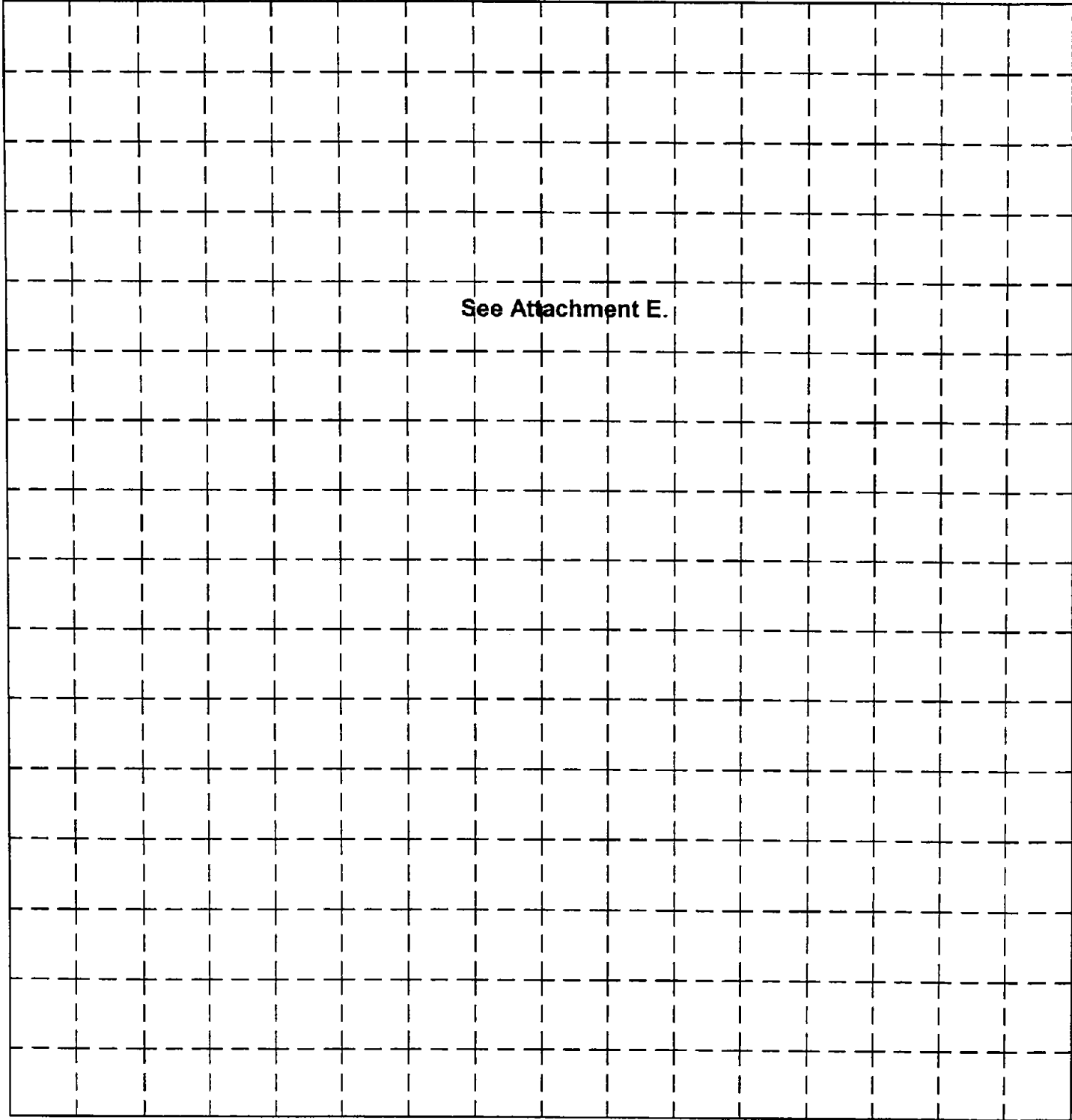
3. Lands irrigated or place of use:

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

**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 numbers.



See Attachment E.

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

SCANNED

DEC 24 2002

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

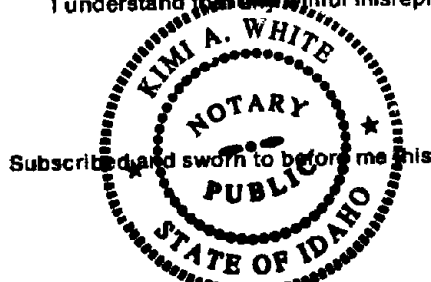
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

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

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

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 _____ day of _____, 2002

16th

(Signature of Applicant)

August

2002

Kimi A. White

(Notary Public)

My commission expires

01/01/04

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by

KG

Date

8/29/02

Protest filed by

Prelim. check by

Fee

100.00

Receipted by

KG

Date

8/29/02

W029646

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

SCANNED

DEC 24 2002

ATTACHMENT A

Lands Irrigated or Place of Use After Transfer

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
O4N	01W	14		SWSW	6		SESW	9						
				SWSE	5									
				SESW	6									
		15		NESE	2		NWSE	2		SWSE	19		SESE	37
				NESW	2		SWSW	6		SESW	20			
		16		SWSE	20									
				SWSW	3		SESW	24						
		17		NWSE	2		SWSE	38		SESE	13.5/4.5			
				SWSE	22		SESE	8						
		18		NENE	39		NWNE	40		SWNE	40		SENE	40
				NENW	36	1	NWNW	22	2	SWNW	8		SENE	29
		19		NESW	3									
				NESE	25		NWSE	19						
		20		NENE	35/5		NWNE	39		SWNE	39		SENE	38/1
				NENW	39		NWNW	38		SWNW	40		SENE	39
				NESW	18		NWSW	4						
				NESE	3		NWSE	11						
		21		NENE	36		NWNE	39		SWNE	39		SENE	37
				NENW	40		NWNW	39		SWNW	38		SENE	40
				NESW	9		NWSW	10						
				NESE	4		NWSE	12						
		22		NENE	38		NWNE	39		SWNE	19		SENE	20
				NENW	40		NWNW	36		SWNW	23		SENE	22
		23		NENE	3		NWNE	30		SWNE	15		SENE	11
				NENW	40		NWNW	40		SWNW	33		SENE	25
	02W	13		SESW	2									
				SWSE	15		SESE	3						
		24		NENE	20		NWNE	35		SWNE	30		SENE	30
				NENW	12		SENE	3						

Total irrigated acres: 1,815.5
Total ground water recharge as mitigation acres: 10.5

ATTACHMENT B

Part 1 – Lands Irrigated or Place of Use Per SRBA Claim for 63-145

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	14		SWSW	6		SESW	9						
				SWSE	5									
		15		SESW	6									
				NESE	2		NWSE	2		SWSE	19		SESE	37
		16		NESW	2		SWSW	6		SESW	20			
				SWSE	20									
		17		SWSW	3		SESW	24						
				NWSE	2		SWSE	38		SESE	18			
		18		SWSE	22		SESE	8						
		19		NENE	39		NWNE	40		SWNE	40		SENE	40
				NENW	36	1	NWNW	22	2	SWNW	8		SENE	29
				NESW	3									
				NESE	25		NWSE	19						
		20		NENE	40		NWNE	39		SWNE	39		SENE	39
				NENW	39		NWNW	38		SWNW	40		SENE	39
				NESW	18		NWSW	4						
				NESE	3		NWSE	11						
		21		NENE	36		NWNE	39		SWNE	39		SENE	37
				NENW	40		NWNW	39		SWNW	38		SENE	40
				NESW	9		NWSW	10						
				NESE	4		NWSE	12						
		22		NENE	38		NWNE	39		SWNE	19		SENE	20
				NENW	40		NWNW	36		SWNW	23		SENE	22
		23		NENE	3		NWNE	30		SWNE	15		SENE	11
				NENW	40		NWNW	40		SWNW	33		SENE	25
02W		13		SESW	2									
				SWSE	15		SESE	3						
		24		NENE	20		NWNE	35		SWNE	30		SENE	30
				NENW	12		SENE	3						

Total Acres: 1,826

ATTACHMENT B

S:\Clients\55287\Attachment B - Part 1 Revised 7-15-02.DOC

DEC 24 2002

SCANNED

State of Idaho
Department of Water Resources
Application for Transfer
Narrative

The Transfer proposes to change the nature of use of a portion of Applicant's water right 63-145 placed to beneficial use upon lands within Sections 17 and 20, T4N, R1W, B.M. (the "Stonebriar Property") owned by a shareholder of the Applicant. The shareholder holds ninety shares of capital stock of the Eureka Water Company. Attachment D to the Application, which is a 1999 aerial photo of the Stonebriar Property and adjacent lands, demonstrates the beneficial use of the water for irrigation.

Water Right 63-145 authorizes diversion of natural flow from the Boise River at a rate of 33.32 cfs for irrigation within the Applicant's service area. The Transfer proposes to change the nature of use of 0.21 cfs of Right 63-145 represented by ten and one-half shares of Eureka stock held by Stonebriar from irrigation use to ground water recharge to facilitate the construction of eleven aesthetic ponds with a total surface area of 8.1 acres on the Stonebriar Property. The ponds will intercept and fill with shallow ground water that is tributary to the Boise River, and this Transfer would make the 0.21 cfs available at the pond locations to recharge the exposed groundwater source to the extent of anticipated evaporative losses. The shareholder has submitted three applications for permit with respect to the ponds.¹

The affected portion of the water right will continue to be delivered to the Stonebriar Property via diversion from the Boise River into the Phyllis Canal, redirection therefrom into the Eureka Canal and ultimately via Eureka laterals to the current point of delivery at the Stonebriar Property, where it will be distributed and applied by the shareholder to recharge ground water as described in the permit applications. After the Transfer, 33.11 cfs of water right 63-145 will continue to be diverted and beneficially used for irrigation of lands within the Eureka service area and 0.21 cfs will be authorized for diversion for ground water recharge.

The eleven ponds will be excavated within the currently authorized place of use of water right 63-145 within Sections 17 and 20, T4N, R1W. Eighteen acres historically have been irrigated under the water right within the SE1/4 of the SE1/4 of Section 17. Pond 11, with a total surface area of one acre, will be excavated on uplands immediately north of the slough (see Attachment D on land within the SE1/4SE1/4 of Section 17 that historically has not been irrigated. However, because the pond location is within the same quarter-quarter, and because the landowner/shareholder will be drying up an equivalent acreage within the same quarter-quarter, no change in place of use is sought.

¹ On January 12, 2001, the Applicant's shareholder, Larry R. Shideler, filed three separate applications for permit to appropriate ground water that will be associated with the aesthetic ponds. In those permit applications, Mr. Shideler has proposed using water associated with his shares in Eureka Water Company to offset the evaporative losses from the ponds and thereby mitigate potential impacts of the ponds on the ground water source and the Boise River. This Transfer is intended to facilitate processing and approval of those permit applications, and maintain authorized beneficial use of Eureka Water Company water right appurtenant to the affected acres.

The quantity proposed for transfer under this application is based on the following assumptions:

1. An estimated annual evaporation rate of 44" of water per pond acre per year or 356.40" for 8.1 pond acres.²
2. This evaporative loss will be mitigated by the dry up of 10.5 irrigated acres, calculated as follows: Based on cropping patterns derived from available USDA Farm Services Agency crop reports (1982-1985) and using the highest year (1985), the estimated historical consumptive irrigation requirement³ for the Stonebriar Property is averages 34.25 inches of water per acre per year on 97.8 acres.
 - a. 16.8 acres irrigated as alfalfa/grass hay @ 37.24"/acre/yr = 625.63"
 - b. 54.0 acres pasture grass @ 37.09"/acre/yr = 2002.86"
 - c. 6.7 acres barley @ 25.35"/acre/yr = 169.85"
 - d. 20.3 acres corn @ 27.17"/acre/yr = 551.55"
 - e. $3350"/97.8\text{ acres} = 34.25"/\text{acre}$
3. 356.40" of evaporation from 8.1 acres of ponds requires 10.41 (rounded to 10.5) acres of dry up of historically irrigated land to offset evaporative effects.

Of the 10.5 acres of mitigation dry up, 7.1 acres are associated ponds constructed within historically irrigated acres and 3.4 acres are associated with dry up resulting from construction of roads and residences within the historically irrigated acres.⁴

Because water formerly used for irrigation of 10.5 acres of converted lands, including the historical CIR component thereof, will be introduced to the ponds as recharge, there will be no adverse effect on the water resource or other water rights.

Based on the above discussion and assumptions, this Transfer will not result in an enlargement of the water right or cause injury to other water rights because the net acres to which the water right will be applied, and the net consumptive use of water, will not increase.

² Molnau, Myron, Kpordze, Kojo C.S., and Craine, Katherine, L. Monthly Shallow Pond Evaporation in Idaho, ASAE paper PNW 92-111 (1992).

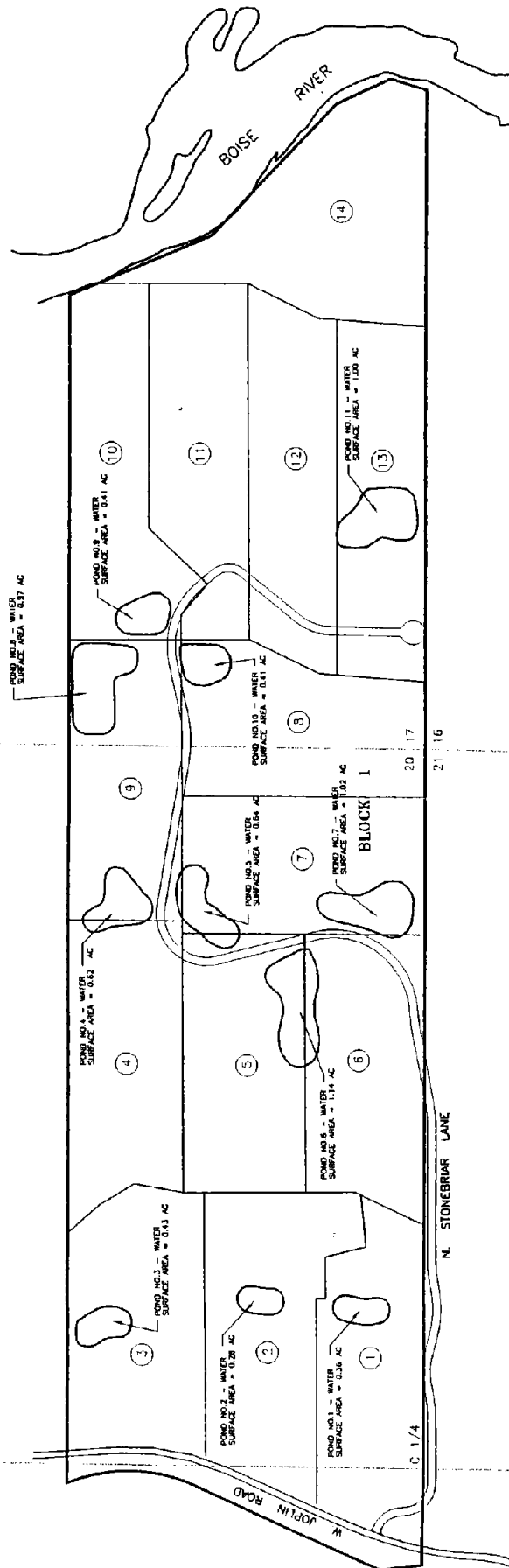
³ R.G. Allen and C.E. Brockway, Estimating Consumptive Irrigation Requirements for Crops in Idaho, University of Idaho (August 1983)(Appendix E – mean IR for Deer Flat Dam).

⁴ Conversion of historically irrigated acres within the Stonebriar Subdivision associated with construction of roads, and with minimum building footprints will total 10.36 acres. This Transfer affects the water rights associated with only 3.4 of these 10.36 road/building pad converted acres.

The Transfer proposes to apply all water under Water Right 63-145 to recognized beneficial uses, and will continue beneficial use of the water right within the Eureka Water Company service area for its shareholders. The Transfer also will permit the development of existing ground water resources for authorized beneficial uses. For these reasons, the Transfer is in the public interest.

STONEBRIAR SUBDIVISION

PORTIONS OF SECTIONS 17 AND 20, T.4N., R1W., B.M., ADA COUNTY, IDAHO



Attachment E

TOOTHMAN-ORTON ENGINEERING CO.
ENGINEERS SURVEYORS PLANNERS
9777 CHINDEN BOULEVARD • BOISE, IDAHO 83714-2008
PHONE: 208-323-2288 • FAX: 208-323-2399
E-FILE: HVS98073/STONE-PONDING DATE: 4/15/02 JOB: 98073-20-00

SCANNED

DEC 25 2002

SCANNED
DEC 24 2002

SCANNED
DEC 30 2003