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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF TRANSFER)
NOS. 67019 AND 67107 IN THE)
NAME OF BOISE VALLEY)
IRRIGATION DITCH CO.)
_____)

**PRELIMINARY ORDER WITHDRAWING
ORDERS APPROVING TRANSFERS AND
AMENDING TRANSFER APPROVALS**

This matter having come before the Department of Water Resources (Department) as a result of the filing of a petition to correct certain transfer approvals, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On February 12, 2001, the Department issued an order approving Transfer No. 67019 in the name of Boise Valley Irrigation Ditch Co. The transfer changed the point of diversion and place of use for part of Water Right No. 63-147A, splitting the water right into nos. 63-147C and 63-147D. Prior to the transfer, Water Right No. 63-147A authorized 50.61 cfs and 10546.2 af for irrigation of 2343.6 acres. The transfer authorized a change in the point of diversion and place of use for 0.79 cfs and 190 af for irrigation of 42.2 acres under Water Right No. 63-147D. By subtraction, the irrigated acreage and corresponding diversion volume remaining for the un-transferred portion of Water Right No. 63-147A would be 2301.4 acres and 10356.3 af. The order approving the transfer provided for 49.82 cfs and 9872.1 af for irrigation of 2193.8 acres under Water Right No. 63-147C thereby reducing the irrigated acreage and diversion volume amounts by 107.6 acres and 484.2 af. The reduction was based on a forfeiture review by the Department for the place of use listed under Water Right No. 63-147A.
2. On April 10, 2001, the Department issued an order approving Transfer No. 67107 in the Name of Boise Valley Irrigation Ditch Co. The transfer changed the point of diversion and place of use for part of Water Right No. 63-147C, splitting the water right into nos. 63-31197 and 63-31198. The transfer authorized a change in the point of diversion and place of use for 0.11 cfs and 24.7 af for 5.5 acres within a 30.9 acre permissible place of use under Water Right No. 63-31198. The order approving the transfer provided for 49.71 cfs and 9847.4 af for irrigation of 2188.3 acres under Water Right No. 63-31197 for the un-transferred portion of Water Right No. 63-147C.
3. On April 26, 2001, the Department received a petition from Charles L. Honsinger, Attorney for Boise Valley Irrigation Ditch Co., asking the Department to reverse its decision to reduce

the acreage and volume elements of Water Right No. 63-147C and correct the approvals for Transfer Nos. 67019 and 67107 accordingly.

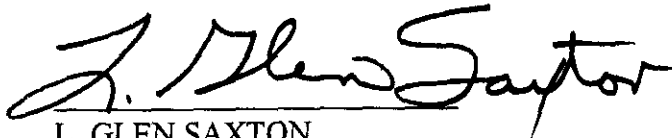
CONCLUSIONS OF LAW

1. The un-transferred portion of Water Right No. 63-147A should not have been subjected to a forfeiture reduction in the irrigated acreage and diversion volume amounts in the approval of Transfer No. 67019 because the un-transferred portion was not the subject of the transfer.
2. The Department should withdraw the order approving Transfer No. 67019 and issue an amended transfer approval to correct the irrigated acreage and diversion volume amounts to 2301.4 acres and 10356.3 af for Water Right No. 63-147C.
3. The Department should withdraw the order approving Transfer No. 67107 and issue an amended transfer approval to correct the irrigated acreage and diversion volume amounts to 2295.9 acres and 10331.6 af for Water Right No. 63-31197.

ORDER

IT IS HEREBY ORDERED that the order approving Transfer No. 67019 issued by the Department on February 12, 2001 and the order approving Transfer No. 67107 issued by the Department on April 10, 2001 are WITHDRAWN and AMENDED as set forth in the amended transfer approvals issued in conjunction with this order.

Dated this 1st day of June, 2001.



L. GLEN SAXTON
Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 67107**

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO
6051 ROE ST
BOISE ID 83703

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
63-147C	AJC/Decreed	06/01/1865	49.82 cfs	10,356.3 af	2,301.4	2,301.4	BOISE RIVER

Purpose of Transfer (Changes Proposed)

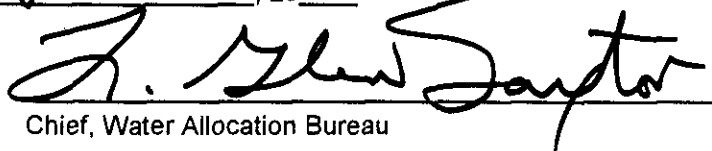
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-147C	YES	YES	YES	NO	NO	NO

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>
63-147C	63-31198	0.11 cfs	24.7 af	5.5	30.9	63-31197	49.71 cfs	10,331.6 af	2,295.9	2,295.9
TOTALS		0.11 cfs	24.7 af	5.5	30.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of June, 2001


Chief, Water Allocation Bureau

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JUN 20 2001

WATER RIGHT NO. 63-31197
As Modified by Transfer No. 67107

In accordance with the approval of Transfer No. 67107, Water Right No. 63-31197 is now described as follows.

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
 6051 ROE ST
 BOISE ID 83703

Priority Date: 06/01/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	49.71 CFS	10,331.6 AF
			49.71 CFS	10,331.6 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER NESENE Sec. 5 Twp 03N Rge 02E ADA 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	
04N 01E 3									29.0				10.0				39.0
04N 01E 10	35.0	20.0	10.0	30.0									36.0	38.0	20.0	10.0	199.0
04N 01E 11									25.0	15.0			5.0	12.0			57.0
04N 01E 13			5.0				30.0	20.0	2.0	35.0	30.0	23.0	20.0	6.2	8.1	25.0	204.3
04N 01E 14	5.0	25.0	38.0	38.0	35.0	35.0	15.0	18.3	24.8	23.1	38.0	32.0	37.0	39.0	35.0	38.0	476.2
04N 01E 15	37.0			38.0													75.0
04N 01E 23	35.0	37.0	10.0	31.0									15.0				128.0
04N 01E 24	7.0	38.0	35.0	15.0	35.0	32.5	29.5	10.0	25.0	39.0	10.0	20.0		30.0	15.0	2.0	343.0
04N 01E 25	20.0																20.0
04N 01W 1						7.0	13.0										20.0
04N 02E 18										20.0							20.0
04N 02E 19	2.0	15.0	5.0	5.0	29.0	15.0	24.2	28.0	29.2	5.6	21.0	35.0	20.0	20.0	6.1	35.0	295.1
04N 02E 20										35.0							35.0
04N 02E 29						15.0	20.0			25.0							60.0
04N 02E 30	15.0	25.0	30.0	20.4	23.0	35.0	15.0	17.0	20.0				2.4	25.0		5.0	232.8
04N 02E 31	3.0																3.0
04N 02E 32					15.0	13.5	8.0	31.0	4.0								71.5
05N 01W 33							15.0		2.0								17.0

Total Acres: 2295.9

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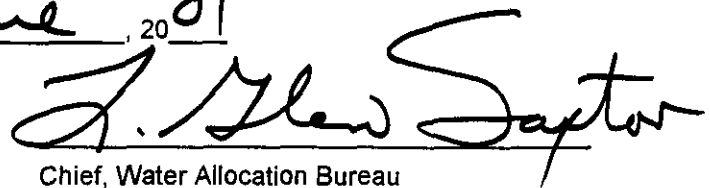
WATER RIGHT NO. 63-31197
As Modified by Transfer No. 67107

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 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.
4. The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.
5. Approval of Transfer 67107 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 1st day of June, 2001


Chief, Water Allocation Bureau

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JUN 28 2001

WATER RIGHT NO. 63-31198
As Modified by Transfer No. 67107

In accordance with the approval of Transfer No. 67107, Water Right No. 63-31198 is now described as follows.

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
 6051 ROE ST
 BOISE ID 83703

Priority Date: 06/01/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	0.11 CFS	24.7 AF
			0.11 CFS	24.7 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER Lot 2 SWSWSW Sec. 28 Twp 03N Rge 03E ADA County

BOISE RIVER Lot 2 SWSWSW Sec. 28 Twp 03N Rge 03E ADA County

BOISE RIVER Lot 1 SESE Sec. 29 Twp 03N Rge 03E ADA 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	
03N 03E 28											22.8						22.8
											1.2						
03N 03E 29													1.0			7.1	8.1
																1.1	

Total Acres: 30.9

CONDITIONS OF APPROVAL

- The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
- This right is limited to the irrigation of 5.5 acres within the place of use described above in a single irrigation season. The exact location of the 5.5 acres shall be determined by the Shakespeare Festival, and shall be submitted to the Idaho Department of Water Resources (IDWR) within five (5) years of the date of this transfer approval. Failure to submit the information to IDWR is cause for the IDWR to void this transfer.
- 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 head ~~of the lands above.~~

JUN 20 2001

WATER RIGHT NO. 63-31198
As Modified by Transfer No. 67107

5. Approval of Transfer 67107 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 1st day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED
JUN 20 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 67019

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO
6051 ROE ST
BOISE ID 83703

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. 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

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
63-147A	AJC/Decreed	06/01/1865	50.61 cfs	10,546.2 af	2,343.6	2,343.6	BOISE RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-147A	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-147A	63-147D	0.79 cfs	190 af	42.2	N/A	63-147C	49.82 cfs	10,356.3 af	N/A	2,301.4
TOTALS		0.79 cfs	190 af	42.2	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of June, 2001

[Signature]
Chief, Water Allocation Bureau

MICROFILMED

JUN 28 2001

WATER RIGHT NO. 63-147C
As Modified by Transfer No. 67019

In accordance with the approval of Transfer No. 67019, Water Right No. 63-147C is now described as follows.

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
 6051 ROE ST
 BOISE ID 83703

Priority Date: 06/01/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	49.82 CFS	10,356.3 AF
			49.82 CFS	10,356.3 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER NESENE Sec. 5 Twp 03N Rge 02E ADA 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	
04N 01E 3												29.0			10.0		39.0
04N 01E 10	35.0	20.0	10.0	30.0									36.0	38.0	20.0	10.0	199.0
04N 01E 11											25.0	15.0		5.0	12.0		57.0
04N 01E 13			5.0				30.0	20.0	2.0	35.0	30.0	23.0	20.0	6.2	8.1	25.0	204.3
04N 01E 14	5.0	25.0	38.0	38.0	35.0	35.0	15.0	18.3	24.8	23.1	38.0	32.0	37.0	39.0	35.0	38.0	476.2
04N 01E 15	37.0			38.0													75.0
04N 01E 23	35.0	37.0	10.0	31.0									15.0				128.0
04N 01E 24	7.0	38.0	35.0	15.0	35.0	32.5	35.0	10.0	25.0	39.0	10.0	20.0		30.0	15.0	2.0	348.5
04N 01E 25	20.0																20.0
04N 01W 1						7.0	13.0										20.0
04N 02E 18											20.0						20.0
04N 02E 19	2.0	15.0	5.0	5.0	29.0	15.0	24.2	28.0	29.2	5.6	21.0	35.0	20.0	20.0	6.1	35.0	295.1
04N 02E 20											35.0						35.0
04N 02E 29						15.0	20.0				25.0						60.0
04N 02E 30	15.0	25.0	30.0	20.4	23.0	35.0	15.0	17.0	20.0				2.4	25.0		5.0	232.8
04N 02E 31	3.0																3.0
04N 02E 32					15.0	13.5	8.0	31.0	4.0								71.5
05N 01W 33							15.0		2.0								17.0

Total Acres: 2301.4

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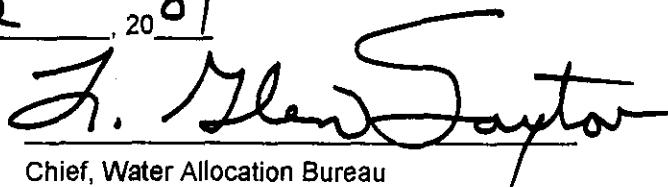
WATER RIGHT NO. 63-147C
As Modified by Transfer No. 67019

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 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.
4. The portion of Right 63-147C used for conveyance losses is 5.94 cfs.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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 1st day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED
JUN 20 2001

WATER RIGHT NO. 63-147D
As Modified by Transfer No. 67019

In accordance with the approval of Transfer No. 67019, Water Right No. 63-147D is now described as follows.

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
6051 ROE ST
BOISE ID 83703

Priority Date: 06/01/1865
Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.79 CFS	190.0 AF
			0.79 CFS	190.0 AF

LOCATION OF POINT(S) OF DIVERSION:

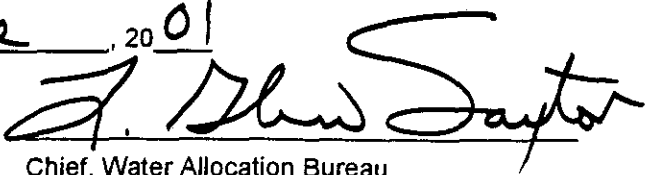
BOISE RIVER Lot 7 SENE Sec. 14 Twp 03N Rge 02E ADA County

CONDITIONS OF APPROVAL

1. Approval of Transfer 67019 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Right 63-147D is limited to the irrigation of 42.2 acres within United Water service area.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 1st day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED

JUN 20 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 67107

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO
6051 ROE ST
BOISE ID 83703

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
63-147C	AJC/Decreed	06/01/1865	49.82 cfs	10,356.3 af	2,301.4	2,301.4	BOISE RIVER

Purpose of Transfer (Changes Proposed)

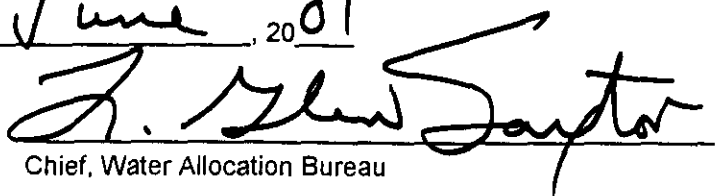
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-147C	YES	YES	YES	NO	NO	NO

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>
63-147C	63-31198	0.11 cfs	24.7 af	5.5	30.9	63-31197	49.71 cfs	10,331.6 af	2,295.9	2,295.9
TOTALS		0.11 cfs	24.7 af	5.5	30.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED

JUN 01 2001

WATER RIGHT NO. 63-31197
As Modified by Transfer No. 67107

In accordance with the approval of Transfer No. 67107, Water Right No. 63-31197 is now described as follows.

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
 6051 ROE ST
 BOISE ID 83703

Priority Date: 06/01/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	49.71 CFS	10,331.6 AF
			49.71 CFS	10,331.6 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER NESENE Sec. 5 Twp 03N Rge 02E ADA 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	
04N 01E 3									29.0						10.0		39.0
04N 01E 10	35.0	20.0	10.0	30.0									36.0	38.0	20.0	10.0	199.0
04N 01E 11									25.0	15.0			5.0	12.0			57.0
04N 01E 13			5.0				30.0	20.0	2.0	35.0	30.0	23.0	20.0	6.2	8.1	25.0	204.3
04N 01E 14	5.0	25.0	38.0	38.0	35.0	35.0	15.0	18.3	24.8	23.1	38.0	32.0	37.0	39.0	35.0	38.0	476.2
04N 01E 15	37.0			38.0													75.0
04N 01E 23	35.0	37.0	10.0	31.0									15.0				128.0
04N 01E 24	7.0	38.0	35.0	15.0	35.0	32.5	29.5	10.0	25.0	39.0	10.0	20.0		30.0	15.0	2.0	343.0
04N 01E 25	20.0																20.0
04N 01W 1						7.0	13.0										20.0
04N 02E 18										20.0							20.0
04N 02E 19	2.0	15.0	5.0	5.0	29.0	15.0	24.2	28.0	29.2	5.6	21.0	35.0	20.0	20.0	6.1	35.0	295.1
04N 02E 20											35.0						35.0
04N 02E 29							15.0	20.0			25.0						60.0
04N 02E 30	15.0	25.0	30.0	20.4	23.0	35.0	15.0	17.0	20.0				2.4	25.0		5.0	232.8
04N 02E 31	3.0																3.0
04N 02E 32					15.0	13.5	8.0	31.0	4.0								71.5
05N 01W 33								15.0	2.0								17.0
Total Acres: 2295.9																	

MICROFILMED
 JUN 11 2001

WATER RIGHT NO. 63-31197
As Modified by Transfer No. 67107

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 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.
4. The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.
5. Approval of Transfer 67107 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

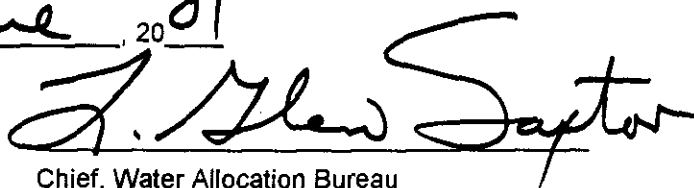
1st

day of

June

, 20

01



Chief, Water Allocation Bureau

MICROFILMED
JUN 01 2001

WATER RIGHT NO. 63-31198
As Modified by Transfer No. 67107

In accordance with the approval of Transfer No. 67107, Water Right No. 63-31198 is now described as follows.

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
 6051 ROE ST
 BOISE ID 83703

Priority Date: 06/01/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to	11/15	0.11 CFS	24.7 AF
			0.11 CFS	24.7 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER Lot 2 SWSWSW Sec. 28Twp 03N Rge 03E ADA County

BOISE RIVER Lot 2 SWSWSW Sec. 28Twp 03N Rge 03E ADA County

BOISE RIVER Lot 1 SESE Sec. 29Twp 03N Rge 03E ADA 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	
03N 03E 28											22.8						22.8
03N 03E 29											L 2		1.0		7.1		8.1
															L 1		

Total Acres: 30.9

CONDITIONS OF APPROVAL

1. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
3. This right is limited to the irrigation of 5.5 acres within the place of use described above in a single irrigation season. The exact location of the 5.5 acres shall be determined by the Shakespeare Festival, and shall be submitted to the Idaho Department of Water Resources (IDWR) within five (5) years of the date of this transfer approval. Failure to submit the information to IDWR is cause for the IDWR to void this transfer.
4. 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.

MICROFILMED

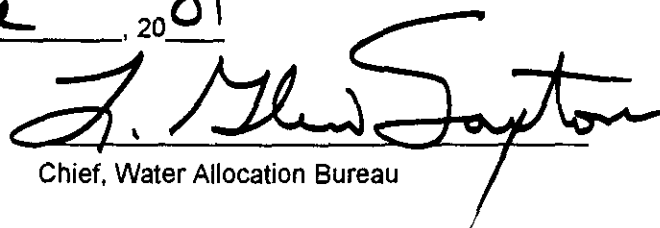
JUN 01 2005

WATER RIGHT NO. 63-31198
As Modified by Transfer No. 67107

5. Approval of Transfer 67107 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 1st day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED

JUN 01 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 67107

This is to certify that: BOISE VALLEY IRRIGATION DITCH CO
6051 ROE ST
BOISE ID 83703

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. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document. The right holder shall accomplish the authorized change within one (1) year of the date of this approval. Failure of the right holder to comply with the conditions of approval for each water right affected by this transfer is cause for the Director to rescind approval of all or part of the transfer.

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>Acres</u>	<u>Total</u>	<u>Source</u>
63-147C	AJC/	06/01/1865	49.82 cfs	9872.1 af		2,193.8	BOISE RIVER

Purpose of Transfer (Changes Proposed)

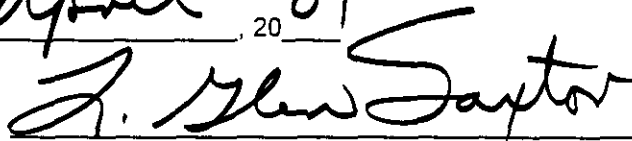
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-147C	YES	YES	YES	NO	NO	NO

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>Acres Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acres Limit</u>	<u>Remaining Total Acres</u>
63-147C	311981	0.11 cfs	24.7 af	5.5	30.9	311981	0.11 cfs	9847.4 af	2,188.3	2,188.3
TOTALS		0.11 cfs	24.7 af	5.5	30.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 10th day of April, 2001


Chief, Water Allocation Bureau

MICROFILMED

APR 26 2001

WATER RIGHT NO. 63-31197
As Modified by Transfer No. 67107

In accordance with the approval of Transfer No. 67107, Water Right No. 63-31197 is now described as follows.

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
 6051 ROE ST
 BOISE ID 83703

Priority Date: 06/01/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	49.71 CFS	9,847.4 AF
			49.71 CFS	9,847.4 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER NESENE Sec. 5 Twp 03N Rge 02E ADA 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	
04N 01E 3												25.0			8.0		33.0
04N 01E 10	35.0	20.0	10.0	30.0									2.0	15.0	20.0	10.0	142.0
04N 01E 11											25.0	15.0		5.0	12.0		57.0
04N 01E 13			5.0				30.0	20.0	25.0	35.0	35.0	20.0	20.0	20.0	39.0	20.0	269.0
04N 01E 14	5.0	25.0	38.0	38.0	35.0	35.0	15.0	20.0	25.0	24.4	38.0	32.0	37.0	39.0	35.0	38.0	479.4
04N 01E 15	37.0			38.0													75.0
04N 01E 23	35.0	37.0	6.0	23.0									15.0				116.0
04N 01E 24	15.0	28.0	35.0	15.0	32.0	35.0	19.5	10.0	25.0	20.0	10.0	15.0	5.0	30.0	15.0	2.0	311.5
04N 01E 25	20.0																20.0
04N 01W 1						7.0	13.0										20.0
04N 02E 18											20.0						20.0
04N 02E 19	2.0	15.0	5.0	5.0	25.0	15.0	24.2	32.0	29.2	22.0	15.0	32.0	20.0	20.0	20.0	20.0	301.4
04N 02E 20											15.0						15.0
04N 02E 29						15.0	15.0			15.0	10.0						55.0
04N 02E 30	15.0	20.0	27.0	15.0	23.0	32.0	15.0	17.0	20.0				10.0	25.0		5.0	224.0
04N 02E 31	3.0																3.0
04N 02E 32					10.0	15.0		4.0	1.0								30.0
05N 01W 33								15.0	2.0								17.0

Total Acres: 2188.3

MICROFILM

APR 26 2001

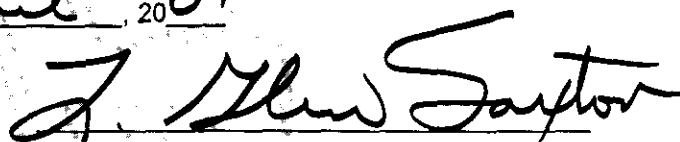
WATER RIGHT NO. 63-31197
As Modified by Transfer No. 67107

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 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.
4. The portion of Right 63-31197 used for conveyance losses is 5.94 cfs.
5. Approval of Transfer 67107 does ~~not~~ grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 10th day of April, 2001


Chief, Water Allocation Bureau

MICROFILMED

APR 26 2001

WATER RIGHT NO. 63-31198
As Modified by Transfer No. 67107

In accordance with the approval of Transfer No. 67107, Water Right No. 63-31198 is now described as follows.

Right Holder: BOISE VALLEY IRRIGATION DITCH CO
 6051 ROE ST
 BOISE ID 83703

Priority Date: 06/01/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.11 CFS	24.7 AF
			0.11 CFS	24.7 AF

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER	Lot 2	SWSWSW	Sec. 28	Twp 03N	Rge 03E	ADA County
BOISE RIVER	Lot 2	SWSWSW	Sec. 28	Twp 03N	Rge 03E	ADA County
BOISE RIVER	Lot 1	SESE	Sec. 29	Twp 03N	Rge 03E	ADA 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	
03N 03E 28											22.8						22.8
03N 03E 29											L 2		1.0			7.1	8.1
															L 1		

Total Acres: 30.9

CONDITIONS OF APPROVAL

- The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
- Use of water under this water right will be regulated by the watermaster of State Water District No. 63, Boise River.
- This right is limited to the irrigation of 5.5 acres within the place of use described above in a single irrigation season. The exact location of the 5.5 acres shall be determined by the Shakespeare Festival, and shall be submitted to the Idaho Department of Water Resources (IDWR) within five (5) years of the date of this transfer approval. Failure to submit the information to IDWR is cause for the IDWR to void this transfer.
- 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 point of diversion for irrigation of the lands above.

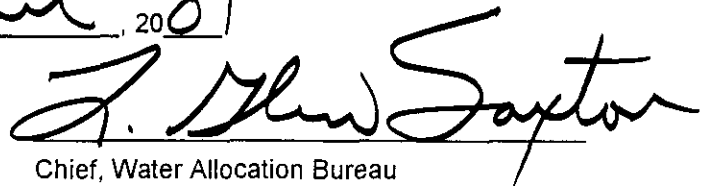
APR 26 2001

WATER RIGHT NO. 63-31198
As Modified by Transfer No. 67107

5. Approval of Transfer 67107 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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 10th day of April, 2001


Chief, Water Allocation Bureau

MICROFILMED
APR 26 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 19, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BOISE VALLEY IRRIGATION DITCH CO
6051 ROE ST
BOISE ID 83703

RE: Preliminary Order in the Matter of Transfers 67019 & 67107
Water Rights 63-147C & D, 63-31197, 63-31198

Dear Permit Holder(s):

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: Charlie Honsinger, Ringert, Clark
Mike Creamer, Givens, Pursley
John Marshall, Givens, Pursley

MICROFILMED
JUN 20 2001

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of **June, 2001**, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

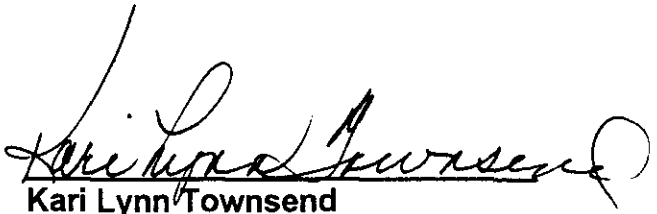
RE: Preliminary Order in the Matter of Transfers 67019 & 67107

**BOISE VALLEY IRRIGATION DITCH CO
6051 ROE ST
BOISE ID 83703**

**CHARLIE HONSINGER at RINGERT, CLARK
PO BOX 2773
BOISE ID 83701**

**MIKE CREAMER at GIVENS, PURSLEY
PO BOX 2720
BOISE ID 83701-2720**

**JOHN MARSHALL at GIVENS, PURSLEY
PO BOX 2720
BOISE ID 83701-2720**


**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 20 2001

MEMORANDUM

TO: FILE 63-31198
FROM: VAULT
RE: TRANSFER # 67107
DATE: 6.8.01

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 63-147C

MICROFILMED

JUN 01 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2001

BOISE VALLEY IRRIGATION DITCH CO
6051 ROE ST
BOISE ID 83703

RE: Water Rights 63-31197 & 63-31198 (Transfer 67107)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 67107). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
APR 26 2001

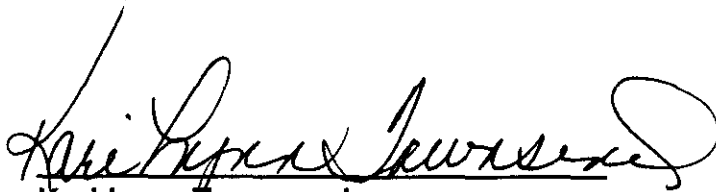
MICRO

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of **April, 2001** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHTS 63-31197 & 63-31198 (Transfer 671079)

**BOISE VALLEY IRRIGATION DITCH CO
6051 ROE ST
BOISE ID 83703**


**Kari Lynn Townsend
Secretary**

**RECEIVED
APR 26 2001**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 11, 2001

LEE SISCO
WATERMASTER
6616 OVERLAND RD
BOISE ID 83709

RE: TRANSFER OF WATER RIGHTS 63-31197/63-31198
(Transfer 67107)

Dear Lee:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 67107) in the name Boise Valley Irrigation Ditch Co.

If you have any questions, please call me at 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

APR 26 2001