STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85636

This is to certify that: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O SAWTOOTH LAW OFFICES PLLC
ATTN BRYCE FARRIS
PO BOX 7985
BOISE, ID 83707

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 Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
63-198AJ	WR/DECREED	6/1/1877	0.400 cfs	N/A	40.0	N/A	BOISE RIVER, MORES CREEK
63-199B	WR/DECREED	5/1/1878	169.600 cfs	N/A	N/A	N/A	BOISE RIVER, MORES CREEK
63-200B	WR/DECREED	8/20/1888	361.940 cfs	N/A	N/A	N/A	BOISE RIVER, MORES CREEK
63-30181	WR/DECREED	6/1/1864	0.200 cfs	N/A	N/A	N/A	BOISE RIVER, MORES CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-198AJ	NO	NO	YES	YES	NO	NO
63-199B	NO	NO	YES	YES	NO	NO
63-200B	NO	NO	YES	YES	NO	NO
63-30181	NO	NO	YES	YES	NO	NO

SUPPORT DATA
IN FILE # 63-198AJ

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
63-198AJ	63-198AJ	0.400 cfs	N/A	40.0	N/A	N/A	N/A	N/A	N/A	N/A
63-199B	63-199B	169.600 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-200B	63-200B	361.940 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-30181	63-30181	0.200 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**532.140 cfs**	**N/A**	**N/A**	**69495.0**		**N/A**	**N/A**	**N/A**	**N/A**

SCANNED
JAN 30 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85636

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 30th day of January, 2023.

Nick Miller, Western Region Manager

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-198AJ

As Modified by Transfer No. 85636

In accordance with the approval of Transfer No. 85636, Water Right No. 63-198AJ is now described as follows:

Right Holder: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O SAWTOOTH LAW OFFICES PLLC
ATTN DAN STEENSON
PO BOX 7985
BOISE, ID 83707

Priority Date: 6/1/1877

Source:	ROCK CREEK	**Tributary:**	SOUTH FORK BOISE RIVER
Source:	BOISE RIVER	**Tributary:**	SNAKE RIVER
Source:	MORES CREEK	**Tributary:**	BOISE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	0.400 cfs
				0.400 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK	NENW	Sec 14 Twp 01N Rge 07E	ELMORE County
BOISE RIVER	L8 (NWNE)	Sec 4 Twp 02N Rge 03E	ADA County
BOISE RIVER	L6 (NWSW)	Sec 29 Twp 03N Rge 03E	ADA County
MORES CREEK	SWNE	Sec 35 Twp 05N Rge 04E	BOISE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

2. 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.

3. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

4. 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(s).

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-198AJ

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

5. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion, the Green Ranch diversion, and the Danskin diversion must also be reduced by an equivalent proportion.

6. Prior to March 1 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

7. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.02 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

8. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and ground water recharge purposes divided by 0.02 cfs/acre.

9. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 26.0 cfs.

10. Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B.

11. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

12. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.

13. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch and Danskin diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

14. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.

SCANNED

JAN 30 2023

WATER RIGHT NO. 63-198AJ

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

15. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Danskin diversion for irrigation purposes shall be calculated at a diversion rate of 0.01 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis or to limit the rate water may be applied to less than 0.02 cfs per acre at the field headgate.

16. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Danskin Diversion shall not exceed a combined total of 1.55 cfs.

17. Rights 63-115, 63-19756, 63-31296, 63-31290A, and 63-31290B, and the following rights when diverted from the Danskin diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 3.10 cfs and the irrigation of 155 acres.

18. Water shall not be diverted under this right at the Danskin diversion if such diversion would cause injury to rights senior in priority to December 22, 2021 that are authorized to divert from Rock Creek and its tributaries.

19. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

20. 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 Reservoirs 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.

21. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

SCANNED

JAN 30 2023

WATER RIGHT NO. 63-198AJ

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

22. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.

23. This right when combined with Right Nos. 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181 and 63-32695 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.

24. This right is limited to the irrigation of 40 acres within the authorized place of use.

25. This right originated as all or part of right no. 65 in the Stewart Decree and the historic Boise River Water Masters records.

26. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

27. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-199B

As Modified by Transfer No. 85636

In accordance with the approval of Transfer No. 85636, Water Right No. 63-199B is now described as follows:

Right Holder: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O SAWTOOTH LAW OFFICES PLLC
ATTN BRYCE FARRIS
PO BOX 7985
BOISE, ID 83707

Priority Date: 5/1/1878

Source:	ROCK CREEK	**Tributary:**	SOUTH FORK BOISE RIVER
Source:	BOISE RIVER	**Tributary:**	SNAKE RIVER
Source:	MORES CREEK	**Tributary:**	BOISE RIVER

BENEFICIAL USE	From		To	Diversion Rate
GROUND WATER RECHARGE	03/01	to	11/15	5.110 cfs
INDUSTRIAL	03/15	to	11/15	1.600 cfs
IRRIGATION	03/01	to	11/15	169.600 cfs
				169.600 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK	NENW	Sec 14 Twp 01N Rge 07E	ELMORE County
BOISE RIVER	L8 (NWNE)	Sec 4 Twp 02N Rge 03E	ADA County
BOISE RIVER	L6 (NWSW)	Sec 29 Twp 03N Rge 03E	ADA County
MORES CREEK	SWNE	Sec 35 Twp 05N Rge 04E	BOISE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

2. Use of water under this right may 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.

3. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

4. 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(s).

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-199B

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

5. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion, the Green Ranch diversion, and the Danskin diversion must also be reduced by an equivalent proportion.

6. Prior to March 1 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

7. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.02 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

8. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and ground water recharge purposes divided by 0.02 cfs/acre.

9. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 26.00 cfs.

10. Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B.

11. The place of use for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Surprise Valley diversion.

12. The period of use for industrial use described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early season use and a priority date earlier than the date of this approval.

13. The annual volume of water used for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by December 31 of each year.

14. Diversion and use of water for industrial purposes under right nos. 63-199B and 63-200B shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under those rights.

SCANNED

JAN 30 2023

WATER RIGHT NO. 63-199B

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

15. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

16. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.

17. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

18. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and tributaries.

19. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Danskin diversion for irrigation purposes shall be calculated at a diversion rate of 0.01 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis or to limit the rate water may be applied to less than 0.02 cfs per acre at the field headgate.

20. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Danskin Diversion shall not exceed a combined total of 1.55 cfs.

21. Rights 63-115, 63-19756, 63-31296, 63-31290A, and 63-31290B, and the following rights when diverted from the Danskin diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 3.10 cfs and the irrigation of 155 acres.

22. Water shall not be diverted under this right at the Danskin diversion if such diversion would cause injury to rights senior in priority to December 22, 2021 that are authorized to divert from Rock Creek and its tributaries.

23. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-199B

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

24. 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 Reservoirs 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.

25. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

26. This right when combined with Right Nos. 63-198AJ, 63-200B, 63-2392B, 63-2968, 63-30181 and 63-32695 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.

27. This right originated as all or part of right no. 67 in the Stewart Decree and the historic Boise River Water Masters records.

28. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

29. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-200B

As Modified by Transfer No. 85636

In accordance with the approval of Transfer No. 85636, Water Right No. 63-200B is now described as follows:

Right Holder: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O SAWTOOTH LAW OFFICES PLLC
ATTN BRYCE FARRIS
PO BOX 7985
BOISE, ID 83707

Priority Date: 8/20/1888

Source:	ROCK CREEK	**Tributary:**	SOUTH FORK BOISE RIVER
Source:	BOISE RIVER	**Tributary:**	SNAKE RIVER
Source:	MORES CREEK	**Tributary:**	BOISE RIVER

BENEFICIAL USE	From		To	Diversion Rate
GROUND WATER RECHARGE	03/15	to	11/15	10.890 cfs
INDUSTRIAL	03/15	to	11/15	3.400 cfs
IRRIGATION	03/15	to	11/15	361.940 cfs
				361.940 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK	NENW	Sec 14 Twp 01N Rge 07E	ELMORE County
BOISE RIVER	L8 (NWNE)	Sec 4 Twp 02N Rge 03E	ADA County
BOISE RIVER	L6 (NWSW)	Sec 29 Twp 03N Rge 03E	ADA County
MORES CREEK	SWNE	Sec 35 Twp 05N Rge 04E	BOISE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

2. Use of water under this right may 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.

3. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

4. 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(s).

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-200B

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

5. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion, the Green Ranch diversion, and the Danskin diversion must also be reduced by an equivalent proportion.

6. Prior to March 1 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

7. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.02 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

8. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and ground water recharge purposes divided by 0.02 cfs/acre.

9. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 26.00 cfs.

10. Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B.

11. The place of use for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Surprise Valley diversion.

12. The period of use for irrigation, industrial, and ground water recharge uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early season use and a priority date earlier than the date of this approval.

13. The annual volume of water used for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by December 31 of each year.

14. Diversion and use of water for industrial purposes under right nos. 63-199B and 63-200B shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under those rights.

SCANNED

JAN 30 2023

WATER RIGHT NO. 63-200B

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

15. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

16. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.

17. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and tributaries.

18. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch and Danskin diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

19. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Danskin diversion for irrigation purposes shall be calculated at a diversion rate of 0.01 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis or to limit the rate water may be applied to less than 0.02 cfs per acre at the field headgate.

20. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Danskin Diversion shall not exceed a combined total of 1.55 cfs.

21. Rights 63-115, 63-19756, 63-31296, 63-31290A, and 63-31290B, and the following rights when diverted from the Danskin diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 3.10 cfs and the irrigation of 155 acres.

22. Water shall not be diverted under this right at the Danskin diversion if such diversion would cause injury to rights senior in priority to December 22, 2021 that are authorized to divert from Rock Creek and its tributaries.

23. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED

JAN 30 2023

WATER RIGHT NO. 63-200B

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

24. 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 Reservoirs 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.

25. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

26. This right originated as all or part of right no. 106 in the Stewart Decree and the historic Boise River Water Masters records.

27. This right when combined with Right Nos. 63-198AJ, 63-199B, 63-2392B, 63-2968, 63-30181 and 63-32695 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.

28. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

29. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED
JAN 30

WATER RIGHT NO. 63-30181

As Modified by Transfer No. 85636

In accordance with the approval of Transfer No. 85636, Water Right No. 63-30181 is now described as follows:

Right Holder: NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O SAWTOOTH LAW OFFICES PLLC
ATTN DAN STEENSON
PO BOX 7985
BOISE, ID 83707

Priority Date: 6/1/1864

Source:	ROCK CREEK	**Tributary:**	SOUTH FORK BOISE RIVER
Source:	BOISE RIVER	**Tributary:**	SNAKE RIVER
Source:	MORES CREEK	**Tributary:**	BOISE RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	03/15	to	11/15	0.200 cfs
				0.200 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK	NENW	Sec 14 Twp 01N Rge 07E	ELMORE County
BOISE RIVER	L8 (NWNE)	Sec 4 Twp 02N Rge 03E	ADA County
BOISE RIVER	L6 (NWSW)	Sec 29 Twp 03N Rge 03E	ADA County
MORES CREEK	SWNE	Sec 35 Twp 05N Rge 04E	BOISE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

2. 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.

3. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.

4. 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(s).

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-30181

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

5. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion, the Green Ranch diversion, and the Danskin diversion must also be reduced by an equivalent proportion.

6. Prior to March 1 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Surprise Valley diversion. Use of water under those rights each year shall not exceed the reported amounts.

7. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion for irrigation purposes shall be calculated at a diversion rate of 0.02 cfs per acre to be irrigated, and when combined with any other rights those 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 purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

8. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Surprise Valley diversion each year shall be reduced from a maximum of 1300 by at least the number resulting from the total rate of flow to be diverted for industrial and ground water recharge purposes divided by 0.02 cfs/acre.

9. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Surprise Valley Diversion shall not exceed a combined total of 26.0 cfs.

10. Each year the amount of water available for irrigation at the Surprise Valley diversion shall be reduced by the amount of water to be diverted for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B.

11. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.

12. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.

13. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch and Danskin diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

14. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and tributaries.

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-30181

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

15. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B from the Danskin diversion for irrigation purposes shall be calculated at a diversion rate of 0.01 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis or to limit the rate water may be applied to less than 0.02 cfs per acre at the field headgate.

16. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B and 63-200B at the Danskin Diversion shall not exceed a combined total of 1.55 cfs.

17. Rights 63-115, 63-19756, 63-31296, 63-31290A, and 63-31290B, and the following rights when diverted from the Danskin diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 3.10 cfs and the irrigation of 155 acres.

18. Water shall not be diverted under this right at the Danskin diversion if such diversion would cause injury to rights senior in priority to December 22, 2021 that are authorized to divert from Rock Creek and its tributaries.

19. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

20. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.

21. 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 Reservoirs 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.

SCANNED
JAN 30 2023

WATER RIGHT NO. 63-30181

As Modified by Transfer No. 85636

CONDITIONS OF APPROVAL

22. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

23. This right when combined with Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968 and 63-32695 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.

24. This right is former right no. 63-120J.

25. This right originated as all or part of right no. 1 in the Stewart Decree and the historic Boise River Water Masters records.

26. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

27. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

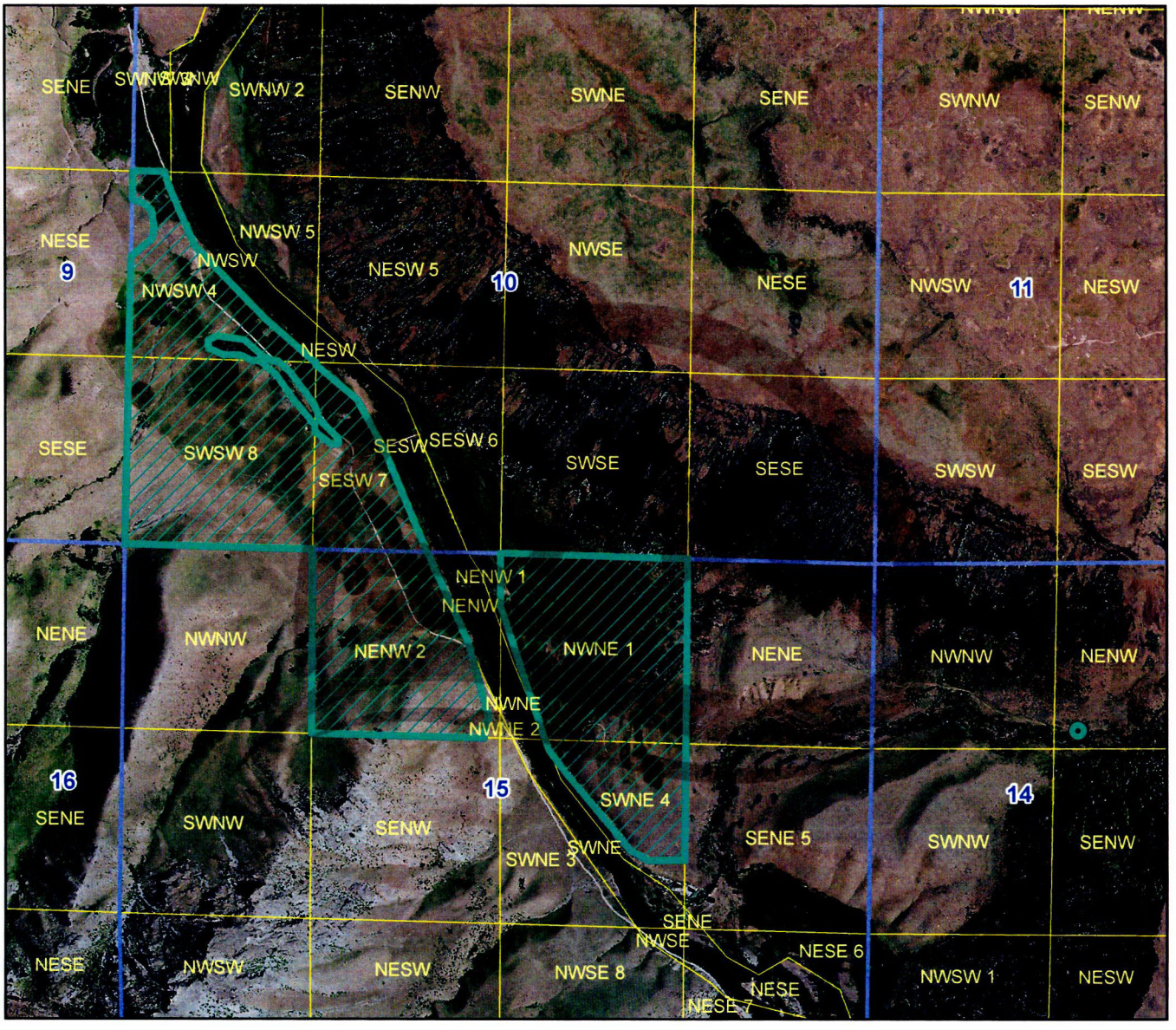
SCANNED
JAN 30 2023

State of Idaho
Department of Water Resources

Attachment to Transfer No. 85636

Water Right(s): 63-198AJ, 63-199B, 63-200B, 63-30181

This map depicts the IRRIGATION place of use boundary
added to these water rights by this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use
- Townships
- PLS Sections
- Quarter Quarters

0 0.15 0.3 0.6 Miles

N

SCANNED
JAN 30 2

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 30, 2023

NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O S BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
PO BOX 7985
BOISE ID 83707

Re: Transfer No: 85636
Water Right No(s).: 63-198AJ, 63-199B , 63-200B , 63-30181

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change.

SCANNED
JAN 30 2023

Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190.

Sincerely,

Lynne Evans
Administrative Assistant I

Enclosure

CC:
LORI GRAVES, HDR INC

SCANNED
JAN 30 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85636
Water Right No(s).: 63-198AJ, 63-199B , 63-200B , 63-30181

NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O S BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
PO BOX 7985
BOISE ID 83707

LORI GRAVES
HDR INC
412 E PARKCENTER BLVD STE 100
BOISE ID 83706-6659

Lynne Evans
Administrative Assistant I

SCANNED
JAN 30 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (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 or files an exception and brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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.

SCANNED
JAN 30 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 service date 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.

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JAN 30 2023

March 2017

REVIEW CHECKLIST TRANSFER -- OR -- EXCHANGE

(Workflow) (maybe Workflow)

Application # 85636 **Reviewer** LAURA **Date** 1.28.22

Acceptable Filing (TP Memo #24 Sect. 3) ✓ Y ____ N If "N" 30-day Deficiency Ltr Sent _____(date & initial)

Initial Review & Abbreviated Data Entry _____ (date & initial) Supervisor Notes ____Y ____N

Right(s) in Water Bank ____ Y ✓ N, Notify S.O. _____ (date) - WSB App Attachment _____

COMMENT LETTERS ✓ Y ____ N

Water District # 63 (Required even if No Legal Notice Required)

Other(s): list here or see attached _____

ADVERTISING ✓ Y ____ N If "N" Save Legal Notice Not Required DB Comment in Workflow & Memo ___

Legal Notice Required - Saved as Legal Notice Remarks in Workflow ✓ Y *uncheck "Currently in Data Entry" flag

Statewide ads ____ Y ✓ N ("Y" only if any single right > 10 cfs, 1000 af storage) DIVERT ONLY 1.55 CFS

COMPLETE TO HERE BEFORE FORWARD FOR ADVERTISING

ADVERTISER COMPLETES

LEGAL NOTICE & PROTEST

Protest Deadline 03.07.2022

Y	N			
____	____	Protested	If Y: ____	Scan protest
____	____	Affidavit received/published correctly	If N: ____	Re-advertised & published correctly

REVIEW MEMO -- DRAFT APPROVAL -- APPROVAL COVER LETTER

Drilling fee upgrade — Paid — WC & WR File Documented (Request, CAN NOT hold xFer if unpaid).

Review Memo Completed ✓ (See Review Memo Template N:/WRProcessing/Transfers/Review Memo Template).

Data Entry, Conditions, & ArcMap Data Entry Completed ✓

E'folder w/ Draft Approval 85636 NAMPA & MERIDIAN IRR. DISTRICT
(applicant last name + application #)

NOTE FOR CLERICAL STAFF APPROVAL COVER LETTER

Add WSB paragraph to approval cover letter (see N:WRFormLetters/Water Bank Paragraph) ____ Y ✓ N

OPTIONAL PAGE -- CONDITIONS & NOTES

GROUNDWATER:

WD 161 (Non-de minimis uses) - R05
- ≤ 0.24 cfs/5 acres - No MD
- > 0.24 cfs/5 acres - 214

~~WD~~
- < 0.24 cfs/5 acres - No MD
- ≥ 0.24 cfs/5 acres - 01M or 01Q (ref. MD flowchart)

No water measurement districts in Western Region at this time.
DRILLING PERMIT - 046 (new well)

SURFACE WATER:

WD - R05
≤ 0.20 cfs - R02, 01P or No MD (ref. MD flowchart)
> 0.20 cfs - R43
~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE
- < 0.24 cfs/5 acres - No MD
- ≥ 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)
STANDARD VOLUME_____ af/ac
CONSUMPTIVE USE VOLUME _____ af/ac

USES:

STORAGE - 18C-18B/R40-123-220-219-221-222-259-937-938
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
Volume only - R58/R59/R60/R61
Supplemental - 943 & WB7
Storage - R70
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029 (70's basins only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT. - 077-218
DAIRY - 082 (zoning if a concern)-106-WD8

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN – 007-109-X64
Irr., GW supp to SW - 102

DOMESTIC
Surface water - WB5 (Boise above Star Bridge)
>1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas. condition outside a WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu
X35 - Combined **limits** of multiple rts

X49 - measure p/'d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
205 - use when quantity reduced by xFer approval
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X63 - replaced C12 through C17 - ultimately C18 placed on rts to cover issue. If C18 on rts replace with T19 and remove X63.

Apply one to chg'd & unchg'd rts that are subject to SRBA:

T09 - on-going SRBA (no Dir Rpt yet)
T19 - replaces C18 (if at Directors Report or Partial Decree stage)
T20 – use only on unchg'd rts not subject to SRBA

NOTES:

MEMORANDUM

TO: Transfer No. 85636

FROM: Laura McSherry, Nick Miller

DATE: December 20, 2022

RE: Evaluation of Application

The transfer proposes changes to water right no(s). 63-198AJ, 63-199B, 63-200B, and 63-30181 as follows: Add a point of diversion to deliver water from Rock Creek to supply water to approximately 155 acres of lands in Elmore County recently or soon to be annexed into the Nampa and Meridian Irrigation District (NMID) service area. The transfer will also reflect the updated service area boundary for NMID to include the annexed lands. The proposed point of diversion and annexed lands are approximately 40 miles upstream of the original point of diversion for the NMID water rights (the Ridenbaugh Canal). The lands are located in NWSW, SWSW, and SESW Section 10, T01N, R07E and NWNE, SWNE, and NENW Section 15, T01N, R07E. The transfer proposes diverting up to 1.55 cfs from the proposed point of diversion on Rock Creek, a tributary to the South Fork Boise River, and is located in NENW Section 14, T01N, R07E.

The site is located approximately 5.5 miles southwest of Prairie, Idaho, bordering South Joy Lane.

Contact person for the transfer is HDR Inc representative Lori Graves, 412 E Park Center Blvd Ste 100 Boise, ID 83706-6659. Lori.Graves@hdrinc.com. (208) 872-9519.

Summary of Information Submitted

Authority to File:
The Secretary/Treasurer of NMID, Michael Comeskey, is an authorized representative for this transfer request. NMID has submitted annexation agreement documents with Danskin Cattle, LLC showing 155 acres within the Danskin Cattle Ranch annexed to NMID including permission to use an existing point of diversion. Danskin will receive water from NMID for irrigation use on annexed lands.

Water Right Validity:
Partial decrees for water right no. 63-198AJ, 63-199B, 63-200B were issued on March 30, 2011. The rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by aerial imagery available to the department or other evidence. Evidence of beneficial use does not need to be added to the file, it is an IDWR product available to other staff.

Injury to Other Water Rights:
The water rights proposed for transfer include lands no longer irrigated with NMID water supplies. The water right irrigable acres have been made available to use on the annexed lands as described in more detail under the "Enlargement of Use" section of this memo. The transfer was

SCANNED
JAN 30 2023

advertised and no protest was received regarding the transfer. However, the purpose of the transfer is to make water available to Danskin Ranch throughout the season, and limit curtailment that is currently likely given Danskin's existing rights that are junior to the NMID's rights. Annexation into NMID also makes storage water from NMID available to Danskin to offset out of priority diversions when the NMID rights are reduced by priority. Use of water as proposed in this transfer could result in injury for two primary reasons:

1) If Danskin diverts water under these senior water rights at times NMID would not have otherwise been diverting under these rights, Danskin would be using natural flow that, prior to the transfer, would have been available to other users, and

2) If Danskin's diversion of water under the senior priority date physically reduces the available water to users that would otherwise be in priority. For example, prior to the transfer, Danskin had the ability to call on 1.0 cfs of Rock Creek water against the upstream, junior user. After the transfer, Danskin would have the ability to call on at least 1.55 cfs, reducing the amount of water available to the upstream user's rights. Similarly, other users downstream or at the Danskin Diversion could be impacted by physically reducing the amount of water available. No other users divert from Rock Creek below the existing Danskin Diversions. It is unlikely that the use of water will injure downstream users on the Boise River by physically reducing the amount of water available to them because the river is controlled by Anderson Ranch Dam and the flow is maintained.

To guard against injury for the first reason above, the transfer approval should be conditioned such that the rights can only be diverted at times water is being delivered into the Ridenbaugh canal. An existing condition of approval can be modified as shown in bold below:

> When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-1998 and 63-2008 is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley diversion, the Green Ranch diversion, **and the Danskin Diversion** must also be reduced by an equivalent proportion.

To guard against injury for the second reason above, the transfer approval should be conditioned such that use of the rights should not interfere with use of rights existing before the transfer:

> Water shall not be diverted under this right at the Danskin diversion if such diversion would cause injury to rights senior in priority to December 22, 2021, that are authorized to divert from Rock Creek and tributaries.

Enlargement of Use:
The transfer proposes no changes in the nature of use. No additional rate or volume is proposed to be diverted from the sources beyond the historical use of the rights. The annexed lands are proposed to receive an entitlement of 0.01 cfs per acre. The water right authorization available to supply the entitlement was derived from previous exclusion of lands from NMID in excess of 155 acres that collectively had an entitlement of 1.55 cfs (less than 0.01 cfs per acre). In other words, NMID reapportioned the natural flow entitlements from lands that have been excluded from the district on to the lands annexed into the district. This does not mean the total acres authorized to be irrigated under the suite of water rights available to NMID needs to be reduced because NMID can apportion the remaining available flow under its rights to the same number of acres. No enlargement of the NMID water rights is anticipated.

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JAN 30 2023

Enlargement of the existing Danskin, rights is likely as a result of this transfer. The 155 acres proposed to receive NMID water is partially overlapped by 63-115, 63-31290A, and 63-19756. Water right 63-115 authorizes 50 acres of irrigation within a 117.3-acre place of use. Water rights 63-31920A and 63-31920B are enlargement rights of 63-115 and effectively authorize an additional 67.3 acres beyond the 50 acres authorized by 63-115. The place of use for water rights 63-31920A and 63-31920B do not overlap each other, but fully overlap the place of use for 63-115, so all three rights total 117.3 acres of irrigation within the place of use for 63-115. Further, water right 63-19756 authorizes 44.7 acres of irrigation that overlaps the NMID area by approximately 26.5 acres and the place of use for 63-115/63-31290A by the same 26.5 acres and an additional 0.6 acres outside the proposed NMID area for a total of 27.1 acres. Right 63-31296 authorizes 17.6 acres that is fully overlapped 63-19756 and is not overlapped by any other rights.

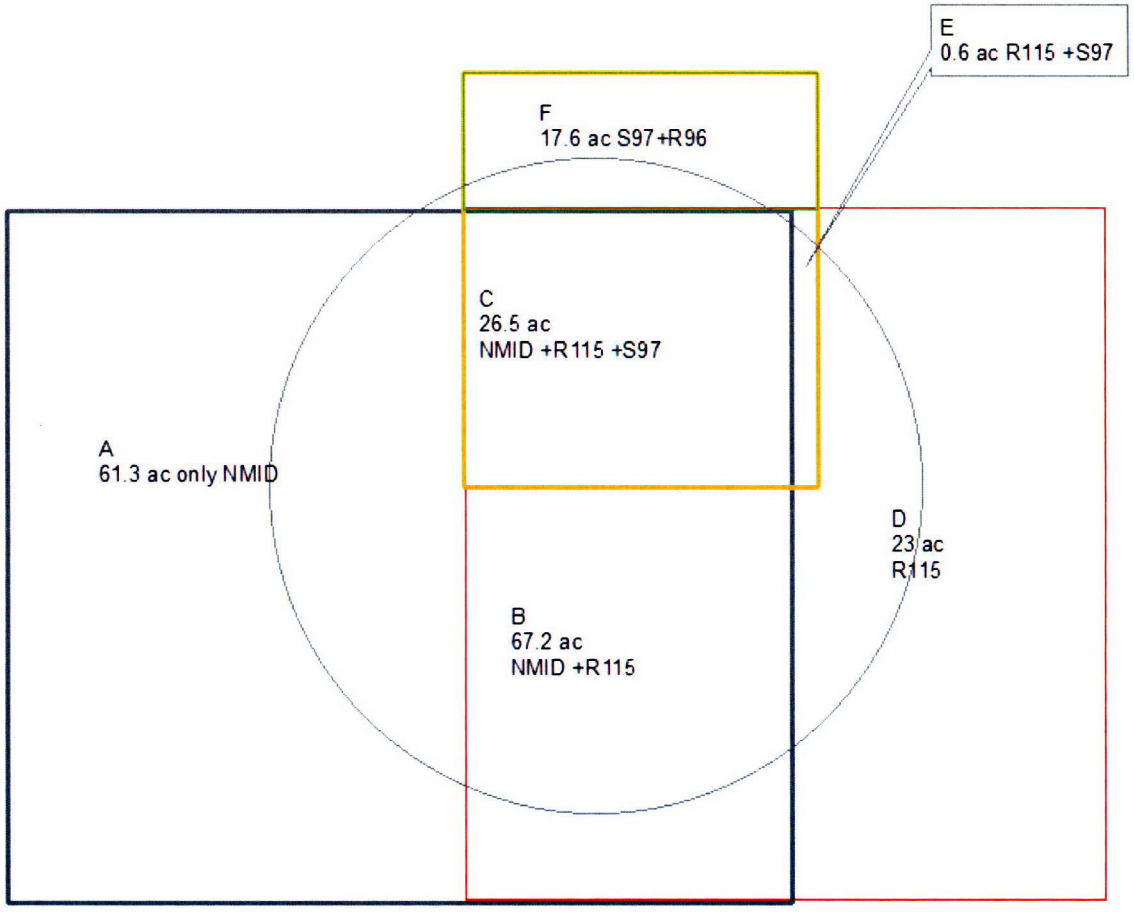


Figure 1. Schematic representation of areas with acres available for irrigation under the rights at the site. Rights are denoted with numbers and a prefix indicating the source: R = Rock Creek, S = Springs, Unnamed stream. R115 = 63-115 and its enlargement rights, S97 = 63-19756, R96 = 63-31296, NMID = rights in the transfer. The circle symbolizes an arbitrary subset of acres when the entire place of use is not irrigated.

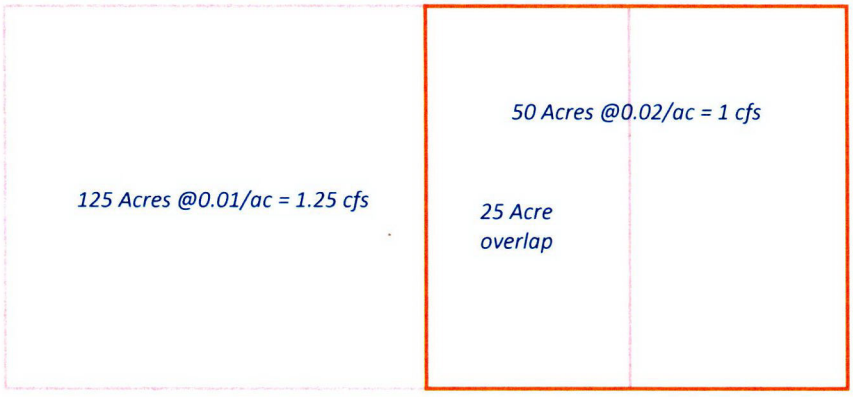
The NMID water rights authorize 1.55 cfs for 155 acres. The existing Danskin water rights overlap to the extent that they authorize up to an additional 23.0 acres under 63-115 outside of the proposed NMID boundary, and 18.2 (17.6 + 0.6) acres under 63-19756 outside of the NMID boundary for a total of 41.2 acres outside the NMID boundary. Because of existing overlaps and

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combined limits between these rights and the enlargement rights (63-31290A and 63-31290B) and 63-31290, those rights do not authorize additional acres or rate.

A result of the existing overlapping water rights is that the total number of acres that can be irrigated is196.2 acres.

The NMID rights and the existing water rights will be delivered in a common system. The existing water rights authorize up to a full 0.02 cfs/acre, while the NMID rights authorize 0.01 cfs per acre. In a common system, enlargement can occur as in the following example:



A common system that comingles two water rights will deliver the 2.25 cfs of water to the entire 150-acre place of use, resulting in 0.015 cfs/acre in this example. This means the 100 acres on the left will receive 1.5 cfs. This is more than the water right authorizes for those lands. Put another way, 0.25 cfs of the water diverted under the 50-acre water right is being applied to lands that water right does not authorize – enlarging the use under the 50-acre water right.

For this transfer, a similar situation exists. Water rights 63-115 and 63-19756 each authorize a full 0.02 cfs/acre to irrigate 50 and 44.7 acres, respectively (94.7 total). At a full diversion rate, these rights and the NMID rights would provide 3.444 cfs to irrigate 196.2 acres, resulting in a delivery rate of 0.0175 cfs per acre. So, 63-115 and 63-19756 are diverting 1.894 cfs, but only delivering 0.0175 cfs/ac to the 94.7 acre pou (1.66 cfs), meaning the balance of the diversion 1.78 cfs (3.44 – 1.66) is being delivered to lands outside the POU of those rights (onto land that should only be receiving NMID water). – this is more than the NMID rights authorize.

Adding a 155-acre overall combined acre limit to the rights involved can address this issue.

To prevent enlargement, the following combined limitation will be placed on the NMID rights.:

Rights 63-115, 63-19756, 63-31296, 63-31290A, and 63-31290B, and the following rights when diverted from the Danskin diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 3.10 cfs and the irrigation of 155 acres.

This condition is not being placed on the existing Danskin rights because this condition is not meant to limit the exercise of those rights since they are, effectively, senior to the NMID rights when all are in priority[1]. With this limitation, the common system that comingles the water rights can deliver up to 3.1 cfs of water to 155 acres of any combination within the 196.2 combined

[1] The NMID rights cannot injure existing rights, so they are subordinated to the existing Danskin rights when the Danskin rights are in priority.

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place of use, resulting in 0.02 cfs/acre. This means the acres that are not overlapped by the existing Danskin rights (and are only authorized to be irrigated with NMID water) will be receiving up to 1.55 cfs, and the existing rights will not provide water to lands outside their authorized places of use, so the rights are not enlarged.

An alternative to the combined limitation proposed above would be to require the system to be constructed such that the specific acres irrigated by the various water rights could be measured and controlled. This is impractical in many cases and no information exists in the application to suggest it is possible here.

Local Public Interest:
No evidence has been submitted suggesting the transfer proposes changes at odds with the local public interest.

Beneficial Use/Conservation of Water Resources:
The application proposes beneficial use consistent with conservation of water resources in Idaho.

Discussion

The application proposes to add a point of diversion to four water rights held by NMID to facilitate delivery of water to newly annexed lands in Elmore County. In November 2021, Danskin Cattle LLC petitioned NMID to annex approximately155 acres in Elmore County into the district pursuant to §43-1001, Idaho Code. Danskin and NMID entered into an annexation agreement on December 7, 2021. Under the agreement, NMID would annex the land into the district, apportion 0.01 cfs per acre of natural flow water entitlement and 161.2 acre-feet of storage water, all to be delivered from Rock Creek through an existing point of diversion, pipeline, and irrigation system developed by Danskin for irrigation use on the annexed lands under existing natural flow water right held by Danskin for irrigation from Rock Creek. Danskin's Rock Creek natural flow water rights are to be conveyed to NMID as part of the agreement, but the ultimate disposition of those rights is not identified in the agreement. This transfer was analyzed considering the current authorized uses of those rights and combined diversion rate and acre limitations should be imposed to prevent enlargement. Those combined limitations could be removed in the event NMID chooses to remove its portion of the existing Danskin water rights from the overlapping lands or delivers the water via a delivery system with sufficient measurement and control to prevent enlargement.

The final topic raised by this transfer and the annexation agreement is the proposal by NMID to deliver storage water to the Rock Creek diversion when the NMID natural flow water rights are curtailed or otherwise not sufficient to irrigate the land. The Department should make it clear to NMID and Danskin that the proposal is more properly viewed as a mitigation plan to authorize out of priority diversions of the NMID water by replacing the rock creek water with storage water releases into the South Fork Boise River. This transfer does not directly authorize that practice and the NMID should work with the WD63 watermaster and IDWR as necessary to facilitate those out-of-priority uses.

The application is consistent with criteria of I. C. § 42-222 and, provided the water rights being transferred and the associated rights are conditioned as discussed herein, the application should be approved.

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JAN 30 2023

THE IDAHO WORLD

P.O. Box 220
Idaho City, ID 83631
(208) 202-9288

State of Idaho)
)
County of Ada)

Elise Capson, being duly sworn, deposes and says: that she is the Billing Specialist for THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for Two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with February 16, 2022 and ending with the issue of February 23, 2022.

Elise Capson

State of Idaho)
)
County of Ada)

On this 26th day of February in the year 2022, before me, a notary public, personally appeared Elise Capson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Jesus Pelayo

Notary Public for Idaho
Residing at Boise, Idaho
Commission Expires 07/28/27

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
65-24105
BRUCE & BRUCE LLC
9600 W PEBBLE BROOK LN
BOISE, ID 83714-1764
Point of Diversion SENW S32 T07N R02E BOISE County
Source PAYETTE RIVER Tributary SNAKE RIVER
Use: IRRIGATION 03/15 to 10/31 0.16 CFS
Total Diversion: 0.16 CFS
Date Filed: 01-24-2022
Place Of Use: IRRIGATION T07N R02E S32 NWNW, L3(SWNW), L4(SENW), SWNW, SENW
Total Acres: 14

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85636
NAMPA & MERIDIAN IRRIGATION DISTRICT, C/O SAWTOOTH LAW OFFICES PLLC ATTN BRYCE FARRIS PO BOX 7985, BOISE, ID 83707 has filed Application No. 85636 for changes to the following water rights within ADA, BOISE, ELMORE County(s): Right No(s). 63-19BAJ, 63-19BB, 63-20BB, 63-30181; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows:
This transfer proposes an expansion to the Nampa and Meridian Irrigation District service area boundary and adding a point of diversion approximately 5.5 miles southwest of Prairie, Idaho. The proposed place of use is 154.75 acres located in NWSW, SWSW, and SESW Section 10, T01N, R07E and NWNE, SWNE, and NENW Section 15, T01N, R07E. The transfer proposes diverting 1.55 cfs from the proposed point of diversion on Rock Creek, a tributary to the South Fork Boise River, and is located in NENW Section 14, T01N, R07E.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208)334-2190; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code Sec. $ 42-203A and/or $42-222. Any protest against the approval or proposed change of the application must be filed with the Director, Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 3/7/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published in the Idaho World on 2/16/2022 and 2/23/2022.

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MAR 02 2022
WATER RESOURCES
WESTERN REGION

3-14-22

JESUS PELAYO
Notary Public
State of Idaho
Commission No. 20213579

SCANNED
JAN 30 2023

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FEB 28 2022
WATER RESOURCES
WESTERN REGION

23100 203606
1 IDWR - WESTERN REGION

2735 AIRPORT WAY
BOISE, ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

County of Canyon and Ada

ANGELA SAMMONS
of the State of Idaho, being of first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the Counties of Canyon and Ada, State of Idaho; that the said newspaper is in general circulation in the said counties of Canyon and Ada, and in the vicinity of Nampa, Caldwell, and Boise, and has been uninterruptedly published in said Counties during a period of seventy -eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement

That said notice was published the following: 02/17/2022, 02/24/2022

Angela Sammons

ANGELA SAMMONS
STATE OF IDAHO
County of Canyon and Ada

On this 24th day of February, in the year of 2022 before me a Notary Public, personally appeared. ANGELA SAMMONS, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Notary Public of Idaho
My commission expires

SCOTT JESSEN
NOTARY PUBLIC
MY COMMISSION EXPIRES 3-17-2022
STATE OF IDAHO
COMMISSION NUMBER 67343

SCANNED
JAN 30 2023

AD# 203606AD#

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-35124
JEREMY JEANS
CASSANDRA JEANS
533 E ANDREA ST KUNA, ID 83634-2283
Point of Diversion SWSW S3 T01N R02E ADA County
Source GROUND WATER
Point of Diversion SESW S3 T01N R02E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 2.4 CFS
Total Diversion: 2.4 CFS
Date Filed: 09-30-2021
Place Of Use: IRRIGATION
T01N R02E S3 NESW, NWSW, SWSW, SESW
Water bearing zone to be appropriated is from 350 to number 550 feet.

63-35166
JAMES MICHAEL APOSTOLOU
TINA APOSTOLOU
5783 E BARREL HORSE LN KUNA, ID 83634-5025
Point of Diversion NWSE S21 T02N R01E ADA County
Source GROUND WATER
Use: DOMESTIC 1 /1 to 12/31 0.04 CFS
Use: STOCKWATER 1 /1 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 12-01-2021
Place Of Use: DOMESTIC, STOCKWATER
T02N R01E S21 NWSE
Water bearing zone to be appropriated is from 130 to 297 feet.

63-35177
JULIE LANGLOIS
3556 S RUSTLER PL MERIDIAN, ID 83642-6873
Point of Diversion NENW S26 T03N R01W ADA County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.15 CFS
Date Filed: 12-28-2021
Place Of Use: IRRIGATION
T03N R01W S26 NENW
Water bearing zone to be appropriated is from 120 to 217 feet.

63-35178
ELEMENT DESIGN BUILD LLC
3501 W BAVARIA ST EAGLE, ID 83616-6318
Point of Diversion L5(SWNW) S24 T04N R01W ADA County
Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.28 CFS
Total Diversion: 0.28 CFS
Date Filed: 01-03-2022
Place Of Use: IRRIGATION
T04N R01W S24 SWNW
Water bearing zone to be appropriated is from 200 to 300 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85596

MADERA DEVELOPMENT INC, 5655 W FLOATING FEATHER RD, EAGLE, ID 83616-3103 has filed Application No. 85596 for changes to the following water rights within ADA County(s): Right No(s). 63-35188; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: to change the place of use of 15 acres of irrigation use to fields located in the NWSE and NESE of Section 12, T04N, R01W, north of Flint Drive.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85636

NAMPA & MERIDIAN IRRIGATION DISTRICT, C/O SAWTOOTH LAW OFFICES PLLC ATTN BRYCE FARRIS PO BOX 7985, BOISE, ID 83707 has filed Application No. 85636 for changes to the following water rights within ADA, BOISE, ELMORE County(s): Right No(s). 63-198AJ, 63-199B, 63-200B, 63-30181; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows:
This transfer proposes an expansion to the Nampa and Meridian Irrigation District service area boundary and adding a point of diversion approximately 5.5 miles southwest of Prairie, Idaho. The proposed place of use is 154.75 acres located in NWSW, SWSW, and SESW Section 10, T01N, R07E and NWNE, SWNE, and NENW Section 15, T01N, R07E. The transfer proposes diverting 1.55 cfs from the proposed point of diversion on Rock Creek, a tributary to the South Fork Boise River, and is located in NENW Section 14, T01N, R07E.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208)334-2190; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code Sec. § 42-203A and/or §42-222. Any protest against the approval of the application or proposed change must be filed with the Director, Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 3/7/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

February 17, 24, 2022 203606

2-24-22

SCANNED
JAN 30 2023

RECEIVED

FEB 28 2022

WATER RESOURCES
WESTERN REGION

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85636

NAMPA & MERIDIAN IRRIGATION DISTRICT, C/O SAWTOOTH LAW OFFICES PLLC
ATTN BRYCE FARRIS
PO BOX 7985, BOISE, ID 83707 has filed Application No. 85636 for changes to the following water rights within ADA, BOISE, ELMORE County(s): Right No(s). 63-198AJ, 63-199B, 63-200B, 63-30181; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows:
This transfer proposes an expansion to the Nampa and Meridian Irrigation District service area boundary and adding a point of diversion approximately 5.5 miles southwest of Prairie, Idaho. The proposed place of use is 154.75 acres located in NWSW, SWSW, and SESW Section 10, T01N, R07E and NWNE, SWNE, and NENW Section 15, T01N, R07E. The transfer proposes diverting 1.55 cfs from the proposed point of diversion on Rock Creek, a tributary to the South Fork Boise River, and is located in NENW Section 14, T01N, R07E.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of $25.00 for each application on or before 3/7/2022. The protestant must also send a copy of the protest to the applicant.

First Publication: February 16, 2022
Second Publication: February 23, 2022

GARY SPACKMAN, Director

3-14-22

AFFIDAVIT OF PUBLICATION

County of Elmore
State of Idaho } ss.

I, **Joy Martinez**, do solemnly swear that I am the Legal Clerk of the:

Mountain Home News

A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 16 day of Feb, 2022, and the last publication having been made on the 23 day of Feb, 2022; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Joy Martinez
Legal Clerk

Subscribed and sworn to me this 23rd day of Feb, 2022.

Brenda M Fincher
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-16-2022**.

BRENDA M. FINCHER
Comm. No. 19827
NOTARY PUBLIC
Expires: 11/16/2022
STATE OF IDAHO

SCANNED

JAN 30 2023

Lauerman, Denise

From: Lauerman, Denise
Sent: Friday, February 11, 2022 1:45 PM
To: Rex Barrie, Water District 63; Mike Meyers, Water District 63
Subject: Application for Permit No. 63-35164, Transfer No. 85636; Water Right No(s). 63-198AJ, 63-199B, 63-200B, 63-30181
Attachments: Recommendation Form Watermaster TR85636.docx; Recommendation Form Watermaster 63-35164.docx

Watermaster:

This will be my last Legal Notice email to you as I am moving on to a different position with the State of Idaho.
Please email any responses after 02.11.2022 to: westerninfo@idwr.idaho.gov or send via the Postal Service.

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. You can find a copy of the applications at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the applications, then complete the enclosed recommendation form and return it to this office by **03/07/2022**.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by **03/07/2022**, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Thanks!
Denise

Denise Lauerman
Administrative Assistant | **IDWR** - Western Region
2735 W Airport Way, Boise ID 83705-5082
(208) 334.2190 | http://idwr.idaho.gov/
denise.lauerman@idwr.idaho.gov

IDAHO DEPARTMENT OF WATER RESOURCES

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JAN 30 2022