

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88656**

This is to certify that: **NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE, ID 83707-1985**

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

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

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>
63-198AJ	NO	NO	NO	YES	NO	NO
63-199B	NO	NO	NO	YES	NO	NO
63-200B	NO	NO	NO	YES	NO	NO
63-30181	NO	NO	NO	YES	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>
63-198AJ	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		531.540 cfs	N/A	N/A	69495.0		N/A	N/A	N/A	N/A

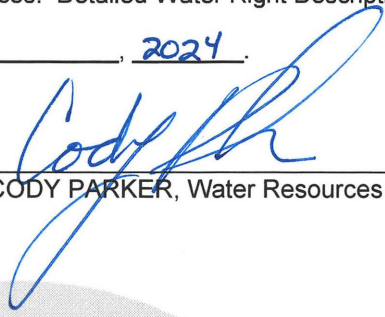
Transfer No. 88656

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88656

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 20 day of NOVEMBER, 2024.


CODY PARKER, Water Resources Supervisor



WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 88656

In accordance with the approval of Transfer No. 88656, 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
Source: BOISE RIVER
Source: MORES CREEK

Tributary: SOUTH FORK BOISE RIVER
Tributary: SNAKE RIVER
Tributary: BOISE RIVER

BENEFICIAL USE

IRRIGATION

From 03/15 **To** 11/15

Diversion Rate

0.400 cfs
0.400 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK	NENW	Sec 14	Twp 01N Rge 07E	ELMORE County
ROCK CREEK	NWSE	Sec 7	Twp 01N Rge 08E	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. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
3. 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.
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).

Transfer No. 88656

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

5. 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.
6. 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.
7. 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.
8. 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.
9. This right is limited to the irrigation of 40 acres within the authorized place of use.
10. Since approval of transfer 88506 Surprise Valley diversion is identified in the conditions of this right as Simplot/Micron diversion or BSD diversion. Simplot/Micron identifies water diverted for irrigation, industrial, or ground water recharge. BSD identifies water diverted for irrigation of the Les Bois Junior High and the Trail Wind Elementary school sites in Columbia Village annexed by Nampa & Meridian Irrigation District. Collectively, the Simplot/Micron and BSD diversions will be referred to as Surprise Valley Pump Station.
11. 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 Pump Station, the Green Ranch diversion, the Danskin diversion, and the Davison diversion must also be reduced by an equivalent proportion.

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

12. 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 Simplot/Micron diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Simplot/Micron diversion. Use of water under those rights each year shall not exceed the reported amounts.
13. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron 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.
14. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion each year shall be reduced from a maximum of 1700 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.
15. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Surprise Valley Pump Station shall not exceed a combined total of 34.56 cfs.
16. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the BSD diversion shall be calculated at a diversion rate of 0.014 cfs per acre to be irrigated, and when combined with any other rights those 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.
17. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the BSD diversion shall not exceed a combined total of 0.56 cfs.
18. The right holder shall be responsible for recording the rate of flow diverted from the Surprise Valley Pump station for the Simplot/Micron and BSD diversions.
19. 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.
20. 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.
21. The right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch, the Danskin, and the Davison diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Davison 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.
28. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Davison diversion shall not exceed a combined total of 2.20 cfs.
29. Right 63-114 and the following rights when diverted from the Davison diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 8.90 cfs and the irrigation of 458 acres.
30. Water shall not be diverted under this right at the Davison diversion if such diversion would cause injury to rights senior in priority to November 22, 2023 that are authorized to divert from Rock Creek and its tributaries.
31. 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.
32. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
33. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 88656

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

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



WATER RIGHT NO. 63-199B
As Modified by Transfer No. 88656

In accordance with the approval of Transfer No. 88656, 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
Source: BOISE RIVER
Source: MORES CREEK

Tributary: SOUTH FORK BOISE RIVER
Tributary: SNAKE RIVER
Tributary: BOISE RIVER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
GROUND WATER RECHARGE	03/01	to 11/15	6.700 cfs
INDUSTRIAL	03/15	to 11/15	2.600 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
ROCK CREEK	NWSE	Sec 7 Twp 01N Rge 08E	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. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
3. 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.
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).

Transfer No. 88656

WATER RIGHT NO. 63-199B
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. Since approval of transfer 88506 Surprise Valley diversion is identified in the conditions of this right as Simplot/Micron diversion or BSD diversion. Simplot/Micron identifies water diverted for irrigation, industrial, or ground water recharge. BSD identifies water diverted for irrigation of the Les Bois Junior High and the Trail Wind Elementary school sites in Columbia Village annexed by Nampa & Meridian Irrigation District. Collectively, the Simplot/Micron and BSD diversions will be referred to as Surprise Valley Pump Station.
12. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Surprise Valley Pump Station shall not exceed a combined total of 34.56 cfs.

WATER RIGHT NO. 63-199B
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

13. 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 Pump Station, the Green Ranch diversion, the Danskin diversion, and the Davison diversion must also be reduced by an equivalent proportion.
14. 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 Simplot/Micron diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Simplot/Micron diversion. Use of water under those rights each year shall not exceed the reported amounts.
15. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron 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.
16. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion each year shall be reduced from a maximum of 1700 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.
17. 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 Simplot/Micron diversion.
18. The amount of water diverted under right nos. 63-30181, 63-1989AJ, 63-199B, and 63-200B from the BSD diversion shall be calculated at a diversion rate of 0.014 cfs per acre to be irrigated, and when combined with any other rights those 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.
19. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the BSD diversion shall not exceed a combined total of 0.56 cfs.
20. The right holder shall be responsible for recording the rate of flow diverted from the Surprise Valley Pump Station for the Simplot/Micron and BSD diversions.
21. 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.
22. 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.

WATER RIGHT NO. 63-199B

As Modified by Transfer No. 88656

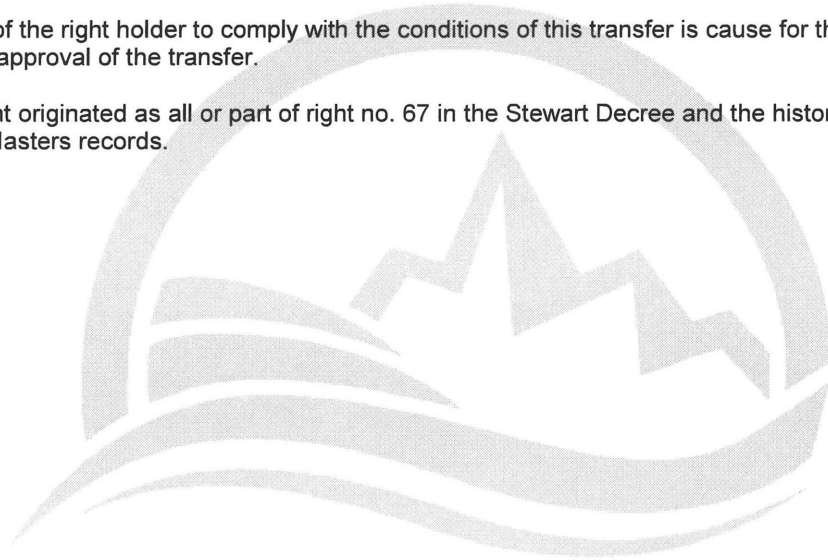
CONDITIONS OF APPROVAL

23. The right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch, Danskin, and Davison diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Davison 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.
30. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Davison Diversion shall not exceed a combined total of 2.20 cfs.
31. Right 63-114 and the following rights when diverted from the Davison diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 8.90 cfs and the irrigation of 458 acres.
32. Water shall not be diverted under this right at the Davison diversion if such diversion would cause injury to rights senior in priority to November 22, 2023 that are authorized to divert from Rock Creek and its tributaries.

WATER RIGHT NO. 63-199B
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

33. 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.
34. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
35. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
36. This right originated as all or part of right no. 67 in the Stewart Decree and the historic Boise River Water Masters records.



WATER RIGHT NO. 63-200B

As Modified by Transfer No. 88656

In accordance with the approval of Transfer No. 88656, 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
Source: BOISE RIVER
Source: MORES CREEK

Tributary: SOUTH FORK BOISE RIVER
Tributary: SNAKE RIVER
Tributary: BOISE RIVER

BENEFICIAL USE

GROUND WATER RECHARGE
INDUSTRIAL
IRRIGATION

From

03/15
03/15
03/15

to

To

11/15
11/15
11/15

Diversion Rate

14.300 cfs
5.400 cfs
361.940 cfs
361.940 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK
ROCK CREEK
BOISE RIVER
BOISE RIVER
MORES CREEK

NENW
NWSE
L8 (NWNE)
L6 (NWSW)
SWNE

Sec 14 Twp 01N Rge 07E ELMORE County
Sec 7 Twp 01N Rge 08E ELMORE County
Sec 4 Twp 02N Rge 03E ADA County
Sec 29 Twp 03N Rge 03E ADA County
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. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
3. 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.
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).

Transfer No. 88656

WATER RIGHT NO. 63-200B
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. Since approval of transfer 88506 Surprise Valley diversion is identified in the conditions of this right as Simplot/Micron diversion or BSD diversion. Simplot/Micron identifies water diverted for irrigation, industrial, or ground water recharge. BSD identifies water diverted for irrigation of the Les Bois Junior High and the Trail Wind Elementary school sites in Columbia Village annexed by Nampa & Meridian Irrigation District. Collectively, the Simplot/Micron and BSD diversions will be referred to as Surprise Valley Pump Station.
11. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Surprise Valley Pump Station shall not exceed a combined total of 34.56 cfs.

WATER RIGHT NO. 63-200B
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

12. 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 Pump Station, the Green Ranch diversion, the Danskin diversion, and the Davison diversion must also be reduced by an equivalent proportion.
13. 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 Simplot/Micron diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Simplot/Micron diversion. Use of water under those rights each year shall not exceed the reported amounts.
14. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron 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.
15. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion each year shall be reduced from a maximum of 1700 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.
16. 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 Simplot/Micron diversion.
17. 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.
18. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the BSD diversion shall be calculated at a diversion rate of 0.014 cfs per acre to be irrigated, and when combined with any other rights those 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.
19. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the BSD diversion shall not exceed a combined total of 0.56 cfs.
20. The right holder shall be responsible for recording the rate of flow diverted from the Surprise Valley Pump station for the Simplot/Micron and BSD diversions.
21. 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.

WATER RIGHT NO. 63-200B
As Modified by Transfer No. 88656

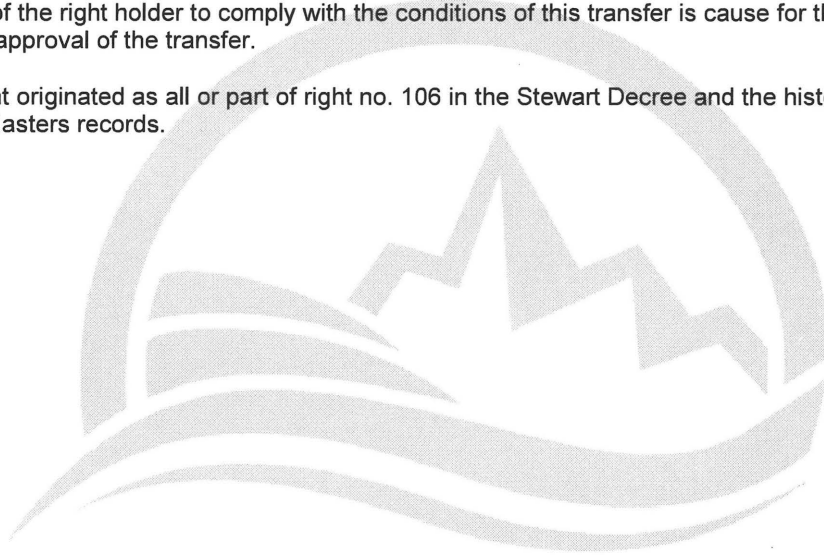
CONDITIONS OF APPROVAL

22. 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.
23. The right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch, the Danskin, and the Davison diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Davison 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.
30. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Davison diversion shall not exceed a combined total of 2.20 cfs.
31. Right 63-114 and the following rights when diverted from the Davison diversion, 63-198AJ, 63-199B, 63-200B, 63-30181 when combined shall not exceed a total diversion rate of 8.90 cfs and the irrigation of 458 acres.
32. Water shall not be diverted under this right at the Davison diversion if such diversion would cause injury to rights senior in priority to November 22, 2023 that are authorized to divert from Rock Creek and its tributaries.

WATER RIGHT NO. 63-200B
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

33. 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.
34. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
35. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
36. This right originated as all or part of right no. 106 in the Stewart Decree and the historic Boise River Water Masters records.



WATER RIGHT NO. 63-30181
As Modified by Transfer No. 88656

In accordance with the approval of Transfer No. 88656, 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
Source: BOISE RIVER
Source: MORES CREEK

Tributary: SOUTH FORK BOISE RIVER
Tributary: SNAKE RIVER
Tributary: BOISE RIVER

BENEFICIAL USE
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
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
ROCK CREEK	NWSE	Sec 7 Twp 01N Rge 08E	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. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
3. 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.
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).

Transfer No. 88656

WATER RIGHT NO. 63-30181
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

5. 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.
6. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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.
7. 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.
8. 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.
9. Since approval of transfer 88506 Surprise Valley diversion is identified in the conditions of this right as Simplot/Micron diversion or BSD diversion. Simplot/Micron identifies water diverted for irrigation, industrial, or ground water recharge. BSD identifies water diverted for irrigation of the Les Bois Junior High and the Trail Wind Elementary school sites in Columbia Village annexed by Nampa & Meridian Irrigation District. Collectively, the Simplot/Micron and BSD diversions will be referred to as Surprise Valley Pump Station.
10. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Surprise Valley Pump Station shall not exceed a combined total of 34.56 cfs.
11. 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 Pump Station, the Green Ranch diversion, the Danskin diversion, and the Davison diversion must also be reduced by an equivalent proportion.

WATER RIGHT NO. 63-30181
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

12. 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 Simplot/Micron diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Simplot/Micron diversion. Use of water under those rights each year shall not exceed the reported amounts.
13. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron 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.
14. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion each year shall be reduced from a maximum of 1700 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.
15. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the BSD diversion shall be calculated at a diversion rate of 0.014 cfs per acre to be irrigated, and when combined with any other rights those 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 BSD diversion shall not exceed a combined total of 0.56 cfs.
17. The right holder shall be responsible for recording the rate of flow diverted from the Surprise Valley Pump Station for the Simplot/Micron and BSD diversions.
18. 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.
19. 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.
20. The right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch, Danskin, and Davison diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
21. 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.

WATER RIGHT NO. 63-30181
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

22. 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.
23. 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.
24. 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.
25. 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.
26. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Davison 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.
27. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Davison diversion shall not exceed a combined total of 2.20 cfs.
28. Right 63-114 and the following rights when diverted from the Davison diversion, 63-198AJ, 63-199B, 63-200B, 63-30181 when combined shall not exceed a total diversion rate of 8.90 cfs and the irrigation of 458 acres.
29. Water shall not be diverted under this right at the Davison diversion if such diversion would cause injury to rights senior in priority to November 22, 2023 that are authorized to divert from Rock Creek and its tributaries.
30. 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.
31. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
32. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
33. This right originated as all or part of right no. 1 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-30181
As Modified by Transfer No. 88656

CONDITIONS OF APPROVAL

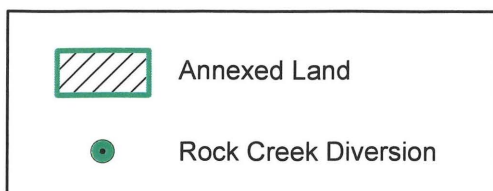
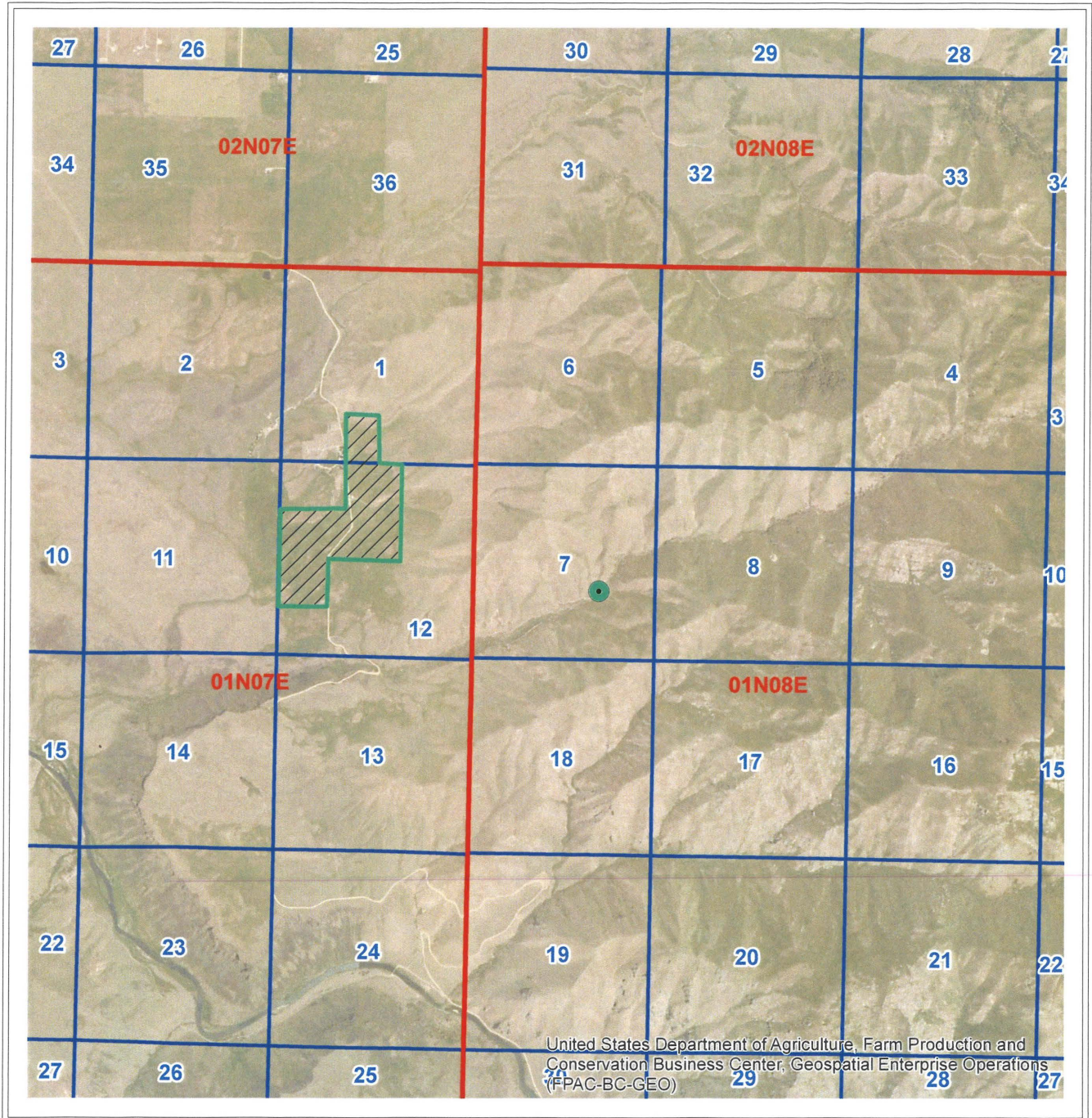
34. This right is former right no. 63-120J.



Attachment to Transfer Approval 88656

63-198AJ, 63-199B, 63-200B, 63-30181

This map depicts the annexed land and Davison diversion added to these water rights at the time of this approval and is attached to the approval solely for illustrative purposes





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 Mathew Weaver

November 21, 2024

NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE ID 83707-1985

Re: Transfer No: 88656
Water Right No(s): 63-198AJ, 63-199B , 63-200B , 63-30181
Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Rights 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.

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 the Department at (208) 334-2190.

Sincerely,



Susy Hobson
Technical Records Specialist

Enclosures

cc:

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

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2024 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.: 88656

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

NAMPA & MERIDIAN IRRIGATION DISTRICT
C/O BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE ID 83707-1985

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



Susy Hobson
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

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. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 Water Resource 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 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.

MEMORANDUM

TO: water rights 63-198AJ, 63-199B, 63-200B, and 63-30181
FROM: Cody Parker
RE: evaluation of application for transfer 88656
DATE: November 6, 2024

Transfer 88656 proposes to add a point of diversion from Rock Creek to water right nos. 63-198AJ, 63-199B, 63-200B, and 63-30181. The new diversion will supply water to approximately 220 acres of land in Elmore County which was annexed into the Nampa and Meridian Irrigation District in November 2023. Conceptually, this transfer application is very similar to transfer 85636 which was approved by IDWR on January 30, 2023.

The modification of the NMID generally described place of use is achieved separately pursuant to § 43-323 Idaho Code and is not evaluated as part of this transfer.

Summary of Information

Authority to File

The current owner of record for all water rights involved in the transfer is NMID. The application was signed by Will Patterson (Board President) and Michael Comeseky (Secretary/Treasurer). The application includes an annexation agreement between NMID and LG Davison & Sons Inc, which authorizes NMID to use an existing diversion on Davison land. No concerns.

Water Right Validity

All water rights in the transfer were decreed by the SRBA court March 30, 2011. Aerial imagery confirms beneficial use made within the previous five-year period. The rights are presumed valid.

Injury to Other Water Rights

The application proposes to move the diversion of 2.20 cfs from the Ridenbaugh Canal to a location upstream of Lucky Peak and Arrowrock reservoirs on Rock Creek. The watermaster for Water District 63 did not oppose the approval of this transfer, nor did he provide any additional comments or guidance. The application was advertised without protest.

The addition of the POD at the Davison diversion may result in water being diverted at times when that same water was not historically needed at the Ridenbaugh diversion. When the Danskin diversion was added to these water rights through transfer 85636, the following condition of approval was imposed:

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 diversions 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.

The condition should be modified to include what will now be referred to as the Davison diversion.

The relative size of Rock Creek when compared to the lower Boise River, along with the location of the Davison diversion above Lucky Peak and Arrowrock Reservoirs, suggest that Rock Creek is a less-reliable source than the reach of the Boise River at the Ridenbaugh. Calls for water at the new location could potentially be more frequent, reducing the quantity of water historically available to upstream users on Rock Creek and its tributaries. Upon approval of the transfer, the use of the water rights at the Davison diversion should not change the effect on junior users of Rock Creek or its tributaries. To that end, a condition should be added stating:

Water shall not be diverted under this right at the Davison diversion if such diversion would cause injury to rights senior in priority to November 22, 2023 that are authorized to divert from Rock Creek and its tributaries.

Enlargement of Use

The changes proposed in the transfer application will not result in an increase to the authorized rate, volume, or acres of the water rights involved. The application contemplates moving 220 acres of irrigation and 2.20 cfs to the new diversion on Rock Creek. Existing water right 63-114 authorizes irrigation of 458 acres and diversion of 8.90 cfs from the same point of diversion. The 220 acres to be irrigated using NMID water rights are contained within the 458 acres authorized by 63-114.

A condition of approval will be added to the NMID water rights on approval of this transfer limiting the total use of water from the Danskin Diversion to a total of 458 acres and 8.90 cfs. This condition clarifies that the NMID water rights do not add rate or acres, but rather provide a better priority date to allow Davison to continue irrigating later in the year when water right 63-114 would not be in priority, provided that doing so would not result in injury to other Rock Creek water rights.

Local Public Interest

There is no information in the record to suggest the proposed changes conflict 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 annexed lands. In November 2024, NMID entered into an annexation agreement with Davison. According to the agreement, NMID annexes 220 acres into the district, and apportions 0.01 cfs per acre of natural flow water along with NMID storage water, delivered from Rock Creek through the existing Davison diversion. The portion of Davison's water right (63-114) appurtenant to the 220 acres that are annexed is to be conveyed to NMID as part of the agreement. The conveyance and ultimate disposition of water right 63-114 is not addressed through this transfer.

The delivery of storage water to the Davison diversion on Rock creek is more appropriately viewed as mitigation to authorize out of priority diversion of NMID natural flow rights by replacing Rock Creek water with storage water releases into the South Fork Boise River. This transfer does not directly authorize that practice and 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 § 42-222 *Idaho Code* and, provided the water rights being transferred and the associated rights are conditioned as discussed herein, the application should be approved.