

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-161BN
Date Received: 10/10/1989
Receipt No: W006192
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SV HOMEOWNERS ASSOCIATION INC Phone: (208)422-0574
C/O SVHOA BOARD PRESIDENT
5240 S SURPRISE WAY
BOISE ID USA 83716

2. Date of Priority: 05/01/1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03E	4	NW NE 6	ADA	

5. Description of diverting works:

PUMP(S) ON RIVER TO PRESSURIZED SPRINKLER IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	3/15	11/15	2.82	

7. Total Quantity Appropriated is:
2.82 C.F.S. and/or 634.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
02N	03E	4	NW	NE	7	IRRIGATION	11
			NE	NW	3	IRRIGATION	19
			NW	NW	4	IRRIGATION	4
			Section Acres				
03N	03E	32	SE	NW		IRRIGATION	16
			NE	SE		IRRIGATION	35
			NW	SE		IRRIGATION	12
			SE	SE		IRRIGATION	8
			NW	NE	2	IRRIGATION	1
			SW	NE		IRRIGATION	29
			SE	NE	1	IRRIGATION	3
			NE	NW		IRRIGATION	32
Section Acres					140		
03N	03E	33	NW	SW		IRRIGATION	16
			SW	SW		IRRIGATION	35
			SE	SW		IRRIGATION	21
Section Acres					72		
Total Acres					246		

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CLAIM AMENDED PER TRANSFER NO. 4737 APPROVED 1/30/1998.

DIVERSION UNDER RT. NOS. A63-00161BN & 63-02932 IS SUBJECT TO ALL PRIOR WATER RIGHTS, AND IS SUBJECT TO DELIVERY BY THE WATERMASTER OF WATER DISTRICT NO. 63, BOISE RIVER & TRIBUTARIES. THE PRIMARY SOURCE OF WATER FOR THE IRRIGATION OF UP TO 141 ACRES OF THE SURPRISE VALLEY DEVELOPMENT IS TO BE PROVIDED FROM BOISE RIVER WATER VIA WATER RT. NO. 63-00161BN. THIS WATER RIGHT IS TO BE UTILIZED TO THE MAXIMUM EXTENT DURING PERIODS WHEN IT IS AVAILABLE FOR DIVERSION. THE WATER RIGHT HOLDER SHALL DEVELOP AND MAINTAIN OPERATIONAL STORAGE IN THE AMOUNT OF 4.0 TO 6.0 AF TO ENABLE THIS WATER RIGHT TO BE USED TO SATISFY DIURNAL FLUCTUATIONS IN RATE OF FLOW DEMANDS.

THE SECONDARY SOURCE OF WATER FOR THE IRRIGATION OF UP TO 141 ACRES OF THE SURPRISE VALLEY DEVELOPMENT IS TO BE PROVIDED FROM GROUNDWATER VIA WATER RT. NO. 63-02932. THIS WATER RIGHT IS TO BE UTILIZED ONLY DURING PERIODS WHEN (1) FULL DIVERSION UNDER WATER RT. NO. 63-00161BN IS ADEQUATE TO PROVIDE SUFFICIENT WATER TO SATISFY THE

IRRIGATION REQUIREMENTS, AND (2) DURING PERIODS NOT TO EXCEED SEVEN (7) DAYS PER IRRIGATION SEASON WHEN THE SURFACE WATER SYSTEM BECOMES UNOPERATIONAL DUE TO AN UNANTICIPATED MECHANICAL FAILURE. THE TOTAL ANNUAL DIVERSION VOLUME UNDER RT. 63-02932 SHALL NOT EXCEED 14.0 AF.

THE WATER RIGHT HOLDER IS REQUIRED TO INSTALL AND MAINTAIN TOTALIZING MEASURING DEVICES SUBJECT TO APPROVAL BY THE DEPARTMENT WHICH RECORD DIVERSIONS UNDER EACH OF THESE WATER RIGHTS, AND TO MAINTAIN RECORDS OF THESE DIVERSIONS. THE MEASURING DEVICES AND RECORDS ARE SUBJECT TO INSPECTION BY THE WATERMASTER OR THE DEPARTMENT UPON REQUEST, AND SHALL BE PROVIDED TO THE DEPARTMENT AND THE WATERMASTER NO LATER THAN DECEMBER 1 OF EACH YEAR.

WITHIN SIXTY (60) DAYS OF COMPLETION OF THE IRRIGATION SYSTEM FOR ALL PHASES OF THE SURPRISE VALLEY DEVELOPMENT, THE WATER RIGHT HOLDER SHALL PROVIDE THE DEPARTMENT WITH PLANS DESCRIBING THE IRRIGATION SYSTEM AND PLACE OF USE.

RT. NO. 63-02932 SHALL NOT BE USED TO IRRIGATE THE PLACE OF USE DESCRIBED HEREIN IF THE SURFACE WATER RIGHT APPURTENANT TO THE PLACE OF USE IS SOLD, TRANSFERRED, OR LEASED FOR USE ON ANY OTHER PLACE OF USE.

THE PORTION OF RT. NO. 63-00161BN DESCRIBED AS 0.18 CFS AND 9.0 ACRES SHALL BE CONSIDERED ABANDONED THROUGH APPROVAL OF TRANSFER NO. 4737.

RT. NOS. 63-00161BN AND 63-02932 WHEN COMBINED SHALL NOT EXCEED A TOTAL COMBINED DIVERSION RATE OF 2.82 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 634.5 AF FOR IRRIGATION OF 141.0 TOTAL COMBINED ACRES.

RT. NO. 63-00161BN IS LIMITED TO THE IRRIGATION OF 141.0 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 4737 IN FILE. KW 4/14/98 SYSTEM DESCRIPTION UPDATED AS PER TRANS. NO. 4737. MM 04/17/1998.

Name change by DB 8-31-2001

15. Basis of Claim: Decreed

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-161BN
Date Received: 10/10/1989
Receipt No: W006192
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): SV HOMEOWNERS ASSOCIATION INC Phone: (208) 336-3430
100 N NINTH ST
SUITE 300
BOISE ID USA 83702

2. Date of Priority: 05/01/1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03E	4	NW NE 6	ADA	

5. Description of diverting works:

PUMP(S) ON RIVER TO PRESSURIZED SPRINKLER IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
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7. Total Quantity Appropriated is:
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8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
02N	03E	4	NW	NE	7	IRRIGATION	11
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			Section Acres				
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			SE	SE		IRRIGATION	8
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 AND IS SUBJECT TO DELIVERY BY THE WATERMASTER OF WATER DISTRICT NO. 63, BOISE RIVER
 & TRIBUTARIES. THE PRIMARY SOURCE OF WATER FOR THE IRRIGATION OF UP TO 141 ACRES OF
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RT. NO. 63-00161BN IS LIMITED TO THE IRRIGATION OF 141.0 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER NO. 4737 IN FILE. KW 4/14/98 SYSTEM DESCRIPTION UPDATED AS PER TRANS. NO. 4737. MM 04/17/1998.

Name change by DB 8-31-2001

15. Basis of Claim: Decreed

RECEIVED

FEB 09 1999

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s):: 63-00161BN, 63-02932
 Adjudication Claim No(s):: A63-00161BN, A63-02932
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in questions, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Surprise Valley Partnership
100 N. Ninth Street, Suite 300
Boise, ID 83702
4. New Owner/Claimant(s) SV Homeowner's Association, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 100 N. Ninth Street, Suite 300
 City, State and ZIP Code Boise, ID 83702
 New Telephone Number (208)336-3430
5. Date you acquired the property June 19, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. See Attached
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. N/A
7. Signature of New Owner or Claimant(s) SV Homeowner's Association, Inc.

 by: Peter S. O'Neill
 its: President
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
See Attached Consent Resolution
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

ATTACHMENT A

WATER RIGHTS QUITCLAIM DEED AND ASSIGNMENT

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

RECORDED - REQUEST OF

FEE

DEPT

1999 FE -4 PM 1:54

99011168

When Recorded Return To:

Frederick J. Mack
HOLLAND & HART
101 S. Capitol Blvd., Suite 1400
P.O. Box 2527
Boise, ID 83701

WATER RIGHTS QUITCLAIM DEED AND ASSIGNMENT

FOR VALUE RECEIVED, Surprise Valley Partnership, an Idaho general partnership ("Grantor") whose address is 100 North Ninth Street, Suite 300, Boise, Idaho 83702, does hereby convey, release, remise and forever quitclaim unto SV Homeowners' Association, Inc., an Idaho non-profit corporation ("Grantee") whose address is 100 North Ninth Street, Suite 300, Boise, Idaho 83702, all of Grantor's right, title and interest in and to water right no. 63-00161BN, and water right no. 63-02932 issued by the State of Idaho and represented by state of Idaho License and Certificate No. G-23907.

Further, Grantor hereby conveys, transfers and assigns to Grantee the aforesaid Water Right License and Certificate No. G-23907 and Grantor's interests in Snake River Basin Adjudication Claims Nos. A63-00161BN and A63-02932.

IN WITNESS WHEREOF, Grantor has caused its name to be hereunto subscribed effective this 19th day of June, 1998.

SURPRISE VALLEY PARTNERSHIP

By: O'NEILL ENTERPRISES, INC.,
General Partner

By:



Peter S. O'Neill, President

Address: 100 N. Ninth Street, Suite 300
Boise, ID 83702

WATER RIGHTS QUITCLAIM DEED AND ASSIGNMENT - 1

3453\14\SYSTEM.TRA\QCDASSIG.H20

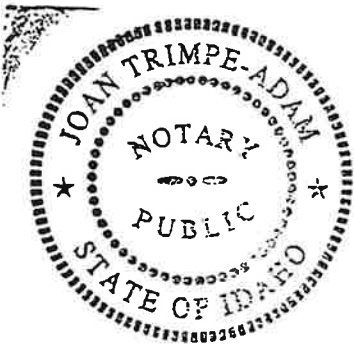
ACKNOWLEDGMENT

State of Idaho)
) ss
County of Ada)

On this 30th day of June, in the year 1998, before me, a Notary Public in and for the State of Idaho, personally appeared Peter S. O'Neill, known or identified to me to be President of O'Neill Enterprises, Inc., an Idaho corporation, and a General Partner of Surprise Valley Partnership, an Idaho General Partnership, who caused O'Neill Enterprises, Inc. to subscribe said partnership name to the foregoing instrument, and acknowledged to me that O'Neill Enterprises, Inc. executed the same as the general partner of and in said partnership name.

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

Dated: 6/30/98



Joan Trimpe-Adam
Notary Public in and for Idaho
Residing at Boise
My Commission Expires 2/3/2001

ATTACHMENT B

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

SV Homeowners Association, Inc. ("Association") is the grantee of water right nos. 63-00161BN and 63-02932 ("Water Rights"), which are appurtenant to, and beneficially used for irrigation of, the individual residential lots, common areas, maintenance areas and restricted areas of the Surprise Valley Planned Residential Development ("Development"). The Association holds the Water Rights in their entirety for the benefit of its members, and delivers the water for irrigation purposes throughout the Development by means of a pressurized community irrigation system. The Water Rights and the conditions affecting their use within the Development are more particularly described in Transfer No. 4373, a copy of which is attached hereto for reference.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00161BN
Date Received: 10/10/1989
Receipt No: W006192
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SUPRISE VALLEY PARTNERSHIP
Address: 871 E PARKCENTER BLVD
BOISE ID 83706

2. Date of Priority: MAY 1, 1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	03E	4	NW	NE		6	ADA

5. Description of diverting works:
PUMP(S) ON RIVER TO PRESSURIZED SPRINKLER IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.820		

7. Total Quantity Appropriated is:
2.820 C.F.S. (and/or) 634.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	03E	4	NW	NE	7	IRR	11.0
			NE	NW	3	IRR	19.0
			NW	NW	4	IRR	4.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
Section Acres						34.0	
03N	03E	32	NW	NE	2	IRR	1.0
			SW	NE		IRR	29.0
			SE	NE	1	IRR	3.0
			NE	NW		IRR	32.0
			NW	NW		IRR	4.0
			SE	NW		IRR	16.0
			NE	SE		IRR	35.0
			NW	SE		IRR	12.0
			SE	SE		IRR	8.0
			Section Acres				
33	NW	SW		IRR	16.0		
	SW	SW		IRR	35.0		
	SE	SW		IRR	21.0		
Section Acres						72.0	
Total Acres						246.0	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:

CLAIM AMENDED PER TRANSFER NO. 4737 APPROVED 1/30/1998.
DIVERSION UNDER RT. NOS. A63-00161BN & 63-02932 IS SUBJECT TO ALL PRIOR WATER RIGHTS, AND IS SUBJECT TO DELIVERY BY THE WATERMASTER OF WATER DISTRICT NO. 63, BOISE RIVER & TRIBUTARIES.
THE PRIMARY SOURCE OF WATER FOR THE IRRIGATION OF UP TO 141 ACRES OF THE SURPRISE VALLEY DEVELOPMENT IS TO BE PROVIDED FROM BOISE RIVER WATER VIA WATER RT. NO. 63-00161BN. THIS WATER RIGHT IS TO BE UTILIZED TO THE MAXIMUM EXTENT DURING PERIODS WHEN IT IS AVAILABLE FOR DIVERSION. THE WATER RIGHT HOLDER SHALL DEVELOP AND MAINTAIN OPERATIONAL STORAGE IN THE AMOUNT OF 4.0 TO 6.0 AF TO ENABLE THIS WATER RIGHT TO BE USED TO SATISFY DIURNAL FLUCTUATIONS IN RATE OF FLOW DEMANDS.
THE SECONDARY SOURCE OF WATER FOR THE IRRIGATION OF UP TO 141 ACRES OF THE SURPRISE VALLEY DEVELOPMENT IS TO BE PROVIDED FROM GROUNDWATER VIA WATER RT. NO. 63-02932. THIS WATER RIGHT IS TO

14. Remarks: Continued

BE UTILIZED ONLY DURING PERIODS WHEN (1) FULL DIVERSION UNDER WATER RT. NO. 63-00161BN IS ADEQUATE TO PROVIDE SUFFICIENT WATER TO SATISFY THE IRRIGATION REQUIREMENTS, AND (2) DURING PERIODS NOT TO EXCEED SEVEN (7) DAYS PER IRRIGATION SEASON WHEN THE SURFACE WATER SYSTEM BECOMES UNOPERATIONAL DUE TO AN UNANTICIPATED MECHANICAL FAILURE. THE TOTAL ANNUAL DIVERSION VOLUME UNDER RT. 63-02932 SHALL NOT EXCEED 14.0 AF.

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SYSTEM DESCRIPTION UPDATED AS PER TRANS. NO. 4737. MM 04/17/1998.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs

Decree Defendant

Western

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

RECEIVED

APR 08 1998

WATER RESOURCES
WESTERN REGION

This is to certify that: **SURPRISE VALLEY PARTNERSHIP**
871 EAST PARKCENTER BLVD
BOISE ID 83706

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-00161BN:			
IRRIGATION	03/15 to 11/15	* 2.82 CFS	634.5 AF
Priority: 05/01/1866			
Right No. 63-02932 :			
IRRIGATION	03/15 to 11/15	1.00 CFS	14.0 AF
Priority: 03/16/1953			
TOTAL:		** 2.82 CFS	** 634.5 AF

SOURCE
Right No. 63-00161BN:
BOISE RIVER

TRIBUTARY OF
SNAKE RIVER

Right No. 63-02932 :
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 63-00161BN: Lot 6(NWNE), Sec. 4, Township 02N, Range 03E

Right No. 63-02932 : SESW , Sec. 33, Township 03N, Range 03E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	03E	4	Lot 7(NWNE) 11	Lot 3(NENW) 19	Lot 4(NWNW) 4	34
03N	03E	32	Lot 2(NWNE) 1	SWNE 29	Lot 1(ENE) 3	
			NENW 32	NWNW 4	SENE 16	
			NESE 35	NWSE 12	SESE 8	140
		33	NWSW 16	SWSW 35	SESW 21	72
Total number of acres irrigated:						** 246

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Diversion under Right Nos. 63-00161BN and 63-02932 is subject to all prior water rights, and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.
6. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via Water Right No. 63-00161BN. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.
7. The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from groundwater via Water Right No. 63-02932. This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-00161BN is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right 63-02932 shall not exceed 14.0 acre-feet.
8. The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under each of these water rights, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

CONDITIONS OF APPROVAL AND REMARKS

9. / Within sixty (60) days of completion of the irrigation system for all phases of the surprise Valley Development, the water right holder shall provide the Department with plans describing the irrigation system and place of use.
10. / Right No. 63-02932 shall not be used to irrigate the place of use described herein if the surface water right appurtenant to the place of use is sold, transferred, or leased for use on any other place of use.
- * 11. / The portion of Right No. 63-00161BN described as 0.18 cfs and 9.0 acres shall be considered abandoned through approval of Transfer No. 4737.
- ** 12. / Right Nos. 63-00161BN and 63-02932 when combined shall not exceed a total combined diversion rate of 2.82 cfs, a total combined annual diversion volume of 634.5 af for irrigation of 141.0 total combined acres.
- *** 13. / Right No. 63-00161BN is limited to the irrigation of 141.0 acres in the place of use described above in a single irrigation season.

Dated this 30th day of January, 1998.

J. Glen Saylor
Chief, Water Allocation Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00161BN
Date Received: 10/10/1989
Receipt No: W006192
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: SURPRISE VALLEY FARM 208-344-2573
Address: 3051 WISE WAY
BOISE ID 83712

2. Date of Priority: MAY 1, 1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03E	4	NW	NE		7	ADA

5. Description of diverting works:
60 HP CENTRIFUGAL PUMP FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.860		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03E	4	NW	NE	7	IRR	9.0
			NE	NW	3	IRR	23.0
			NW	NW	4	IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	34.0
03N	03E	32	NW	NE	IRR	2.0
			SW	NE	IRR	16.0
			SE	NE	IRR	2.0
			NE	NW	IRR	17.0
			SE	NW	IRR	2.0
			NE	SE	IRR	16.0
					Section Acres	55.0
		33	NW	SW	IRR	15.0
			SW	SW	IRR	18.0
			SE	SW	IRR	21.0
					Section Acres	54.0
					Total Acres	143.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
vs Decree Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00161BN
Date Received: 10/06/1989
Receipt No: 00016192
Received By: _____

RECEIVED

OCT 10 1989

Department of Water Resources
Western Regional Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: SURPRISE VALLEY FARM
Address: 3051 WISE WAY
BOISE, ID 83712 208-344-2573

2. Date of Priority: MAY 01, 1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	03E	4	NW	NE		7	ADA

5. Description of diverting works:
60 HP CENTRIFUGAL PUMP FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.860		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	03E	4	NW	NE	7	IRR	9.0
			NE	NW	3	IRR	23.0
			NW	NW	4	IRR	2.0

Section Acres 34.0

A63-00161BN

Page 1

Date: 10/06/89

MICROFILMED

AUG 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	03E	32	NW		NE		IRR	2.0
			SW		NE		IRR	16.0
			SE		NE		IRR	2.0
			NE		NW		IRR	17.0
			SE		NW		IRR	2.0
			NE		SE		IRR	16.0
							Section Acres	55.0
		33	NW		SW		IRR	15.0
			SW		SW		IRR	18.0
			SE		SW		IRR	21.0
							Section Acres	54.0
							Total Acres	143.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

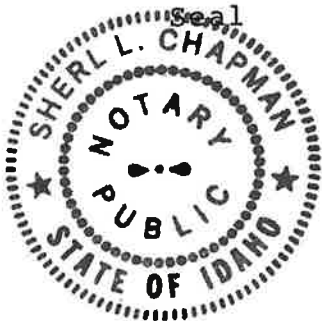
Signature of Claimant(s): Felicia Burkhalter Date: 10-10-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10 day
of Oct 19 89

Sherl L. Chapman
Notary Public



Residing at 2889 Cattleway Merchant Id
My Commission Expires 6/14/94

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-161BN

WATER RIGHT NUMBER: 63-161BN

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RICHARD Z JOHNSON
	, ZZ
Original Owner	JOSEPH PERRAULT
	, ZZ
Current Owner	SURPRISE VALLEY PARTNERSHIP 100 N 9TH ST #300 BOISE, ID 83702 (208)336-3430

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.820 CFS	634.50 AF
	<u>Total Diversion:</u>	2.820 CFS	634.50 AF

Location of Point(s) of Diversion

BOISE RIVER	L6 NW1/4NE1/4	Sec. 4, Twp 02N, Rge 03E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03E	4		11.0			19.0	4.0											34.0
				L 7			L 3	L 4											
03N	03E	32		1.0	29.0	3.0	32.0	4.0		16.0				35.0	12.0		8.0	140.0	
				L 2		L 1													
03N	03E	33								16.0	35.0	21.0						72.0	

Total Acres: 246

Conditions of Approval:

1. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

05/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-161BN

2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

1. General

Diversion under Right Nos. 63-00161BN and 63-02932 is subject to all prior water rights, and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via Water Right No. 63-00161BN. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.

The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from groundwater via Water Right No. 63-02932. This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-00161BN is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right 63-02932 shall not exceed 14.0 acre-feet.

The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under each of these water rights, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.

Within sixty (60) days of completion of the irrigation system for all phases of the surprise Valley Development, the water right holder shall provide the Department with plans describing the irrigation system and place of use.

Right No. 63-02932 shall not be used to irrigate the place of use described herein if the surface water right appurtenant to the place of use is sold, transferred, or leased for use on any other place of use.

The portion of Right No. 63-00161BN described as 0.18 cfs and 9.0 acres shall be considered abandoned through approval of Transfer 4737.

Right Nos. 63-00161BN and 63-02932 when combined shall not exceed a total combined diversion rate of 2.82 cfs, a total combined annual diversion volume of 634.5 af for irrigation of 141.0 total combined acres.

Right No. 63-00161BN is limited to the irrigation of 141.0 acres in the place of use described above in a single irrigation season.

Comments:

1. PSKAGGS 8/21/1996 TRANSFER NO. 4737

Comment: Transfer No. 4737 was filed to change the place of use under Right Nos. 63-00161BN and 63-02932, creating a permissible place of use. (Amended Approval 01-98)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-161BN

Dates and Other Information:

Licensed Date:
Decreed Date: 1/18/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

11/13/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-161BN
NAME AND ADDRESS: SV HOMEOWNERS ASSOCIATION INC
C/O SVHOA BOARD PRESIDENT
5240 S SURPRISE WAY
BOISE ID 83716

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.820 CFS
634.50 AFY

This right and Right No. 63-2932 are limited to a total combined diversion rate of 2.82 cfs and to a total combined annual diversion volume of 634.5 AF.

The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via this water right. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.

The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from groundwater via Water Right No. 63-2932. This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-161BN (this right) is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right No. 63-2932 shall not exceed 14.0 acre feet.

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION:
T02N R03E S4 NWNE Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	2.820 CFS
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.		

PLACE OF USE: IRRIGATION Within ADA County

T02N R03E S04 Lot 7	NWNE	11.0	T02N R03E S04 Lot 3	NENW	19.0
T02N R03E S04 Lot 4	NWNW	4.0	T03N R03E S32 Lot 2	NWNE	1.0
T03N R03E S32	SWNE	29.0	T03N R03E S32 Lot 1	SENE	3.0
T03N R03E S32	NENW	32.0	T03N R03E S32	NWNW	4.0
T03N R03E S32	SENE	16.0	T03N R03E S32	NESE	35.0
T03N R03E S32	NWSE	12.0	T03N R03E S32	SESE	8.0
T03N R03E S33	NWSW	16.0	T03N R03E S33	SWSW	35.0
T03N R03E S33	SESW	21.0			

246 ACRES TOTAL

This right is limited to the irrigation of 141 acres within the place of use described above in a single irrigation season.

This right and Right No. 63-2932 are limited to the irrigation of a combined total of 141 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under this right and Right No. 63-2932, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.

The right holder shall accomplish the change authorized by Transfer No. 4737 within one year of the date of the approval.

The portion of this right described as .18 cfs and 9.0 acres shall be considered abandoned through approval of Transfer No. 4737.

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

Within sixty (60) days of completion of the irrigation system for all phases of the Surprise Valley development, the water right holder shall provide the Department with plans describing the irrigation system and place of use.

This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.

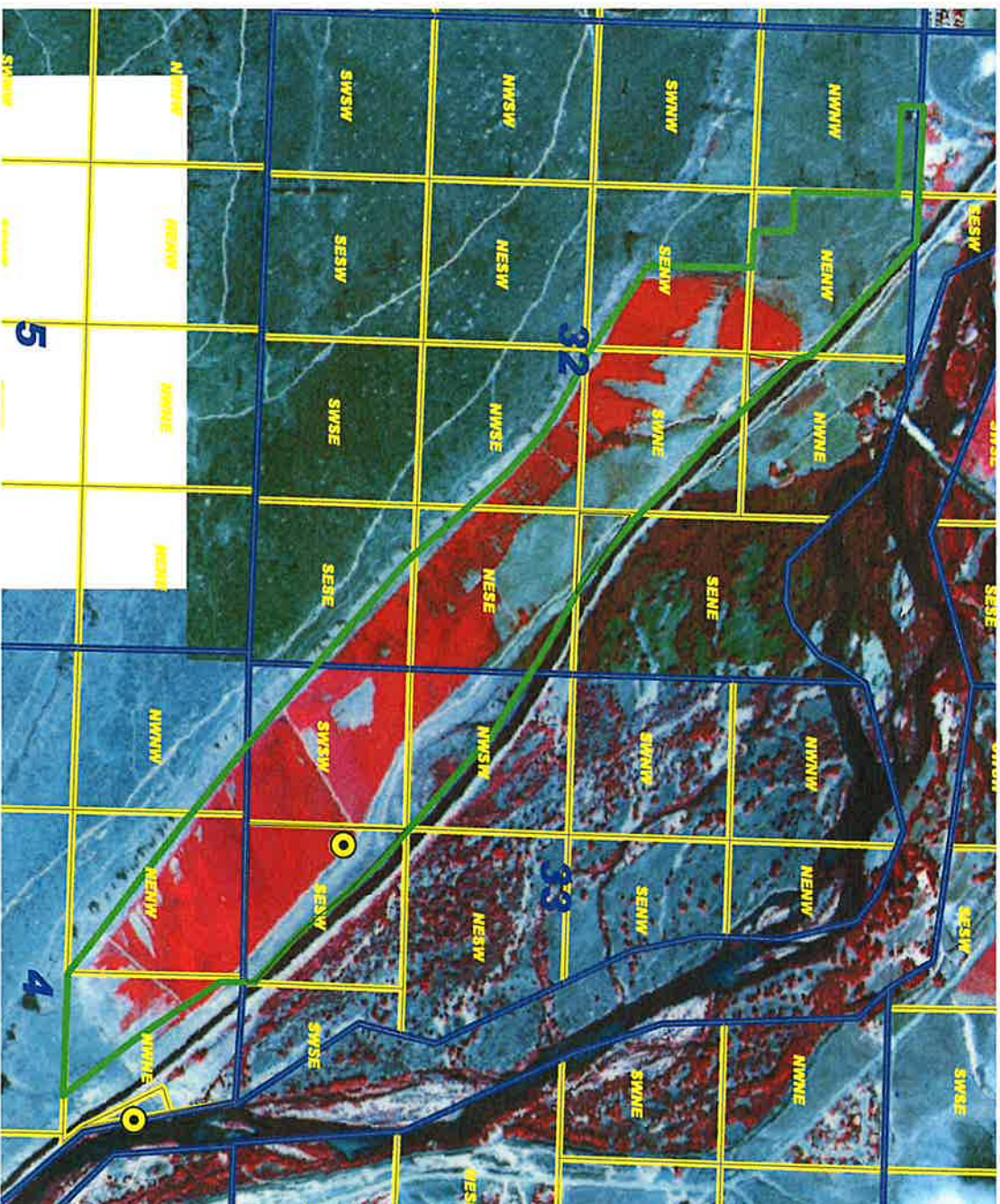
Right No. 63-2932 shall not be used to irrigate the place of use described herein if the surface water right appurtenant to the place of use is sold, transferred, or leased for use on any other place of use.

Diversion under this right and Right No. 63-2932 is subject to all prior water rights and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.

IDAHO DEPT OF WATER RESOURCES

Claim No. 63-161BN & 63-2932

Twp. 2N, Rge. 3E
Sec. 4
Twp. 3N, Rge. 3E
Secs. 32 & 33



 **Place of Use**

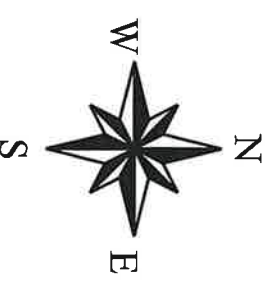
 **114114 Lines**

 **Section Lines**

 **Pt. of Diversion**

Prepared by:
Jan Shurte
11-14-05

1000 0 1000 Feet



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161BN V1

WATER RIGHT NUMBER: 63-161BN V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SURPRISE VALLEY FARMS 3051 WISE WAY BOISE, ID 83712 (208)344-2573
Original Owner	RICHARD Z JOHNSON BOISE, ID
Original Owner	CONSUMERS WATER CORP BOISE, ID
Original Owner	JOSEPH PERRAULT BOISE, ID
Original Owner	SURPRISE VALLEY PARTNERSHIP 871 E PARKCENTER BLVD BOISE, ID 83706
Current Owner	SV HOMEOWNERS ASSOCIATION INC C/O SVHOA BOARD PRESIDENT 5240 S SURPRISE WAY BOISE, ID 83716 (208)422-0574

Priority Date: 05/01/1866

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.820 CFS	
	<u>Total Diversion:</u>	2.820 CFS	634.50 AF

Location of Point(s) of Diversion

BOISE RIVER	L6 (NW1/4NE1/4)	Sec. 4,	Twp 02N,	Rge 03E, B.M.
ADA County				

Place of UseIRRIGATION Within ADA County

T02N R03E S04 Lot 7 NWNE	11.0	T02N R03E S04 Lot 3 NENW	19.0
T02N R03E S04 Lot 4 NWNW	4.0	T03N R03E S32 Lot 2 NWNE	1.0
T03N R03E S32 SWNE	29.0	T03N R03E S32 Lot 1 SENE	3.0
T03N R03E S32 NENW	32.0	T03N R03E S32 NWNW	4.0
T03N R03E S32 SENW	16.0	T03N R03E S32 NESE	35.0
T03N R03E S32 NWSE	12.0	T03N R03E S32 SESE	8.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161BN V1

T03N R03E S33 NWSW 16.0 T03N R03E S33 SWSW 35.0

T03N R03E S33 SESW 21.0

Total Acres: 246

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under this right and Right No. 63-2932, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.
3. E60 This right and Right No. 63-2932 are limited to a total combined diversion rate of 2.82 cfs and to a total combined annual diversion volume of 634.5 AF.
4. The right holder shall accomplish the change authorized by Transfer No. 4737 within one year of the date of the approval.
5. The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from groundwater via Water Right No. 63-2932. This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-161BN (this right) is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right No. 63-2932 shall not exceed 14.0 acre feet.
6. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via this water right. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.
7. The portion of this right described as .18 cfs and 9.0 acres shall be considered abandoned through approval of Transfer No. 4737.
8. K06 This right is limited to the irrigation of 141 acres within the place of use described above in a single irrigation season.
9. S45 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.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Within sixty (60) days of completion of the irrigation system for all phases of the Surprise Valley development, the water right holder shall provide the Department with plans describing the irrigation system and place of use.
12. E55 This right and Right No. 63-2932 are limited to the irrigation of a combined total of 141 acres in a single irrigation season.
13. This right is also designated as Right No. 30 in the Boise River Stewart Decree and Boise River Water Distribution Report.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161BN V1

14. Right No. 63-2932 shall not be used to irrigate the place of use described herein if the surface water right appurtenant to the place of use is sold, transferred, or leased for use on any other place of use.
15. Diversion under this right and Right No. 63-2932 is subject to all prior water rights and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.

Remarks:Comments:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/12/2005 3:48:19 PM	jshurte			Active
Contacts	11/12/2005 3:48:47 PM	jshurte			Active
Priority Date	11/12/2005 3:53:07 PM	jshurte			Active
POD	11/12/2005 4:04:15 PM	jshurte			Active
Contacts	11/12/2005 4:14:45 PM	jshurte			Active
POU	11/12/2005 4:21:40 PM	jshurte			Active
Source	11/12/2005 6:03:32 PM	jshurte			Active
Use	11/12/2005 6:03:33 PM	jshurte			Active
Season	11/12/2005 6:03:34 PM	jshurte			Active
Quantity	11/12/2005 6:03:35 PM	jshurte			Active
Use	11/13/2005 10:40:25 AM	jshurte			Active
Season	11/13/2005 10:41:34 AM	jshurte			Active
Quantity	11/13/2005 10:42:42 AM	jshurte			Active
Summary			11/13/2005	jshurte	Active
Quantity	11/13/2005 12:03:14 PM	jshurte			Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-161BN

11/13/2005

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-2932 ✓	Claim	02N	03E	4	NW	NE	7	IRRIGATION	11/246	SV HOMEOWNERS ASSOCIATION INC
63-161BN ✓	Water Right	02N	03E	4	NW	NE	7	IRRIGATION	11/246	SURPRISE VALLEY PARTNERSHIP
63-161BN ✓	Claim	02N	03E	4	NW	NE	7	IRRIGATION	11/246	SV HOMEOWNERS ASSOCIATION INC
63-2932 ✓	Water Right	02N	03E	4	NW	NE	7	IRRIGATION	11/246	SURPRISE VALLEY PARTNERSHIP
63-161BN ✓	Water Right	02N	03E	4	NE	NW	3	IRRIGATION	19/246	SURPRISE VALLEY PARTNERSHIP
63-161BN ✓	Claim	02N	03E	4	NE	NW	3	IRRIGATION	19/246	SV HOMEOWNERS ASSOCIATION INC
63-2932 ✓	Claim	02N	03E	4	NE	NW	3	IRRIGATION	19/246	SV HOMEOWNERS ASSOCIATION INC
63-2932 ✓	Water Right	02N	03E	4	NE	NW	3	IRRIGATION	19/246	SURPRISE VALLEY PARTNERSHIP
63-2932 ✓	Claim	02N	03E	4	NW	NW	4	IRRIGATION	4/246	SV HOMEOWNERS ASSOCIATION INC
63-161BN ✓	Water Right	02N	03E	4	NW	NW	4	IRRIGATION	4/246	SURPRISE VALLEY PARTNERSHIP
63-161BN ✓	Claim	02N	03E	4	NW	NW	4	IRRIGATION	4/246	SV HOMEOWNERS ASSOCIATION INC
63-2932 ✓	Water Right	02N	03E	4	NW	NW	4	IRRIGATION	4/246	SURPRISE VALLEY PARTNERSHIP
63-161BN ✓	Water Right	03N	03E	32	NW	NE	2	IRRIGATION	1/246	SURPRISE VALLEY PARTNERSHIP
63-2932 ✓	Water Right	03N	03E	32	NW	NE	2	IRRIGATION	1/246	SURPRISE VALLEY PARTNERSHIP
63-161BN ✓	Claim	03N	03E	32	NW	NE	2	IRRIGATION	1/246	SV HOMEOWNERS ASSOCIATION INC
63-2932 ✓	Claim	03N	03E	32	NW	NE	2	IRRIGATION	1/246	SV HOMEOWNERS ASSOCIATION INC
63-2932 ✓	Claim	03N	03E	32	SW	NE		IRRIGATION	29/246	SV HOMEOWNERS ASSOCIATION INC
63-161BN ✓	Water Right	03N	03E	32	SW	NE		IRRIGATION	29/246	SURPRISE VALLEY PARTNERSHIP
63-2932 ✓	Water Right	03N	03E	32	SW	NE		IRRIGATION	29/246	SURPRISE VALLEY PARTNERSHIP
63-161BN ✓	Water Right	03N	03E	32	SW	NE		IRRIGATION	29/246	SURPRISE VALLEY PARTNERSHIP
63-161BN ✓	Claim	03N	03E	32	SW	NE		IRRIGATION	29/246	SV HOMEOWNERS ASSOCIATION INC
63-161BN ✓	Water Right	03N	03E	32	SE	NE	1	IRRIGATION	3/246	SURPRISE VALLEY PARTNERSHIP
63-161BN ✓	Claim	03N	03E	32	SE	NE	1	IRRIGATION	3/246	SV HOMEOWNERS ASSOCIATION INC
63-2932 ✓	Claim	03N	03E	32	SE	NE	1	IRRIGATION	3/246	SV HOMEOWNERS ASSOCIATION INC
63-2932 ✓	Water Right	03N	03E	32	SE	NE	1	IRRIGATION	3/246	SURPRISE VALLEY PARTNERSHIP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-161BN

11/13/2005

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
63-161BN	Water Right	03N	03E	32	NW	NW		IRRIGATION	4/246	SURPRISE VALLEY PARTNERSHIP
63-161BN	Claim	03N	03E	32	NW	NW		IRRIGATION	4/246	SV HOMEOWNERS ASSOCIATION INC
63-2932	Claim	03N	03E	32	NW	NW		IRRIGATION	4/246	SV HOMEOWNERS ASSOCIATION INC
63-2932	Water Right	03N	03E	32	NW	NW		IRRIGATION	4/246	SURPRISE VALLEY PARTNERSHIP
63-2932	Claim	03N	03E	32	SE	NW		IRRIGATION	16/246	SV HOMEOWNERS ASSOCIATION INC
63-2932	Water Right	03N	03E	32	SE	NW		IRRIGATION	16/246	SURPRISE VALLEY PARTNERSHIP
63-161BN	Water Right	03N	03E	32	SE	NW		IRRIGATION	16/246	SURPRISE VALLEY PARTNERSHIP
63-161BN	Claim	03N	03E	32	SE	NW		IRRIGATION	16/246	SV HOMEOWNERS ASSOCIATION INC
63-161BN	Claim	03N	03E	32	NE	SE		IRRIGATION	35/246	SV HOMEOWNERS ASSOCIATION INC
63-2932	Claim	03N	03E	32	NE	SE		IRRIGATION	35/246	SV HOMEOWNERS ASSOCIATION INC
63-161BN	Water Right	03N	03E	32	NE	SE		IRRIGATION	35/246	SURPRISE VALLEY PARTNERSHIP
63-2932	Water Right	03N	03E	32	NE	SE		IRRIGATION	35/246	SURPRISE VALLEY PARTNERSHIP
63-161BN	Water Right	03N	03E	32	NW	SE		IRRIGATION	12/246	SURPRISE VALLEY PARTNERSHIP
63-147B	Claim	03N	03E	32	NW	SE		IRRIGATION	2/198.4	BOISE VALLEY IRRIGATION DITCH CO
63-161BN	Claim	03N	03E	32	NW	SE		IRRIGATION	12/246	SV HOMEOWNERS ASSOCIATION INC
63-147B	Water Right	03N	03E	32	NW	SE		IRRIGATION	2/198.4	BOISE VALLEY IRRIGATION DITCH CO
63-2932	Claim	03N	03E	32	NW	SE		IRRIGATION	12/246	SV HOMEOWNERS ASSOCIATION INC
63-2932	Water Right	03N	03E	32	NW	SE		IRRIGATION	12/246	SURPRISE VALLEY PARTNERSHIP
63-161BN	Claim	03N	03E	32	SE	SE		IRRIGATION	8/246	SV HOMEOWNERS ASSOCIATION INC
63-147B	Water Right	03N	03E	32	SE	SE		IRRIGATION	1/198.4	BOISE VALLEY IRRIGATION DITCH CO
63-2932	Water Right	03N	03E	32	SE	SE		IRRIGATION	8/246	SURPRISE VALLEY PARTNERSHIP
63-147B	Claim	03N	03E	32	SE	SE		IRRIGATION	1/198.4	BOISE VALLEY IRRIGATION DITCH CO
63-2932	Claim	03N	03E	32	SE	SE		IRRIGATION	8/246	SV HOMEOWNERS ASSOCIATION INC
63-161BN	Water Right	03N	03E	32	SE	SE		IRRIGATION	8/246	SURPRISE VALLEY PARTNERSHIP

IDAHO DEPARTMENT OF WATER RESOURCES
 ADJUDICATION CLAIM POU REVIEW REPORT
 ADJUDICATION CLAIM NUMBER: 63-161BN

1/1/3/2005

3

Water Right #	Type	Twp	Rge	Sec	Qq	Q	Lot	Purpose of Use	Acres/Total	Name
63-161BN	Claim	03N	03E	33	SW	SW		IRRIGATION	35/246	SV HOMEOWNERS ASSOCIATION INC
63-2932	Claim	03N	03E	33	SW	SW		IRRIGATION	35/246	SV HOMEOWNERS ASSOCIATION INC
63-161BN	Water Right	03N	03E	33	SW	SW		IRRIGATION	35/246	SURPRISE VALLEY PARTNERSHIP
63-2932	Water Right	03N	03E	33	SW	SW		IRRIGATION	35/246	SURPRISE VALLEY PARTNERSHIP
63-161BN	Claim	03N	03E	33	SE	SW		IRRIGATION	21/246	SV HOMEOWNERS ASSOCIATION INC
63-161BN	Water Right	03N	03E	33	SE	SW		IRRIGATION	21/246	SURPRISE VALLEY PARTNERSHIP
63-2932	Claim	03N	03E	33	SE	SW		IRRIGATION	21/246	SV HOMEOWNERS ASSOCIATION INC
63-2932	Water Right	03N	03E	33	SE	SW		IRRIGATION	21/246	SURPRISE VALLEY PARTNERSHIP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

This is to certify that: SURPRISE VALLEY PARTNERSHIP
871 EAST PARKCENTER BLVD
BOISE ID 83706

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 63-00161BN: IRRIGATION Priority: 05/01/1866	03/15 to 11/15	* 2.82 CFS	634.5 AF
Right No. 63-02932 : IRRIGATION Priority: 03/16/1953	03/15 to 11/15	1.00 CFS	14.0 AF
TOTAL:		** 2.82 CFS	** 634.5 AF

SOURCE
Right No. 63-00161BN:
BOISE RIVER

TRIBUTARY OF
SNAKE RIVER

Right No. 63-02932 :
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:
Right No. 63-00161BN:

Lot 6(NWNE), Sec. 4, Township 02N, Range 03E

Right No. 63-02932 :

SESW, Sec. 33, Township 03N, Range 03E
ADA County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	Lot	ACRES	Lot	ACRES	Lot	ACRES	TOTAL
02N	03E	4	Lot 7(NWNE)	11	Lot 3(NENW)	19	Lot 4(NWNW)	4	34
03N	03E	32	Lot 2(NWNE)	1	SWNE	29	Lot 1(SENE)	3	
			NENW	32	NWNW	4	SENW	16	
			NESE	35	NWSE	12	SESE	8	140
			NWSW	16	SWSW	35	SESW	21	72
Total number of acres irrigated:									246

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Diversion under Right Nos. 63-00161BN and 63-02932 is subject to all prior water rights, and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.
6. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via Water Right No. 63-00161BN. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.
7. The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from groundwater via Water Right No. 63-02932. This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-00161BN is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right 63-02932 shall not exceed 14.0 acre-feet.
8. The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under each of these water rights, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.

PAGE 3

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

CONDITIONS OF APPROVAL AND REMARKS

9. Within sixty (60) days of completion of the irrigation system for all phases of the surprise Valley Development, the water right holder shall provide the Department with plans describing the irrigation system and place of use.
10. Right No. 63-02932 shall not be used to irrigate the place of use described herein if the surface water right appurtenant to the place of use is sold, transferred, or leased for use on any other place of use.
- * 11. The portion of Right No. 63-00161BN described as 0.18 cfs and 9.0 acres shall be considered abandoned through approval of Transfer No. 4737.
- ** 12. Right Nos. 63-00161BN and 63-02932 when combined shall not exceed a total combined diversion rate of 2.82 cfs, a total combined annual diversion volume of 634.5 af for irrigation of 141.0 total combined acres.
- *** 13. Right No. 63-00161BN is limited to the irrigation of 141.0 acres in the place of use described above in a single irrigation season.

Dated this 30th day of

January, 1998.

J. Glen Saylor
Chief, Water Allocation Bureau

RECEIVED

OCT 29 1996

LAW OFFICES

GIVENS PURSLEY & HUNTLEY, LLP

A LIMITED LIABILITY PARTNERSHIP

277 NO. 6TH STREET • SUITE 200

P.O. BOX 2720 • BOISE, IDAHO 83701

(208) 388-1200

FACSIMILE (208) 388-1201

October 28, 1996

Department of Water Resources

GARY G. ALLEN
JOSEPH N. BAIRD
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ROBERT C. HUNTLEY, JR.
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KARL T. KLEIN
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OF COUNSEL

MICHAEL C. CREAMER
DIRECT DIAL
(208) 388-1247

Mr. Jim Johnson
Senior Water Rights Engineer
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Matter: Surprise Valley Application for Transfer of Water Right Nos.
63-00161BN and 63-02932

Our file: 3453-14

Dear Mr. Johnson:

This letter follows up on our previous discussions concerning Surprise Valley Partnership's ("Surprise Valley") water rights transfer. By this letter, Surprise Valley requests that the Department incorporate certain corrections to the description of the transfer to account for the fact that a small portion of the land described in the Transfer Approval as the permissible place of use, has subsequently been conveyed by Surprise Valley to the U.S. Bureau of Reclamation ("Bureau"), and the fact that recent surveys indicate that the point of diversion for right no. 63-00161BN actually is located in, and apparently always has been located in, Lot 6, rather than Lot 7 of Section 4, T3N, R3E.

On October 21, 1996, Surprise Valley conveyed a strip of land along the northeastern border of its development to the Bureau, giving the Bureau title to the centerline of the New York Canal, and to adjacent lands sufficient to allow for Bureau access to the canal for operation and maintenance. In that deed, Surprise Valley specifically reserved to Surprise Valley, water right nos. 63-00161BN and 63-02932. A copy of the deed is attached for your reference. Because a portion of the ground conveyed to the Bureau was included within the acreage initially proposed by Transfer 4737 to be part of the 257 acre permissible place of use, and because the Surprise Valley rights were reserved from the deed, Surprise Valley would like the Transfer approval to reflect that the permissible place of use has been reduced by 11 acres as indicated in the attached marked-up example. Because only the permissible place of use is affected by this requested correction, and the total acres to be irrigated in any one year continues to be 141.0, there should be no effect on other elements of the right such as diversion rate or volume.

Mr. Jim Johnson
October 28, 1996
Page 2

I also am attaching a copy of a map which was prepared as part of an investigation related to obtaining a new easement from the Bureau for the pump station/pipeline being built by Surprise Valley, Micron, Simplot and United Water. On the attached map, the location of the easement is shown in green. The pump station and associated pipeline are located along the center of the easement. The original river pump was removed during construction of the new Highway 21 bridge crossing over the Boise River. The new pumping station is located on the original site of the Surprise Valley pump station. Our investigation showed that the original pumping station location (now the site of the new pumping station) actually is in the small wedge-shaped Lot 6 of Section 4, rather than Lot 7. It appears to me that the initial designation of Lot 7 as the location of the point of diversion for right no. 63-00161BN was in error. The requested change to Lot 6, therefore, is intended to reflect the actual location, both before and after the transfer of this right.

The marked-up transfer approval also contains my edits concerning the inclusion of ground water as a source, and the point of diversion for the ground water right no. 63-02932, which I understand the Department already has agreed should be included in the transfer approval.

Finally, Surprise Valley continues to believe that Condition 15 of the transfer approval should be withdrawn for the grounds stated in Surprise Valley's Request for Reconsideration.

Thank you for the opportunity to bring these points to the Department's attention before a final transfer approval is issued. I hope you will agree that the corrections proposed do not substantively change the transfer's nature, but rather are intended to "true up" the final approval to the actual facts, and thereby eliminate the possibility for confusion later. If you have any questions concerning these issues, please contact me immediately.

Sincerely,



Michael C. Creamer

Enclosures

MCC:mc

cc: Derick O'Neill
Steve Holt
Terry Scanlan

345314\CORR\JOHNSO01.MCC

Pen
1411BN

F. H. NEWELL **DIRECTOR**

A. P. DAVIS CHIEF ENGINEER

SUPPLEMENTAL PLAT

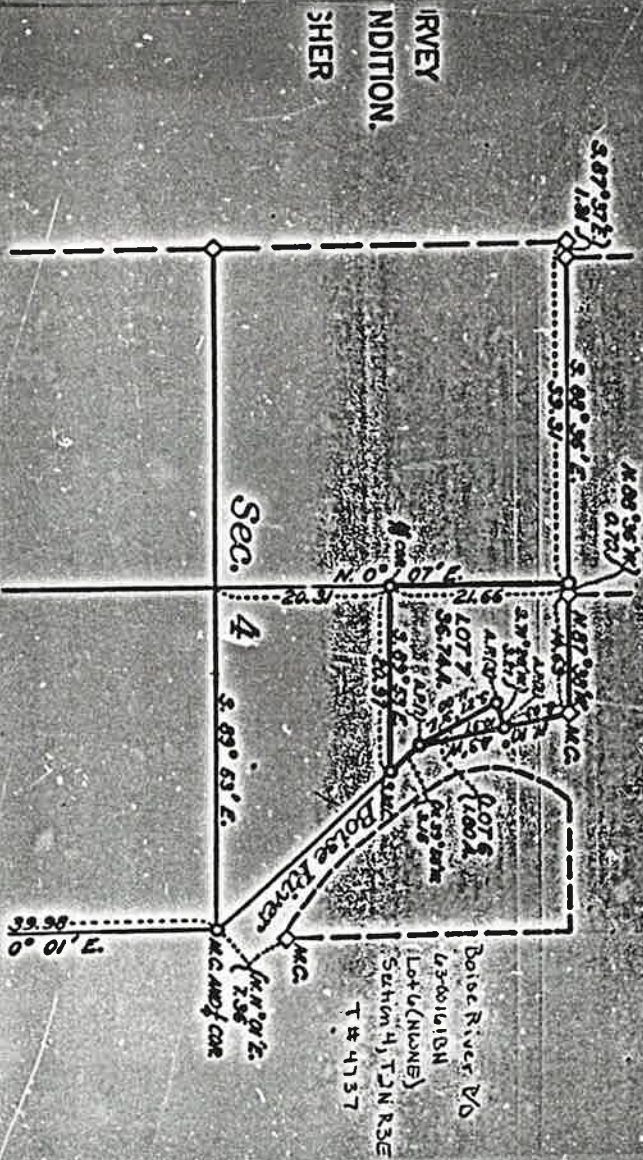
SECTION 4

TOWNSHIP 2 NORTH RANGE 3 EAST B. M. IDAHO

SURVEYED BY C. C. FISHER, ASSISTANT ENGINEER, U. S. R. S.

DEPARTMENTAL INSTRUCTIONS OF OCTOBER 24, 1906

MARCH 1912



COMPOSITE PLAT D

2 NORTH, RANGE N. 3 EAST



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

This is to certify that: **SURPRISE VALLEY PARTNERSHIP**
871 EAST PARKCENTER BLVD
BOISE ID 83706

*Amended
Apr 1998
approval*

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-00161BN:			
IRRIGATION	03/15 to 11/15	* 2.82 CFS	634.5 AF
Priority: 05/01/1866			
Right No. 63-02932 :			
IRRIGATION	03/15 to 11/15	1.00 CFS	288.0 AF
Priority: 03/16/1953			
TOTAL:		** 2.82 CFS	** 634.5 AF

SOURCE

BOISE RIVER

TRIBUTARY OF

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 7(NWNE), Sec. 4, Township 02N, Range 03E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	03E	4	Lot 7(NWNE) 11	Lot 3(NENW) 19	Lot 4(NWNW) 4	34
03N	03E	32	Lot 2(NWNE) 3	SWNE 32	Lot 1(SENE) 4	
			NENW 32	NWNW 4	SENE 16	
			NESE 37	NWSE 12	SESE 8	148
		33	NWSW 18	SWSW 35	SESW 22	75
Total number of acres irrigated:						** 257 ***

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

SEP 12 1996

**TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932**

CONDITIONS OF APPROVAL AND REMARKS

3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Diversion under Right Nos. 63-00161BN and 63-02932 is subject to all prior water rights, and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.
6. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via Water Right No. 63-00161BN. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.
7. The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from groundwater via Water Right No. 63-02932. This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-00161BN is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure.
8. The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under each of these water rights, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.
9. The changes in use authorized by this transfer approval shall not occur until the 1997 irrigation season.
10. Within sixty (60) days of completion of the irrigation system for all phases of the surprise Valley Development, the water right holder shall provide the Department with plans describing the irrigation system and place of use.
11. Right No. 63-02932 shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.

SEP 12 1996

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

CONDITIONS OF APPROVAL AND REMARKS

- * 12. The portion of Right No. 63-00161BN described as 0.18 cfs and 9.0 acres has been abandoned through approval of Transfer No. 4737.
- ** 13. Right Nos. 63-00161BN and 63-02932 when combined shall not exceed a total combined diversion rate of 2.82 cfs, a total combined annual diversion volume of 634.5 af for irrigation of 141.0 total combined acres.
- *** 14. Right No. 63-00161BN is limited to the irrigation of 141.0 acres in the place of use described above in a single irrigation season.
- *** 15. Right No. 63-02932 is limited to the irrigation of 64.0 acres in the place of use described above in a single irrigation season.

Dated this 4th day of September, 1996


Chief, Water Alloc. Bureau

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4737

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

JUN 7 1996

REVISED
APPL. OF
10/5/1995

Name of applicant	Surprise Valley Partnership		Phone	208/336-3430
Post Office address	871 East Parkcenter Blvd.	Boise, ID	83706	

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes See Attachment B

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE SEE Fig. 1 - SL 2/28/9

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
*63-00161EN	May 1, 1866	3.00 cfs	Irrigation	3/15 to 11/15
**63-02932	Mar. 16, 1953	1.00 cfs	Irrigation	3/15 to 11/15
				to
				to

2. Total amount of water being transferred 4.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water *Boise River/**Groundwater tributary to Snake River/NA
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: (Requested Permissible Place of Use)

[illegible]

Total acres 257 (P.P.U.)

PART 1**6. General Information:**

a. Description of diversion system See Attachment B

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

See Attachment B

d. Remarks:

See Attachment B

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

SEP 12 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

SEE Fig. 2 - 8/23/96

1. Right evidenced by:

- a. Decree No. 63-001618N Decreed to Joseph Perrault & Henry Z. Johnson
in case of Farmers Co-Op Ditch Company vs. Riverside Irrigation District
dated January 18, 1906 in _____ county of Canyon
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 1011 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority May 1, 1866

5. Water is used for the following purpose:

amount 3.00 cfs for Irrigation purposes from UNDEFINED IN DECREE OR T. 1011 to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 3.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
7		NW	NE	4	2N	3E	Ada	River Pump - Boise River

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals.
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3E	4		4.7 I			4.3 I	4.4 I											
3N	3E	32													I	I			
3N	3E	33									4.8 I	I	I	I					

Total acres UNDEFINED

9. Describe any other water rights used for the same purpose as described above 63-02932 (see Attachment B)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

_____ If yes, describe See Attachment B

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED NA

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total acres _____

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

NA

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

SEE Fig 2 -FL 2/23/96

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 63-02932 (From #23907) issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to NA

4. Date or priority March 16, 1953

5. Water is used for the following purpose:

amount 1.00 cfs for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.00 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	33	3N	3E	Ada	Irrigation Well

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3N	3E	32			15										15	10		2	42
3N	3E	33										20	2						22

Total acres 64

9. Describe any other water rights used for the same purpose as described above 63-00161BN (See Attachment B)

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ If yes, describe See Attachment B

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED NA

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total acres _____

ATTACHMENT B

Application For Transfer Of Water Rights Applicant: Surprise Valley Partnership

Part 1, Section A, Item 2:

Describe the reason for the proposed change:

A. Project Purpose. Surprise Valley's Application is intended to shift the place of use of Surprise Valley's surface water right and ground water right to allow continued irrigation of up to 167 acres within 205 acres of Surprise Valley's subdivision development, approximately 48 acres of adjacent land leased from Idaho Power Company, and another 4 acres of public right-of-way used as access to the Surprise Valley subdivision development. Portions of the historically irrigated acres will experience "dry up" as the land is developed for residential lots and associated facilities, and the water rights would be used in part on adjacent areas that previously have not been irrigated, including adjacent lands that have been leased by Surprise Valley from Idaho Power Company ("IPCO Property"). As such, the transfer's purpose is to change the place of use of the subject water rights for irrigation, to avoid the need to use a culinary-quality water supply from a provider such as United Water Idaho for irrigation purposes, and to provide needed project development flexibility. *P.P.O.W.*

The Application requests authorization to divert at maximum rates of 3.0 cfs from surface water and 1.0 cfs from groundwater, not to exceed a combined maximum rate of 3.34 cfs (.02 cfs/irrigated acre). Maximum annual diversion volumes would be 675 acre-feet for surface water and 288 acre-feet for groundwater, not to exceed a combined annual diversion volume of 751.5 acre-feet (4.5 acre-feet/acre for 167 acres). *limits*

Surprise Valley also requests that the Department grant the transfer with the condition that upon any termination of Surprise Valley's lease from IPCO, the place of use of the water rights transferred to the IPCO Property automatically would revert back to the original place of use, without the need to submit another transfer application. *condition*

B. Project Description. Surprise Valley Partnership owns approximately 205 acres in southeast Boise, which is designated in this Application as the "Surprise Valley Property", and which will be developed as a residential subdivision. Copies of the Warranty Deed and Certificate of Assumed Business Name demonstrating Surprise Valley's interest in the Surprise Valley Property are provided as Attachment A. Surprise Valley also has leased approximately 48 acres of adjacent land from Idaho Power Company. A copy of the lease is provided as Attachment C. Attachment D hereto is a copy of the public Right-of-Way Easement providing access to the Surprise Valley Project. Also provided, as Attachment E, is a copy of the written consent of First Security Bank, which holds a mortgage to the Surprise Valley Property, to transfer a portion of the subject water rights for use on the IPCO Property.

Common areas, individual lots of up to one acre, and other landscaped areas within the Surprise Valley Property and the IPCO Property and median strips along the public Right-of-Way, are proposed to be irrigated following transfer approval with water rights 63-00161BN and

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63-02932, which are owned by Surprise Valley, and which historically have been used on the Surprise Valley Property. Because the development will create roads, housing footprints and other impervious surfaces, areas that historically were irrigated with the subject water rights will not continue to be irrigated. The Surprise Valley Project will be developed in phases over the next several years, and the precise location of development components at project completion cannot be determined now. Therefore, Surprise Valley's Application requests Department approval of a 257 acre permissible place of use for the water rights that allows irrigation of up to 167 acres of landscaped and pasture areas within the boundaries of the entire project. Distribution of the water will be through a pressurized common irrigation system.

Figure 1 depicts the boundaries of the Surprise Valley Property and the IPCO Property, which are proposed to be designated as the 257-acre area of permissible use after transfer. Figure 2 shows the currently designated place of use for water right nos. 63-00161BN and 63-02932 as indicated by Idaho Department of Water Resources records. The combined place of use for these rights totals 167 acres, which include 150 acres of authorized use under Transfer 1011, and 64 acres of use authorized under right no. 63-02932, with an overlapping place of use of approximately 93 acres.

C. Request for Temporary Transfer to IPCO Property. With respect to the transfer of place of use to include portions of the IPCO Property, Surprise Valley intends that the transfer be temporary since Surprise Valley's use of the IPCO Property is pursuant to a 10-year, renewable lease. Surprise Valley and IPCO intend that those portions of the water rights approved to be used on the IPCO Property would automatically revert back to the Surprise Valley Property in the event of any termination of the IPCO lease. See Paragraph XVI of the Lease. However, if Surprise Valley renews the IPCO lease, obtains a long-term lease of the IPCO Property, or acquires the IPCO property in the future, Surprise Valley would request that the Department recognize the transfer as permanent as to all places of use. *conditional*

D. Implementation of Requested Transfer: Surprise Valley is a multi-phase development. The first phase is being constructed in 1995. The estimated schedule for the Project to be completely developed is five years from the date of submittal of this Transfer Application. Surprise Valley therefore requests that the Department approve the Transfer and allow Surprise Valley a minimum of 5 years to fully effect the change in place of use, without subjecting the subject water rights to any risk of forfeiture for nonuse, or otherwise. *conditional*

Part 1, Section B, Item 6a
Description of diversion system:

Prior to 1995, water right no. 63-00161BN was pumped directly from the Boise River, over the New York Canal, and discharged into a concrete lined-ditch. The existing pump is a 60 h.p. vertical turbine mounted on a concrete intake structure. The static lift from the river to the ditch is approximately 115 ft. This water right has not been diverted during the 1995 irrigation season due to project construction, and the relocation of State Highway 21. *no d. ft loss*

Prior to July, 1995, water right no. 63-02932 was pumped from an irrigation well located on the north side of the Surprise Valley Property, immediately south of the New York Canal, and

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approximately 3300 feet west of the diversion point for right no. 63-00161BN. The groundwater was discharged into the same concrete-lined ditch used to convey water under right no. 63-00161BN. (See Figure 2). The existing pump is a 20 h.p. vertical turbine and operates under a static lift of approximately 65 feet from the well head to the ditch.

no d. h.
1055

Surprise Valley proposes to use the existing surface and groundwater diversion works with upgrades as required. Increased horsepower is required to switch from flood irrigation to pressure irrigation. The river pump station is being upgraded to increase pump horsepower to provide a sprinkler discharge pressure of approximately 80 psi near the east end of the property. This will require one or more pumps totaling 150 hp to serve the Surprise Valley project. The well has been replaced by a new well equipped with stainless steel screens. This well will be equipped with a 50 hp submersible pump and the old well will be abandoned. All pumps will be equipped with totalizing flow meters to accurately track pumping rates. The river and well diversions are proposed to be commingled in a network of pressurized irrigation mains with services located as required to effect irrigation. The locations of proposed irrigation works are shown in Figure 1.

D.P.
63-45-W-03
200

Part 1, Section B, Item 6c

Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

The Surprise Valley Property historically has been flood irrigated to produce grass and alfalfa hay and grain crops. Following transfer approval, a portion of the land within the current place of use will cease to be irrigated due to the presence of impervious surfaces. The irrigable area within the subdivision that are not dedicated to such impervious surfaces will be landscaped with turf, trees and shrubs and irrigated with an efficient pressure system.

Part 1, Section B, Item 6d (Remarks)

A. Historical Use of the Subject Water Rights: Surprise Valley's review of Department records and other information sources indicates the following:

1. Water Right 63-02932. In 1953, R.E. Collard (succeeded by D & C Farms) applied for a permit to appropriate groundwater for use on the lands which included the Surprise Valley Property. The original application requested a permit to appropriate 4 cfs of groundwater for use on 200 acres. The permit subsequently was amended to request an additional 40 acres of land as the permitted place of use. Apparently, when the well for this right was completed, it was found that the well would not deliver 4 cfs on a sustained basis, and that approximately 50 to 70 inches, or 1.0 to 1.4 cfs, was all that could be diverted to beneficial use. Affidavits submitted in support of D & C Farm's proof of beneficial use, and the field examiner's report, support this conclusion. The affidavits contained in Department files also suggest that the groundwater supply for these lands may not have been entirely sufficient. Ultimately, the Department issued a license to D & C Farms' assignee, Surprise Valley Farms, authorizing diversion of 1.0 cfs to irrigate 64 acres within sections 32 and 33, T3N, R3E.

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2. Water Right 63-00161BN. This water right represents one of a number of "splits" of a right to surface water from the Boise River, which was decreed to Joseph Perrault and Henry Z. Johnson with a priority of May 1, 1866 by the Stewart Decree. The original place of use for this water was within the limits of Boise City, and as the various town lots were developed, they converted to city supplied water. In January, 1962, Consumer's Water Corporation, as the successor owner of the right, applied to transfer 150 inches of this right from the town lots to lands encompassing the Surprise Valley Property, and to change the point of diversion to its present location. The actual acres irrigated in each section were not set out in the transfer approval.

T. 1011

It appears that it was intended that there would be some overlap of the place of use of the decreed right with that of the ground water right no. 63-02932. For example, in response to the question in the transfer application which asked whether there was any other water right for the land to which the applicant sought to transfer the water, the applicant stated "[S]ome ground water". The legal descriptions for the designated places of use for the two rights indicates that approximately 17 acres are designated for irrigation exclusively by water right no. 63-02932. Because of the location where the groundwater diverted under right no. 63-02932 is discharged into the concrete-lined ditch, it is not physically possible to irrigate the approximately 57 acres of lands to the east of that discharge point with the groundwater. These 57 acres therefore have been irrigated exclusively with right no. 63-00161BN. There is an apparent overlap of the two rights on approximately 93 acres.

Historically, water diverted under the two rights have been commingled in a common, cement-lined ditch for distribution to their respective places of use.

3. Summary of Historical Use of the Water Rights.

a. Irrigated Acres. The Applicant has included with this Application, as Attachment F, copies of color ASCS aerial photographs covering the Surprise Valley Property and demonstrating diversion of the water rights to beneficial use for the years 1985-1994.

The ASCS aerial photographs indicate a historical place of use distributed over approximately 174 acres. This historical place of use of 174 acres was determined by measuring the outer boundary of the irrigated areas shown on the ASCS aerial photos for 1985, 1987, and 1991, and is indicated as a shaded area in Figure 3 attached hereto. Attachment G hereto is a copy of the ASCS's field boundary designation map for the Surprise Valley Property. The field acres designated in Attachment G are also shown in Figure 2.

The approximately 174 acres indicated in the ASCS aerial photos and Figure 3 include approximately 23 acres within the NE1/4NW1/4, NW1/4NE1/4, and SE1/4NW1/4 of section 32 that were not designated as a place of use by either Transfer 1011 or License No. G-23907. However, it does not appear that more than 167 acres within the 174 acres ever has been irrigated in any one year. Based on the above facts, Surprise Valley contends that by 1985, a change in place of use for water right nos. 63-00161BN and 63-02932 had been effected by its predecessors in interest, which established a place of use of 167 acres encompassed within 174 acres of

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historical use as depicted in Figure 2, and that this accomplished transfer should be recognized by the Department as the current permissible place of use for the subject water rights.

b. Annual Diversion Volume and Rate. According to the Boise River Watermaster, water right no. 63-00161BN is a senior right on the Boise River, and rarely is regulated or "cut" in priority. Copies of relevant portions of the Watermaster's Annual Reports ("Annual Reports") containing the Boise River Watermaster's records of diversion rates and volumes for the Surprise Valley Farms diversion for the years 1986 to 1994 are provided as Attachment H. The Annual Reports indicate that river diversions at a rate of 3.0 cfs have consistently been diverted under water right no. 63-00161BN during the surveyed years. (The Annual Reports prior to 1986 do not provide information on private diversions such as 63-00161BN). The Boise River Watermaster reports that the recorded diversion rates are not actual measured rates, but indicate the recognized capacity of the river pump, and the dates when the pump was found by the Watermaster to be running during his daily rides.

The existing pumps used to divert water under the subject water rights have the horsepower to deliver water at the authorized rates:

- At 3.0 cfs, 115 ft. static lift, approximately 20 ft. friction loss in the 9 inch diameter steel delivery pipe, and an assumed pump efficiency of 75%, approximately 61 h.p. are required to deliver the decreed river diversion rate. The existing pump is 60 h.p.
- At 1.0 cfs., 110 ft. static lift, approximately 10 ft. friction loss in the 8 inch diameter steel delivery pipe, and an assumed pump efficiency of 75%, approximately 18 h.p. are required to deliver the recorded well diversion rate. The existing pump is 20 h.p.

Part 3, Section B. Describe effects on other water uses resulting from the proposed change.

Surprise Valley proposes to sprinkler irrigate 167 acres of landscaping which primarily will consist of turf grasses. The 167 acres of proposed irrigation does not exceed the number of acres currently authorized for irrigation under these rights. The proposed transfer will not enlarge the quantity or rate of diversion, or expand the water rights or their annual consumptive use above historical levels. Therefore, the Applicant anticipates that the transfer would not injure other water rights.

A. Consumptive Use. Because Surprise Valley will be replacing irrigation of grass and alfalfa hay and grain crops with less consumptive turf grasses, the annual consumptive use is expected to decrease following the transfer.

B. Proposed Diversion Rates.

Surprise Valley proposes that the transfer authorize diversions from the point of diversion for right nos. 63-02932 and 63-00161BN at a maximum rate of 1.0 cfs and 3.0 respectively, with the further limitation that the maximum diversion rate under both rights combined not exceed

3.34 cfs. This would maintain the maximum rate of diversion from the individual points of diversion at their currently authorized and historical diversion rates, but would limit the combined diversion rate to .02 cfs per acre, compared to the authorized and historical diversion rate of slightly over .02 cfs. This reduction in requested diversion rate reflects the expected increased irrigation efficiency resulting from the change to pressurized sprinkler irrigation.

Surprise Valley requests the retention of the recorded diversion rates for the individual water rights to provide for maximum redundancy in supply from either source.

C. Proposed Annual Volume of Diversion.

Surprise Valley proposes to divert a maximum of 751.5 AFA for irrigation of the 167 acres. The requested diversion volume is 188.5 acre-feet less than the maximum of 940 AFA of diversion indicated by the Watermaster records, and 1,181 acre-feet less than the maximum volume that could be diverted under a constant diversion rate of 4 cfs for a full irrigation season of 244 days. Surprise Valley proposes that it be permitted to divert a maximum of 288 AFA from groundwater, and a maximum of 675 AFA from surface water, with the combined volume not to exceed the 751.5 AFA limit.

D. Post-Transfer Return Flows.

Surprise Valley's Application proposes to shift the place of use for existing water rights for use on currently authorized places of use, and on directly adjacent lands, without exceeding the authorized total acres, or rates or volumes of diversion. Because the total consumptive use and diversion rate and volume would not exceed amounts currently authorized, and because of the close proximity of the proposed permissible place of use to the historical place of use, Surprise Valley expects there to be no material change in the volume, rate, timing or location of return flows to the Boise River, or to the groundwater source, if Surprise Valley's Application is approved as proposed.

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RECEIVED
MAY 07 1996
WATER RESOURCES
WESTERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED
APR 26 1996
WATER RESOURCES
WESTERN REGION

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHTS NOS.)
63-00161BN AND 63-02932)
IN THE NAME OF SURPRISE VALLEY)
PARTNERSHIP)

WITHDRAWAL OF PROTEST
AND
AGREEMENT OF CONDITIONS

The undersigned applicant, Surprise Valley Partnership, agrees to abide by the following conditions which will be made part of the transfer issued based on the above referenced application for transfer number T-4737, for the transfer of water rights nos. 63-00161BN and 63-02932. Accordingly, the undersigned protestant agrees to withdraw the protest to the approval of application for transfer of water right number T-4737.

1. Diversion under these water rights is subject to all prior water rights, and is subject to delivery by the watermaster of Water District 63, Boise River and tributaries.

2. The primary source of water for the irrigation of up to 139 acres of the Surprise Valley Development is to be provided from Boise River water via water right no. 63-00161BN. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.

3. The secondary source of water for the irrigation of up to 139 acres of the Surprise Valley Development is to be provided from ground water via water right no. 63-02932. This water right is to be utilized only during periods when (1) full diversion under water right 63-00161BN is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure.

4. The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under each of these water rights, and to maintain records of these diversions. The measuring devices and

records are subject to inspection by the Watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.

5. The changes in use authorized by this transfer approval shall not occur until the 1997 irrigation season.

6. Within sixty (60) days of completion of the irrigation system for all phases of the Surprise Valley Development, the water right holder shall provide the Department with plans describing the irrigation system and place of use.

DATED this 5/6 day of MAY, 1996.

Applicant: Peter S. O'Neill
Peter S. O'Neill, President
Surprise Valley Partnership

DATED this 25th day of April, 1996.

Protestant: Virginia McDevitt
Virginia McDevitt

MEMORANDUM

January 3, 2002

TO: Water Right File 63-161 BN, Surprise Valley Partnership

FROM: Cindy Hodges *CH*

RE: Implementation of Measurement and Reporting Condition

Pursuant to the measurement and reporting conditions of Transfer No. 4737 (approved 1-98), two points of diversion were added to the Water Distribution database (WMIS) in the name of Surprise Valley Partnership, c/o Peter O'Neill Enterprises. One point represents the Boise River pump diversion which is shared with Micron, and the other is Surprise Valley's supplemental well. Both are affected by the transfer.

The Boise River diversion is regulated by the Watermaster and there are to my knowledge at least two in-line measuring devices on the pipeline: one at the diversion point, and one at the Surprise Valley tap. There may or may not be a third device past the Surprise Valley tap which measures the balance of the flow delivered to Micron. Transfer 4737 only conditioned the Surprise Valley rights, requiring an annual report of diversions to be made to both IDWR and the Watermaster. The Basin 63 Watermaster Reports for 1998-2001 include only the combined diversions, and do not distinguish diversions to Surprise Valley.

My intent in adding Surprise Valley to WMIS was to provide for reporting forms to be sent to O'Neill annually, thereby satisfying the individual annual reporting requirement. We received diversion reports for 1998 and 1999 from Surprise Valley. O'Neill's office phoned Lee Sisco upon receipt of their forms for 2001, and Lee phoned me. Evidently, Lee has also been receiving diversion reports from Surprise Valley and recently, WD63 modified their billing to report the Surprise Valley Boise River diversions independently of the Micron diversions, beginning with the 2002 Watermaster's Report. If this will be the case, I don't see the need for duplicate reporting from Surprise Valley after 2001. We should, however, obtain daily Boise River diversion records from Surprise Valley for 2000 and 2001 for the Water Distribution file.

Lee Sisco does not maintain any jurisdiction over Surprise Valley's supplemental well, so that diversion will need to be reported to IDWR. Use from this diversion is minimal and withdrawals do not occur in most years.

I have sent the attached letter to O'Neill Enterprises, requesting the missing data and advising that reporting for the well must continue to IDWR.

MICROFILMED

JAN 7 4 2002

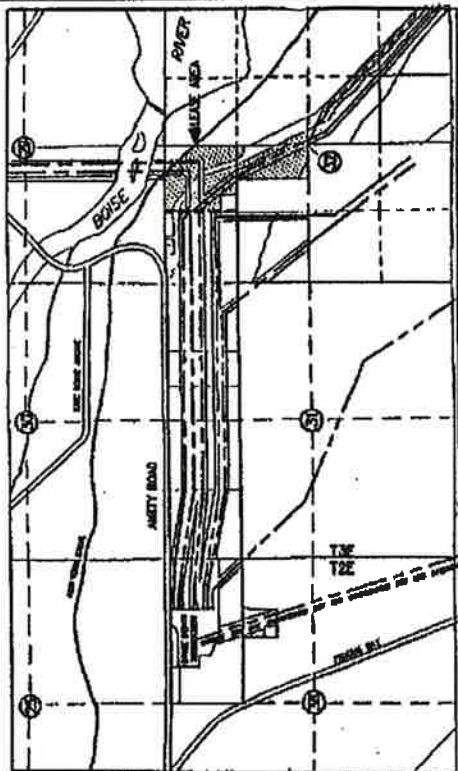
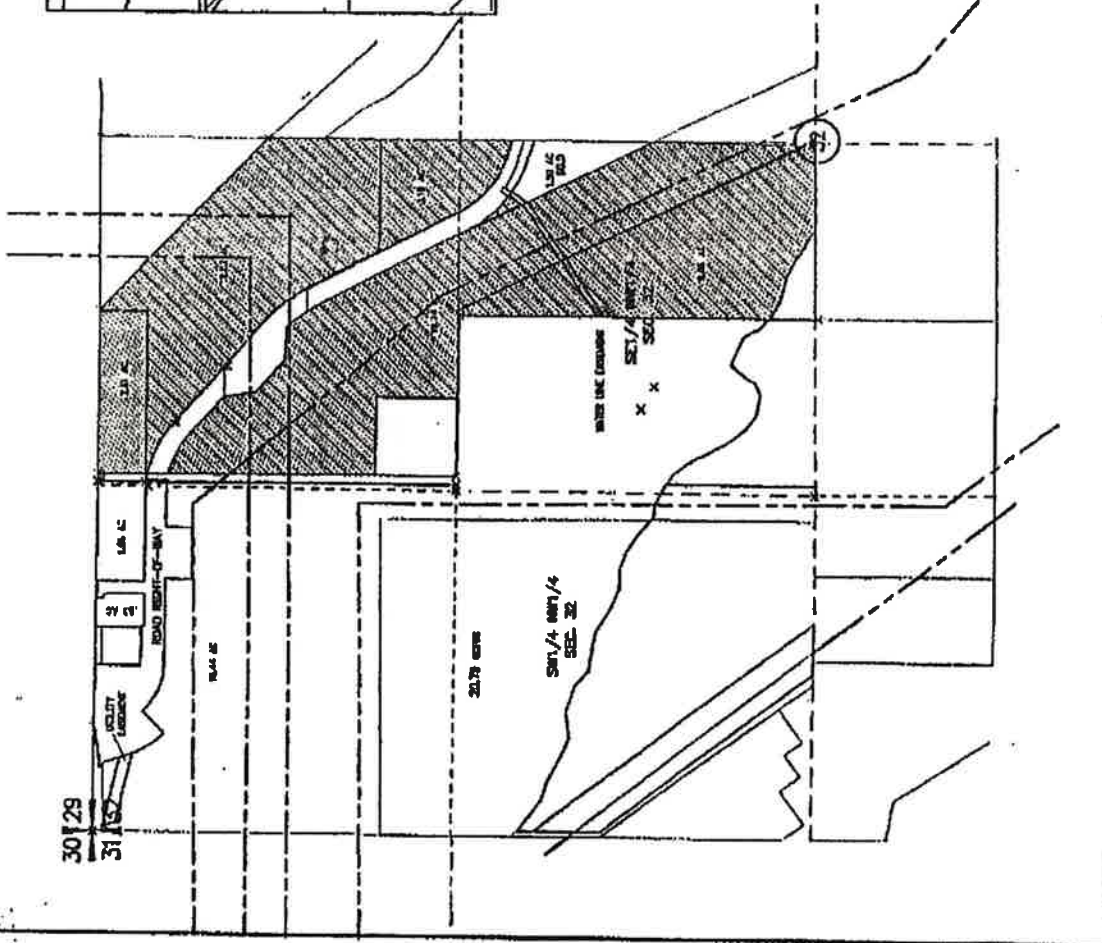
SEP 12 1996

9:12 No. 004 P.02

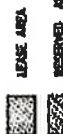
Aug 10 95

TEL: 1-208-356-5296

U'NELL ENTERPRISES



VICINITY MAP
1" = 2000'



LEASE #311

EXHIBIT 'A'	
LESSEE: SURPRISE VALLEY PARTNERSHIP	
48.21 ACRES IN SEC. 32, T3N, R3E, B1M	
BOISE BENCH TRANSMISSION LANDS	
ADA COUNTY, IDAHO	
BIRD POWER COMPANY, BOISE, IDAHO	
SCALE: 1" = 400'	DATE: 11-22-94
APPROVED: [Signature]	06 B-45837
SIT. 3	47-2

CERTIFIED TRUE AND CORRECT

FOR TRANSFER

TION OF

D 33, T.3N., R.3E.,
T.2N., R.3E., B.M.

ICE OF USE FOR
0161BN & 63-02932

28, 1995

GEND

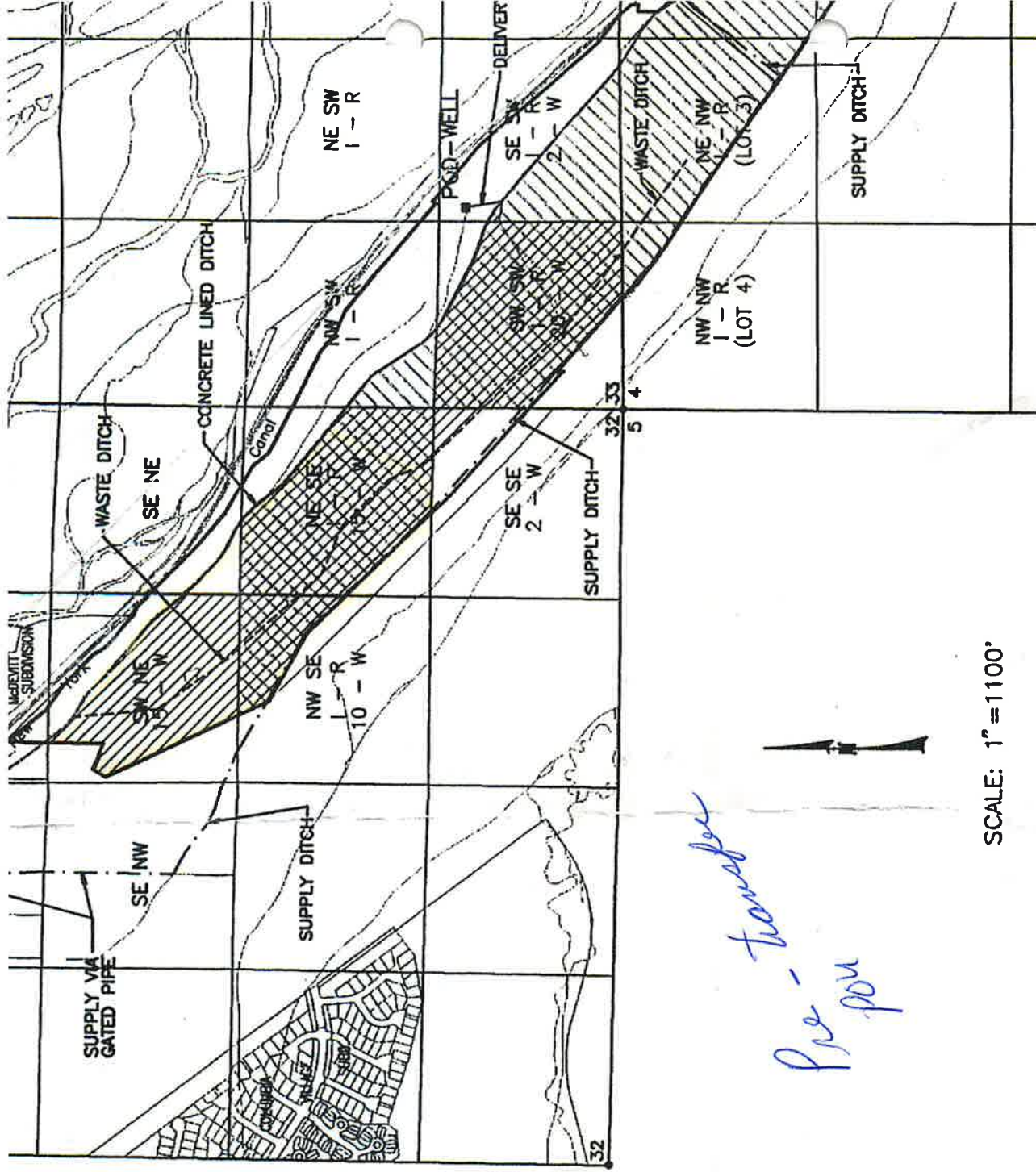
#63-00161

RIGHT - #63-02932

SHOWN ON THIS FIGURE WERE
ORIGINAL FLOOD IRRIGATION.

water rights before transfer
as recorded

315



SCALE: 1"=1100'

N OF
33, T.3N., R.3E.,
2N., R.3E., B.M.

LE PLACE OF USE SION WORKS

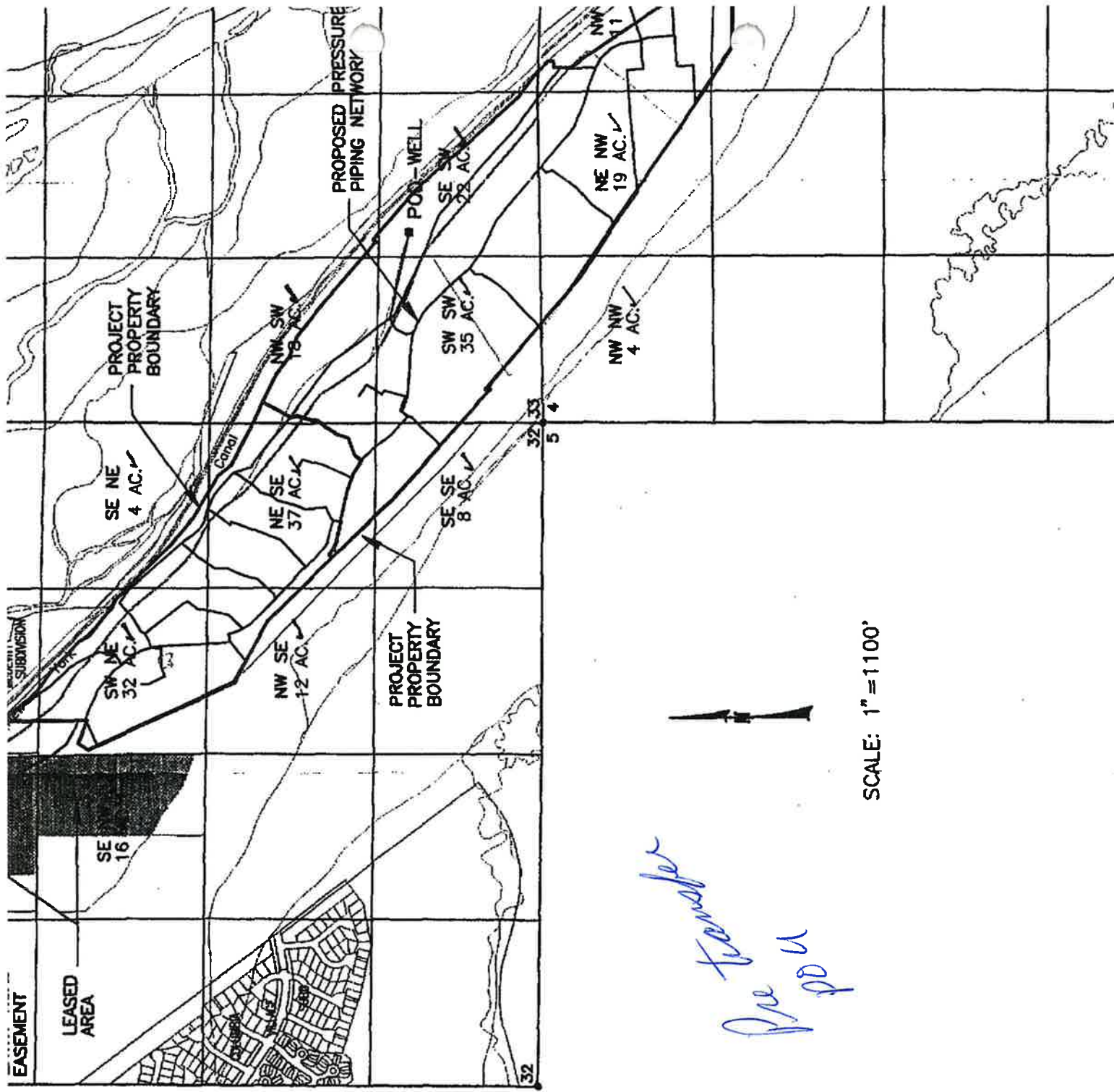
, 1995

PERMISSIBLE PLACE OF USE

Y = 205 AC.
A = 48 AC.
IT = 4 AC.
257 AC.

0 EXCEED 167 ACRES WITHIN
E PLACE OF USE.

2 pg. 1 of transter
-gr 2/23/96



*Pre transfer
pdu*

TRANSFER

N OF
33, T.3N., R.3E.,
2N., R.3E., B.M.

OF USE FOR
31BN & 63-02932

, 1995

ID

5-00161

1 - #63-02932



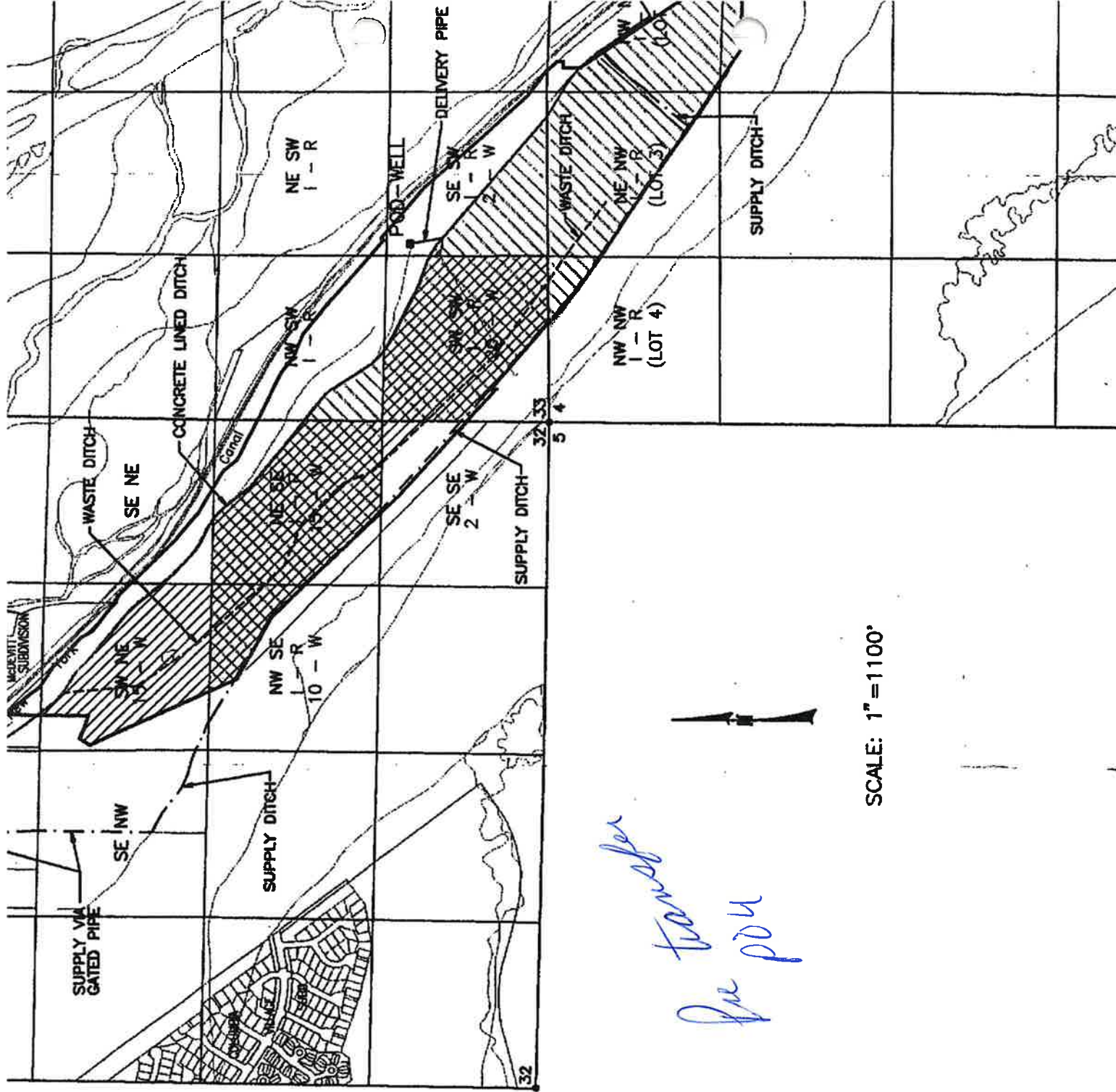
OWN ON THIS FIGURE WERE
AL FLOOD IRRIGATION.

for rights before transfer

Recorded)

inval rights, pgs. 3 & 5

-82 2/23/96



transfer
for POD

MEMORANDUM

TO: FILE NOS. 63-00161BN & 63-02932
FROM: PAM SKAGGS⁸ STATE OFFICE
SUBJECT: TRANSFER NO. 4737
DATE: August 22, 1996

Transfer No. 4737 was filed to change the place of use under Right Nos. 63-00161BN and 63-02932 creating a permissible place of use. The farm where these rights were developed is being subdivided and these rights will continue to provide for irrigation of up to 141 acres within the 257 acre permissible place of use.

The total number of acres irrigated under these rights was confirmed by region personnel through field examination, and review and planimetry of CFSA photographs. The initial recommendation of 139 acres was modified to include the additional 2 acres credited for irrigation around the entryway to the subdivision under the surface water right.

Special conditions were agreed to under the withdrawal of protest agreement and region manager. Season of use and diversion volume were adjusted to current standards. That portion of Right No. 63-00161BN in excess of 0.02 cfs per confirmed irrigated acres has been described as abandoned through approval of this transfer.

Other recommended conditions include irrigation overlap, supplemental groundwater, permissible place of use, combined limits and standard transfer conditions.

63-161BN

RECEIVED

MAY 15 2002

WATER RESOURCES
WESTERN REGION

April 25, 2002

Sally Sherman
Technical Records Specialist
Idaho Dept of Water Resources
1301 N. Orchard
Boise, ID 83706-2237
faxed to: 327-7866

Records modified 4-25, 26-02.
copy ~~sent~~ to Denison. ss

Dear Ms. Sherman,

I would like to change the address for the SVHomeowners Association, Inc for the records to the following:

SV Homeowners Association, Inc.
5240 South Surprise Way
c/o SVHOA Board President
Boise, Idaho 83716
(208) 368-0058

I beleive the water right numbers are: 63-161BN and 63-2932. Please sent an updated copy of the updated water rights [which I previously refered to erroneously as ownership papers] to the above address. If you have any questions, please contact me.

Thank you,


James K. Denison
SVHOA President
422-0574 (home)

RECEIVED

APR 25 2002

Department of Water Resources

Attention: Sally Sherman

Date: 4/25/02

Company: IDWR

Number of Pages: 2

Fax Number: 327-7866

Voice Number: 327-7862

From: Denison

Company:

Fax Number: 208-422-0393

Voice Number: 208-422-0574

Subject: Surprise Valley Water Rights

all below same entity

Comments:

Please find the following information for updating your database.

CID 78679 Surprise Valley Farm, 3051 Wise Way, Boise

344-2573

78680

53768 Partnership, 100 N. 9th St., #300,

336-3430

85664 871 E. Parkcenter Blvd., Boi.

85665

336-3430

Updated CID 323491



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 4, 2001

SV HOMEOWNER'S ASSOCIATION, INC
100 N NINTH ST, SUITE 300
BOISE ID 83702

Re: Notice of Claim to a Water Right No. 63-161BN & 63-2932

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the necessary name change for the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

Michael C. Creamer
GIVENS PURSLEY & HUNTLEY, LLP
P.O. Box 2720
277 No. 6th Street, Suite 200
Boise, Idaho 83701
Telephone: (208) 388-1200
Fax: (208) 388-1201

Attorneys for Applicant

3453\14\PLEADING\RECONSID.PET

RECEIVED
SEP 20 1996
WATER RESOURCES
WESTERN REGION

BEFORE THE DIRECTOR

IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE
APPLICATION OF SURPRISE
VALLEY PARTNERSHIP TO
TRANSFER WATER RIGHT NOS. 63-
00161BN AND 63-02932

TRANSFER NO. 4737

SURPRISE VALLEY
PARTNERSHIP'S PETITION
FOR RECONSIDERATION

Surprise Valley Partnership ("Surprise Valley"), through its attorneys Givens Pursley & Huntley, hereby petitions the Idaho Department of Water Resources ("Department") for reconsideration of its Preliminary Order in the above-captioned matter. The grounds for Surprise Valley's Petition are as follows:

1. Surprise Valley's transfer application proposes changes in the place of use of two water rights; 63-00161BN, which is a surface water right with a point of diversion from the Boise River, and 63-02932, which is a ground water right.
2. Under the description of "Source", the Preliminary Order fails to designate ground water as a source of water after the transfer is approved.

3. The Preliminary Order fails to designate a point of diversion for the ground water right, No. 63-02932 which should be designated as requested in the SE1/4, SW1/4, §33, T3N, R3E, B.M., Ada County.

4. Condition 15 should be deleted as a condition of approval of Transfer No. 4737. Condition 15, which limits use of Right No. 63-02932 to the irrigation of 64 acres within a permissible place of use of 257 acres, is not required as a condition to avoid injury to other rights, or to prevent enlargement or expansion of the water right. Condition 15 is inconsistent with Condition 7, which correctly identifies 63-02932 as being supplemental to 63-00161BN on 141 acres within a 257 acre permissible place of use. As a supplemental right, and subject to Condition 7, the diversion, use and consumptive use of 63-02932 will be significantly reduced below what originally was authorized and below its historical use following the transfer. Therefore, the change in right no. 63-02932 from a primary right for 64 acres to a supplemental right appurtenant to 141 acres conceptually, legally, and practically satisfies the requirements and policies of Idaho law concerning prevention of injury, expansions and enlargements. Condition 15 also is not consistent with the economic and efficient use of both water rights within an integrated irrigation system.

FOR THE FOREGOING REASONS, Surprise Valley respectfully requests that the Source description contained in the Preliminary Order of approval of Transfer 4737 indicate ground water as an additional source, that the Point of Diversion description include the point of diversion for Surprise Valley's ground water right, and that Condition 15 be deleted as a condition of approval.

DATED this 19th day of September, 1996.

GIVENS PURSLEY & HUNTLEY, LLP

BY: Michael C. Creamer

Michael C. Creamer

Attorneys for Applicants Surprise
Valley Partnership

MICROFILMED

OCT 24 1996

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 1996 I caused to be served a true and correct copy of the foregoing Petition for Reconsideration to each of the persons named below by the method indicated below each of their names.

Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

☐ U.S. Mail ☐ Fax ☒ By hand ☐ Overnight

David R. Tuthill, Jr., P.E.
Manager, Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

☒ U.S. Mail ☐ Fax ☐ By hand ☐ Overnight



Michael C. Creamer

Western-Ady

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

This is to certify that: **SURPRISE VALLEY PARTNERSHIP**
871 EAST PARKCENTER BLVD
BOISE ID 83706

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-00161BN:			
IRRIGATION	03/15 to 11/15	* 2.82 CFS	634.5 AF
Priority: 05/01/1866			
Right No. 63-02932 :			
IRRIGATION	03/15 to 11/15	1.00 CFS	288.0 AF
Priority: 03/16/1953			
TOTAL:		** 2.82 CFS	** 634.5 AF

SOURCE

BOISE RIVER

TRIBUTARY OF

SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: Lot 7(NWNE), Sec. 4, Township 02N, Range 03E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	03E	4	Lot 7(NWNE) 11	Lot 3(NENW) 19	Lot 4(NWNW) 4	34
03N	03E	32	Lot 2(NWNE) 3	SWNE 32	Lot 1(ENE) 4	
			NENW 32	NWNW 4	SENE 16	
			NESE 37	NWSE 12	SESE 8	148
		33	NWSW 18	SWSW 35	SESW 22	75
				Total number of acres irrigated:		** 257 ***

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

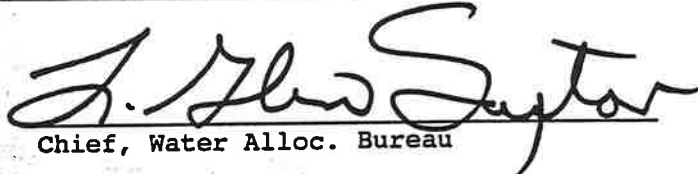
MICROFILMED
OCT 24 1996

TRANSFER NO. 4737
WATER RIGHT NO(S). 63-00161BN/63-02932

CONDITIONS OF APPROVAL AND REMARKS

- * 12. The portion of Right No. 63-00161BN described as 0.18 cfs and 9.0 acres has been abandoned through approval of Transfer No. 4737.
- ** 13. Right Nos. 63-00161BN and 63-02932 when combined shall not exceed a total combined diversion rate of 2.82 cfs, a total combined annual diversion volume of 634.5 af for irrigation of 141.0 total combined acres.
- *** 14. Right No. 63-00161BN is limited to the irrigation of 141.0 acres in the place of use described above in a single irrigation season.
- *** 15. Right No. 63-02932 is limited to the irrigation of 64.0 acres in the place of use described above in a single irrigation season.

Dated this 4th day of September, 1996


Chief, Water Alloc. Bureau

MICROFILMED
OCT 24 1996

*Due 1st working
day after the
date or Oct 10th
Harris*

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Dallas Harris () 344-2573
Name of Claimant Phone Number

3051 Wese way Boise Id 83712
Mailing Address City State Zip

Ada August 8 1989
County(s) where place of use is located Date claim originally due

all water rights in Ada County (14)
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

We have been working on claims since early May. These water rights are extremely complex, involving the penitentiary ditch, Stewart ditches and several commercial and industrial rights.

Claimant requests an extension to Oct. 8 1989, 19 ____

Shelby Chapman August 4, 19 89
Signature Date of request

Consultant
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to October 8, 19 89

Signed this 4 day of August, 19 89

[Signature]
Director or his designated agent

DAVID B. SHAW

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED

AUG 17 1992

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1201

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
L. W. Grant III
Richard W. Jankowski
Karl T. Klein
David R. Lombardi

Kimberly D. Maloney
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Aaron H. Nemec
W. Hugh O'Riordan
Kenneth L. Pursley

RECEIVED

FEB 09 1999

**WATER RESOURCES
WESTERN REGION**

Conley Ward
Steven R. Weeks
Stephanie C. Westemeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

February 8, 1999

Idaho Department of Water Resources
Western Region Office
attn: Denise
2735 Airport Way
Boise, ID 83705-5082

Matter: SV Homeowner's Association, Inc.
Subject: Notice of Change of Water Right Ownership
Our file: 3453-14

Ladies and Gentlemen:

Enclosed for filing please find a State of Idaho Notice of Change of Water Right Ownership. Please note that it is executed by the President of SV Homeowner's Association, Inc., and that transfer documentation is attached. If there is any problem with this filing, please let me know as soon as possible. Thank you.

Sincerely,



Zack Vestal
Real Estate Document Clerk

Enclosure

ZRV

S:\SEC\S282\Letters\h2o rights ownership change.wpd

MEMORANDUM

Date: January 23, 1998

To: File

From: Jim Johnson

Subject: Telecon w/ Mike Creamer

=====

Mike Creamer called in response to my January 21, 1998 correspondence. He noted that my letter listed 61 acres instead of 64 acres and wanted to be assured that 64 acres was the correct amount. I agreed to remove the condition that referred to the 1997 irrigation. Since we are now in 1998 this condition was no longer relevant. I also agreed to make a minor modification on a condition to clarify its intend.

Mike is planning to contact his client and will contact me again.

FROM Jan Thunite
TO Claim File #'s A63-00161 BN & A63-02932
SUBJECT Approved Transfer No. 4737

DATE 9-23-96

MICROFILMED
OCT 24 1996

Transfer # 4737 was approved on 9-4-96.
A Petition for Reconsideration was then filed
on 9-19-96 by the applicant. Pam Shaggs
at the State Office has indicated some
changes to the approved transfer will be made,
therefore, I am holding amending the claim
for 30 days to check on a new approved transfer.

SIGNATURE

FIGURE 1

SURPRISE VALLEY APPLICATION FOR TRANSFER

A PORTION OF
SECTIONS 32 AND 33, T.3N.,R.3E.,
AND SECTION 4, T.2N.,R.3E., B.M.

REQUESTED PERMISSIBLE PLACE OF USE
& PROPOSED DIVERSION WORKS

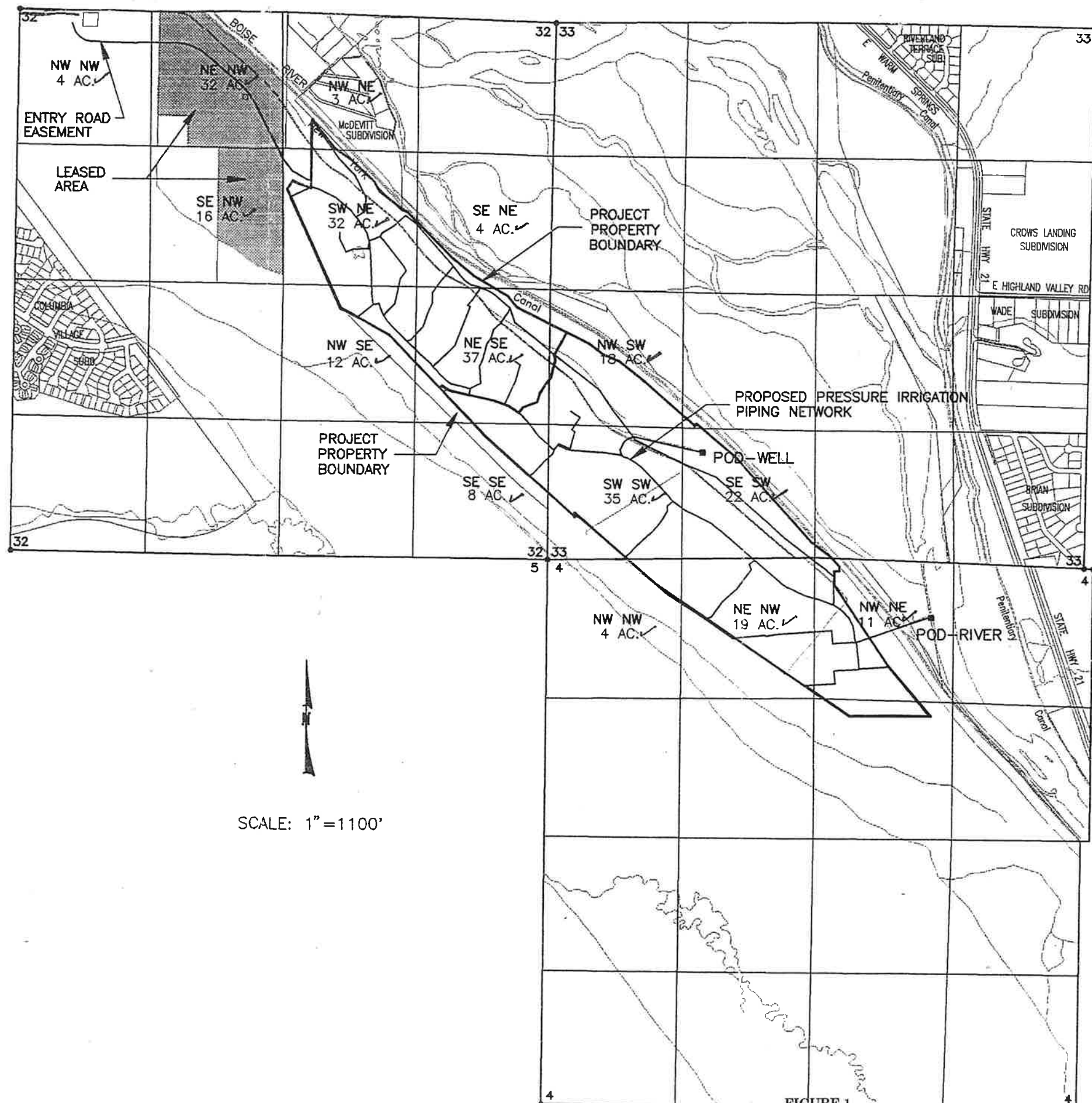
AUGUST 28, 1995

DISTRIBUTION OF REQUESTED PERMISSIBLE PLACE OF USE

PROJECT PROPERTY = 205 AC.
LEASED AREA = 48 AC.
ENTRY ROAD EASEMENT = 4 AC.
257 AC.

NOTE: IRRIGATED AREA NOT TO EXCEED 167 ACRES WITHIN
REQUESTED PERMISSIBLE PLACE OF USE.

*Agrees with pg. 1 of transfer
-gc 2/23/96*



SCALE: 1"=1100'

SEP 12 1996

TOOTHMAN-ORTON ENGINEERING CO.

1802 NORTH 33rd STREET, BOISE, IDAHO 83703

PHONE: (208) 342-5511

FAX: (208) 342-5514

FIGURE 1