

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88654**

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

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

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

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

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

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-199B	NO	NO	NO	NO	NO	YES
63-200B	NO	NO	NO	NO	NO	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-199B	63-199B	169.600 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-200B	63-200B	361.940 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		8.000 cfs	N/A	N/A	400.0		N/A	N/A	N/A	N/A

Transfer No. 88654

SUPPORT DATA

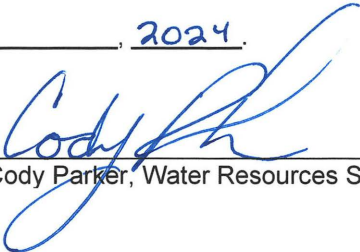
IN FILE # 63-199B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 88654

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 2ND day of OCTOBER, 2024.


Cody Parker, Water Resources Supervisor



WATER RIGHT NO. 63-199B

As Modified by Transfer No. 88654

In accordance with the approval of Transfer No. 88654, Water Right No. 63-199B is now described as follows:

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

Priority Date: 5/1/1878

Source: ROCK CREEK
Source: BOISE RIVER
Source: MORES CREEK

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

BENEFICIAL USE

GROUND WATER RECHARGE
INDUSTRIAL
IRRIGATION

From

03/01
03/15
03/01

To

to 11/15
to 11/15
to 11/15

Diversion Rate

6.700 cfs
2.600 cfs
169.600 cfs
169.600 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK
BOISE RIVER
BOISE RIVER
MORES CREEK

NENW
L8 (NWNE)
L6 (NWSW)
SWNE

Sec 14 Twp 01N Rge 07E ELMORE County
Sec 4 Twp 02N Rge 03E ADA County
Sec 29 Twp 03N Rge 03E ADA County
Sec 35 Twp 05N Rge 04E BOISE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88654

WATER RIGHT NO. 63-199B
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

5. Since approval of transfer 88506 Surprise Valley diversion is identified in the conditions of this right as Simplot/Micron diversion or BSD diversion. Simplot/Micron identifies water diverted for irrigation, industrial, or ground water recharge. BSD identifies water diverted for irrigation of the Les Bois Junior High and the Trail Wind Elementary school sites in Columbia Village annexed by Nampa & Meridian Irrigation District. Collectively, the Simplot/Micron and BSD diversions will be referred to as Surprise Valley Pump Station.
6. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley Pump Station, the Green Ranch diversion, and the Danskin diversion must also be reduced by an equivalent proportion.
7. Prior to March 1 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Simplot/Micron diversion. Use of water under those rights each year shall not exceed the reported amounts.
8. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion for irrigation purposes shall be calculated at a diversion rate of 0.02 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
9. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion each year shall be reduced from a maximum of 1700 by at least the number resulting from the total rate of flow to be diverted for industrial and ground water recharge purposes divided by 0.02 cfs/acre.
10. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Surprise Valley Pump Station shall not exceed a combined total of 34.56 cfs.
11. The place of use for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Simplot/Micron diversion.
12. The period of use for industrial use described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early season use and a priority date earlier than the date of this approval.
13. The annual volume of water used for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by December 31 of each year.
14. Diversion and use of water for industrial purposes under right nos. 63-199B and 63-200B shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under those rights.

WATER RIGHT NO. 63-199B
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

15. The amount of water diverted under right nos. 63-30181, 63-1989AJ, 63-199B, and 63-200B from the BSD diversion shall be calculated at a diversion rate of 0.014 cfs per acre to be irrigated, and when combined with any other rights those shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
16. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the BSD diversion shall not exceed a combined total of 0.56 cfs.
17. The right holder shall be responsible for recording the rate of flow diverted from the Surprise Valley Pump Station for the Simplot/Micron and BSD diversions.
18. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
19. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.
20. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch diversion on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
21. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and tributaries.
22. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Danskin diversion for irrigation purposes shall be calculated at a diversion rate of 0.01 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis or to limit the rate water may be applied to less than 0.02 cfs per acre at the field headgate.
23. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Danskin Diversion shall not exceed a combined total of 1.55 cfs.
24. Rights 63-115, 63-19756, 63-31296, 63-31290A, and 63-31290B, and the following rights when diverted from the Danskin diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 3.10 cfs and the irrigation of 155 acres.
25. Water shall not be diverted under this right at the Danskin diversion if such diversion would cause injury to rights senior in priority to December 22, 2021 that are authorized to divert from Rock Creek and its tributaries.

WATER RIGHT NO. 63-199B
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

26. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
27. 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.
28. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
29. This right when combined with Right Nos. 63-198AJ, 63-200B, 63-2392B, 63-2968, 63-30181, and 63-32695 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.
30. This right originated as all or part of right no. 67 in the Stewart Decree and the historic Boise River Water Masters records.
31. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
32. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-200B

As Modified by Transfer No. 88654

In accordance with the approval of Transfer No. 88654, Water Right No. 63-200B is now described as follows:

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

Priority Date: 8/20/1888

Source: ROCK CREEK
Source: BOISE RIVER
Source: MORES CREEK

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

BENEFICIAL USE

GROUND WATER RECHARGE
INDUSTRIAL
IRRIGATION

From

03/15
03/15
03/15

to

To

11/15
11/15
11/15

Diversion Rate

14,300 cfs
5,400 cfs
361,940 cfs
361,940 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK
BOISE RIVER
BOISE RIVER
MORES CREEK

NENW
L8 (NWNE)
L6 (NWSW)
SWNE

Sec 14 Twp 01N Rge 07E ELMORE County
Sec 4 Twp 02N Rge 03E ADA County
Sec 29 Twp 03N Rge 03E ADA County
Sec 35 Twp 05N Rge 04E BOISE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

WATER RIGHT NO. 63-200B

As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

5. Since approval of transfer 88506 Surprise Valley diversion is identified in the conditions of this right as Simplot/Micron diversion or BSD diversion. Simplot/Micron identifies water diverted for irrigation, industrial, or ground water recharge. BSD identifies water diverted for irrigation of the Les Bois Junior High and the Trail Wind Elementary school sites in Columbia Village annexed by Nampa & Meridian Irrigation District. Collectively, the Simplot/Micron and BSD diversions will be referred to as Surprise Valley Pump Station.
6. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley Pump Station, the Green Ranch diversion, and the Danskin diversion must also be reduced by an equivalent proportion.
7. Prior to March 1 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Simplot/Micron diversion. Use of water under those rights each year shall not exceed the reported amounts.
8. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion for irrigation purposes shall be calculated at a diversion rate of 0.02 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
9. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion each year shall be reduced from a maximum of 1700 by at least the number resulting from the total rate of flow to be diverted for industrial and ground water recharge purposes divided by 0.02 cfs/acre.
10. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Surprise Valley Pump Station shall not exceed a combined total of 34.56 cfs.
11. The place of use for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B is limited to the lands served by the Simplot/Micron diversion.
12. The period of use for irrigation, industrial, and ground water recharge uses described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early season use and a priority date earlier than the date of this approval.
13. The annual volume of water used for industrial and ground water recharge purposes under right nos. 63-199B and 63-200B shall be measured using separate totalizing measuring devices and the right holder shall report the totals to the department by December 31 of each year.
14. Diversion and use of water for industrial purposes under right nos. 63-199B and 63-200B shall not be more consumptive nor more depletive of water flowing in the Boise River than an equivalent diversion and use of water for irrigation purposes under those rights.

Transfer No. 88654

WATER RIGHT NO. 63-200B
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

15. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the BSD diversion shall be calculated at a diversion rate of 0.014 cfs per acre to be irrigated, and when combined with any other rights those shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
16. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the BSD diversion shall not exceed a combined total of 0.56 cfs.
17. The right holder shall be responsible for recording the rate of flow diverted from the Surprise Valley Pump station for the Simplot/Micron and BSD diversions.
18. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
19. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.
20. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and tributaries.
21. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch and Danskin diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
22. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Danskin diversion for irrigation purposes shall be calculated at a diversion rate of 0.01 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis or to limit the rate water may be applied to less than 0.02 cfs per acre at the field headgate.
23. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Danskin Diversion shall not exceed a combined total of 1.55 cfs.
24. Rights 63-115, 63-19756, 63-31296, 63-31290A, and 63-31290B, and the following rights when diverted from the Danskin diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 3.10 cfs and the irrigation of 155 acres.
25. Water shall not be diverted under this right at the Danskin diversion if such diversion would cause injury to rights senior in priority to December 22, 2021 that are authorized to divert from Rock Creek and its tributaries.

WATER RIGHT NO. 63-200B

As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

26. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
27. 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.
28. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
29. This right originated as all or part of right no. 106 in the Stewart Decree and the historic Boise River Water Masters records.
30. This right when combined with Right Nos. 63-198AJ, 63-199B, 63-2392B, 63-2968, 63-30181, and 63-32695 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.
31. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
32. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 88654

In accordance with the approval of Transfer No. 88654, Water Right No. 63-198AJ is now described as follows:

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

Priority Date: 6/1/1877

Source: ROCK CREEK
Source: BOISE RIVER
Source: MORES CREEK

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

BENEFICIAL USE

IRRIGATION

From
03/15

To
to 11/15

Diversion Rate

0.400 cfs
0.400 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK
BOISE RIVER
BOISE RIVER
MORES CREEK

NENW
L8 (NWNE)
L6 (NWSW)
SWNE

Sec 14 Twp 01N Rge 07E ELMORE County
Sec 4 Twp 02N Rge 03E ADA County
Sec 29 Twp 03N Rge 03E ADA County
Sec 35 Twp 05N Rge 04E BOISE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 88654

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

5. Since approval of transfer 88506 Surprise Valley diversion is identified in the conditions of this right as Simplot/Micron diversion or BSD diversion. Simplot/Micron identifies water diverted for irrigation, industrial, or ground water recharge. BSD identifies water diverted for irrigation of the Les Bois Junior High and the Trail Wind Elementary school sites in Columbia Village annexed by Nampa & Meridian Irrigation District. Collectively, the Simplot/Micron and BSD diversions will be referred to as Surprise Valley Pump Station.
6. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley Pump Station, the Green Ranch diversion, and the Danskin diversion must also be reduced by an equivalent proportion.
7. Prior to March 1 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Simplot/Micron diversion. Use of water under those rights each year shall not exceed the reported amounts.
8. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron Diversion for irrigation purposes shall be calculated at a diversion rate of 0.02 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
9. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion each year shall be reduced from a maximum of 1700 by at least the number resulting from the total rate of flow to be diverted for industrial and ground water recharge purposes divided by 0.02 cfs/acre.
10. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Surprise Valley Pump Station shall not exceed a combined total of 34.56 cfs.
11. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the BSD diversion shall be calculated at a diversion rate of 0.014 cfs per acre to be irrigated, and when combined with any other rights those shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
12. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the BSD diversion shall not exceed a combined total of 0.56 cfs.
13. The right holder shall be responsible for recording the rate of flow diverted from the Surprise Valley Pump station for the Simplot/Micron and BSD diversions.

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

14. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
15. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.
16. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch and Danskin diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
17. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and its tributaries.
18. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Danskin diversion for irrigation purposes shall be calculated at a diversion rate of 0.01 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis or to limit the rate water may be applied to less than 0.02 cfs per acre at the field headgate.
19. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Danskin Diversion shall not exceed a combined total of 1.55 cfs.
20. Rights 63-115, 63-19756, 63-31296, 63-31290A, and 63-31290B, and the following rights when diverted from the Danskin diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 3.10 cfs and the irrigation of 155 acres.
21. Water shall not be diverted under this right at the Danskin diversion if such diversion would cause injury to rights senior in priority to December 22, 2021 that are authorized to divert from Rock Creek and its tributaries.
22. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-198AJ
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

23. 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.
24. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
25. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.
26. This right when combined with Right Nos. 63-199B, 63-200B, 63-2392B, 63-2968, 63-30181, and 63-32695 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.
27. This right is limited to the irrigation of 40 acres within the authorized place of use.
28. This right originated as all or part of right no. 65 in the Stewart Decree and the historic Boise River Water Masters records.
29. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
30. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-30181
As Modified by Transfer No. 88654

In accordance with the approval of Transfer No. 88654, Water Right No. 63-30181 is now described as follows:

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

Priority Date: 6/1/1864

Source: ROCK CREEK
Source: BOISE RIVER
Source: MORES CREEK

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

BENEFICIAL USE

IRRIGATION

From
03/15

To
to 11/15

Diversion Rate

0.200 cfs
0.200 cfs

LOCATION OF POINT(S) OF DIVERSION

ROCK CREEK
BOISE RIVER
BOISE RIVER
MORES CREEK

NENW
L8 (NWNE)
L6 (NWSW)
SWNE

Sec 14 Twp 01N Rge 07E ELMORE County
Sec 4 Twp 02N Rge 03E ADA County
Sec 29 Twp 03N Rge 03E ADA County
Sec 35 Twp 05N Rge 04E BOISE County

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
3. Place of use is within the boundary of Nampa & Meridian Irrigation District pursuant to Section 43-323, Idaho Code.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

WATER RIGHT NO. 63-30181
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

5. Since approval of transfer 88506 Surprise Valley diversion is identified in the conditions of this right as Simplot/Micron diversion or BSD diversion. Simplot/Micron identifies water diverted for irrigation, industrial, or ground water recharge. BSD identifies water diverted for irrigation of the Les Bois Junior High and the Trail Wind Elementary school sites in Columbia Village annexed by Nampa & Meridian Irrigation District. Collectively, the Simplot/Micron and BSD diversions will be referred to as Surprise Valley Pump Station.
6. When the authorized diversion of water under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B is reduced at the Ridenbaugh Canal, excluding reductions for canal maintenance, the diversion of water under those rights at the Surprise Valley Pump Station, the Green Ranch diversion, and the Danskin diversion must also be reduced by an equivalent proportion.
7. Prior to March 1 of each year the right holder shall report to the department the number and location of acres to be irrigated by right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion and shall also report the maximum rate of flow to be diverted for industrial and ground water recharge purposes at the Simplot/Micron diversion. Use of water under those rights each year shall not exceed the reported amounts.
8. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion for irrigation purposes shall be calculated at a diversion rate of 0.02 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
9. The number of acres available for irrigation under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Simplot/Micron diversion each year shall be reduced from a maximum of 1700 by at least the number resulting from the total rate of flow to be diverted for industrial and ground water recharge purposes divided by 0.02 cfs/acre.
10. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Surprise Valley Pump Station shall not exceed a combined total of 34.56 cfs.
11. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the BSD diversion shall be calculated at a diversion rate of 0.014 cfs per acre to be irrigated, and when combined with any other rights those shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
12. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the BSD diversion shall not exceed a combined total of 0.56 cfs.
13. The right holder shall be responsible for recording the rate of flow diverted from the Surprise Valley Pump Station for the Simplot/Micron and BSD diversions.

WATER RIGHT NO. 63-30181
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

14. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Green Ranch diversion for irrigation purposes shall be calculated at a diversion rate of 0.0156 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis.
15. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Green Ranch Diversion shall not exceed a combined total of 0.72 cfs.
16. The Right holder shall be responsible for measuring and recording the rate of flow diverted from the Green Ranch and Danskin diversions on a weekly basis during the authorized irrigation season and shall provide the diversion records upon request to the watermaster or the department.
17. Water shall not be diverted under this right at the Green Ranch diversion if such diversion would cause injury to rights senior in priority to November 20, 2001 that are authorized to divert from Mores Creek and tributaries.
18. The amount of water diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B from the Danskin diversion for irrigation purposes shall be calculated at a diversion rate of 0.01 cfs per acre to be irrigated, and when combined with any other rights those rights shall provide no more than 0.02 cfs per acre nor more volume than can be beneficially used for irrigation purposes. This condition shall not be construed as a requirement for the right holder to regulate water on a volumetric basis or to limit the rate water may be applied to less than 0.02 cfs per acre at the field headgate.
19. The rate of flow diverted under right nos. 63-30181, 63-198AJ, 63-199B, and 63-200B at the Danskin Diversion shall not exceed a combined total of 1.55 cfs.
20. Rights 63-115, 63-19756, 63-31296, 63-31290A, and 63-31290B, and the following rights when diverted from the Danskin diversion, 63-198AJ, 63-199B, 63-200B, 63-30181, when combined shall not exceed a total diversion rate of 3.10 cfs and the irrigation of 155 acres.
21. Water shall not be diverted under this right at the Danskin diversion if such diversion would cause injury to rights senior in priority to December 22, 2021 that are authorized to divert from Rock Creek and its tributaries.
22. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
23. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date of this approval.

WATER RIGHT NO. 63-30181
As Modified by Transfer No. 88654

CONDITIONS OF APPROVAL

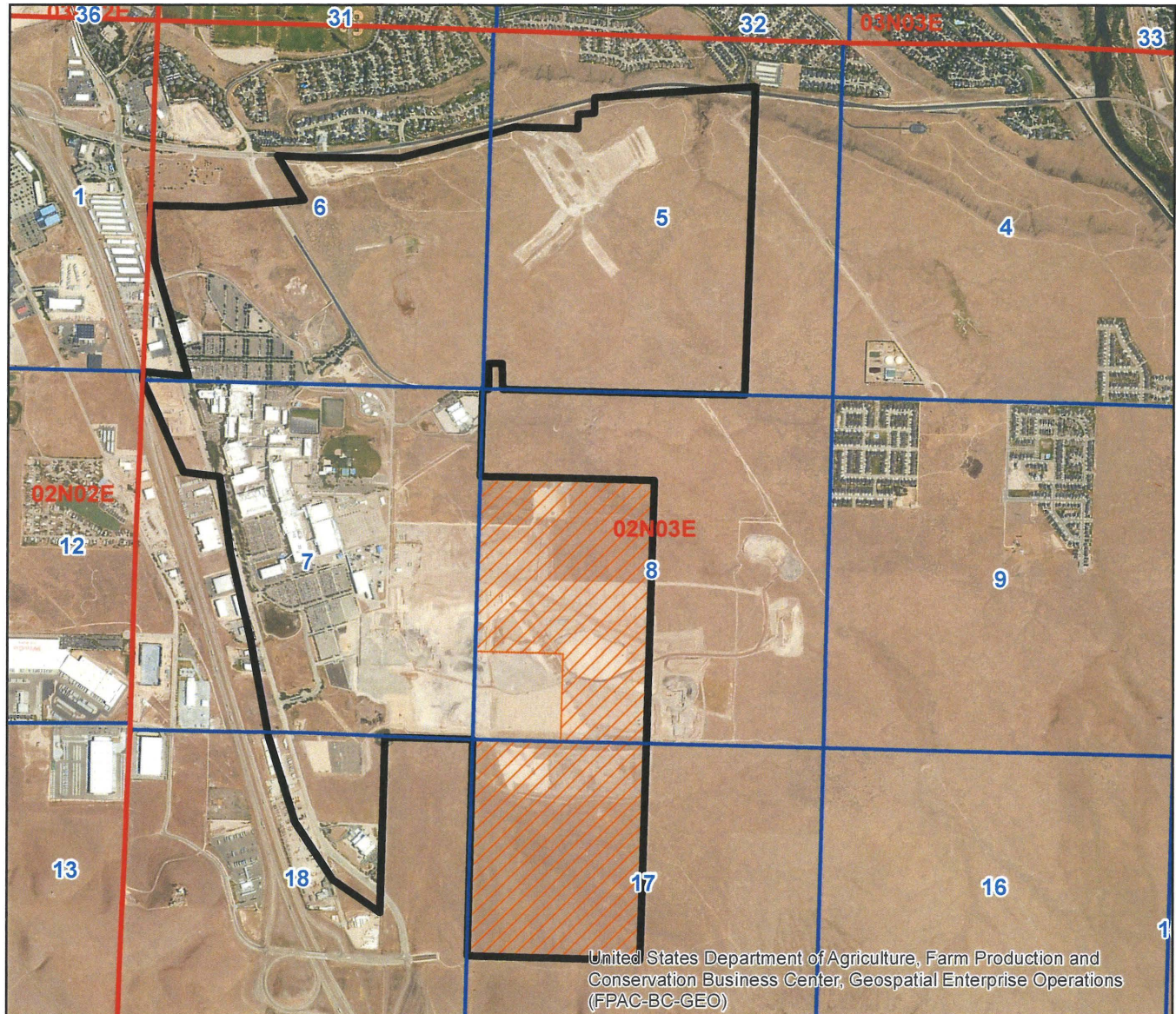
24. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
25. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
26. This right when combined with Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2392B, 63-2968, and 63-32695 can be used to irrigate up to 69,495 acres within the boundary of the Nampa Meridian Irrigation District.
27. This right is former right no. 63-120J.
28. This right originated as all or part of right no. 1 in the Stewart Decree and the historic Boise River Water Masters records.
29. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
30. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 88654

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

This map depicts the lands served by the Simplot/Micron diversion
from the Surprise Valley Pumping Station at the time of this
approval and is attached to the approval document solely for illustrative purposes.



0 0.3 0.6 1.2 Miles

Place of Use

Industrial and Groundwater Recharge



400-acres added by this Transfer



Lands served by the Simplot/Micron diversion





October 07, 2024

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

Re: Transfer No: 88654
Water Right No(s): 63-198AJ, 63-199B , 63-200B , 63-30181

Transfer Approval Notice

Dear Water Right Holders:

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

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,



Susy Hobson
Technical Records Specialist I

Enclosure

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

ELMORE COUNTY BOARD OF COMMISSIONERS
150 S 4TH E
MOUNTAIN HOME ID 83647-3060

CERTIFICATE OF SERVICE

I hereby certify that on October 07, 2024, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 88654

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

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

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

ELMORE COUNTY BOARD OF COMMISSIONERS
150 S 4TH E
MOUNTAIN HOME ID 83647-3060



Susy Hobson
Technical Records Specialist I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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