

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 63-2856
Date Received: 6/2/2004
Receipt No: W031279
Received By:

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

1. Name of Claimant(s)

VALLIVUE SCHOOL DISTRICT NO 139 Phone: (208)454-0445
5207 S MONTANA
CALDWELL ID USA 83607

2. Date of Priority: 04/13/1951

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	03W	10	NW SW	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.47	

7. Total Quantity Appropriated is:
0.47 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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03N	03W	10	NW	SW	IRRIGATION	22.3
					Section Acres	22.3
					Total Acres	22.3

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Diversion rate based on measured rate licensed for 63-10182.

15. Basis of Claim: License

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RECEIVED

JUN 02 2004

WATER RESOURCES
WESTERN REGION

Ident. Number 63-2856
Date Received: 6-2-04
Receipt No: W03/279 *
Received By: DAN NELSON

* SEE ATTACHED
Receipt memo

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Vallivue School District #139

Phone: (208) 454-0445

5207 S Montana
Caldwell, ID 83607

2. Date of Priority: April 13, 1951

3. Source: Ground Water

Trib. to: NA

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
3N	3W	10	NW SW	Canyon	

5. Description of diverting works:

Irrigation well has a 30-Hp turbine pump with hollowshaft electric motor.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	1/1	12/31	0.47	

7. Total Quantity Appropriated is:

0.47

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

TWP	RNG	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	3W	10										22.3							22.3

Total number of acres irrigated 22.3

11. Place of use in counties: **Canyon**

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

13. Other Water Rights Used: **63-10182**

14. Remarks: **Diversion rate based on measured rate licensed for 63-10182.**

15. Basis of Claim: **License**

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Asst. Superintendent of Vallivue School Dist. Title Organization

document in the space below as Asst. Superintendent of Vallivue school Dist. Title Organization

and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Asst. Supt. of Vallivue school Dist
Title and Organization

May 25, 2004
Date

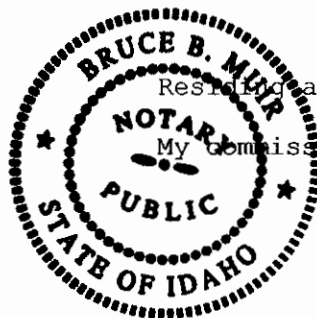
State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 25 day.

of May 2004

[Signature]

Notary Public

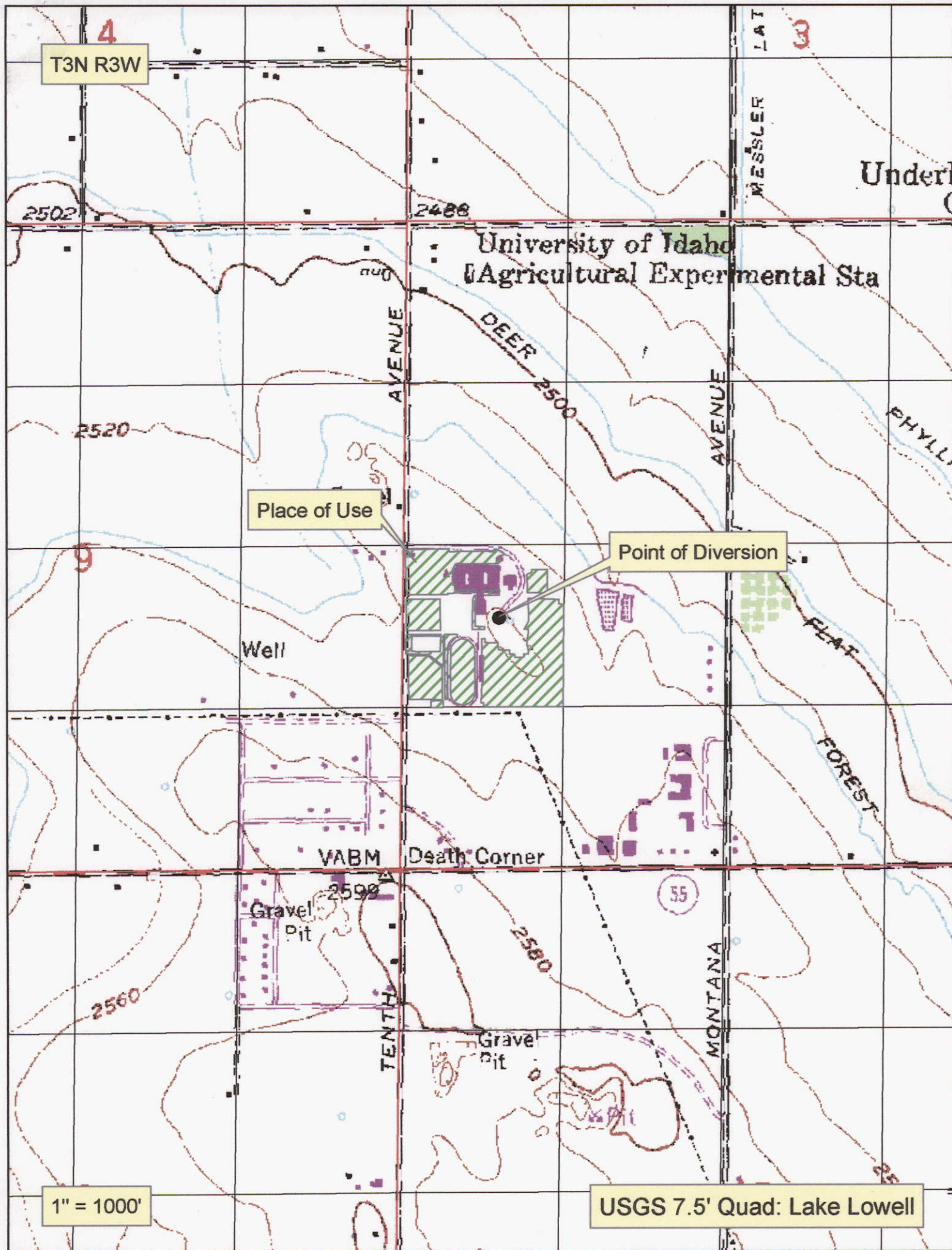


Residing at

Caldwell

My Commission Expires

2005





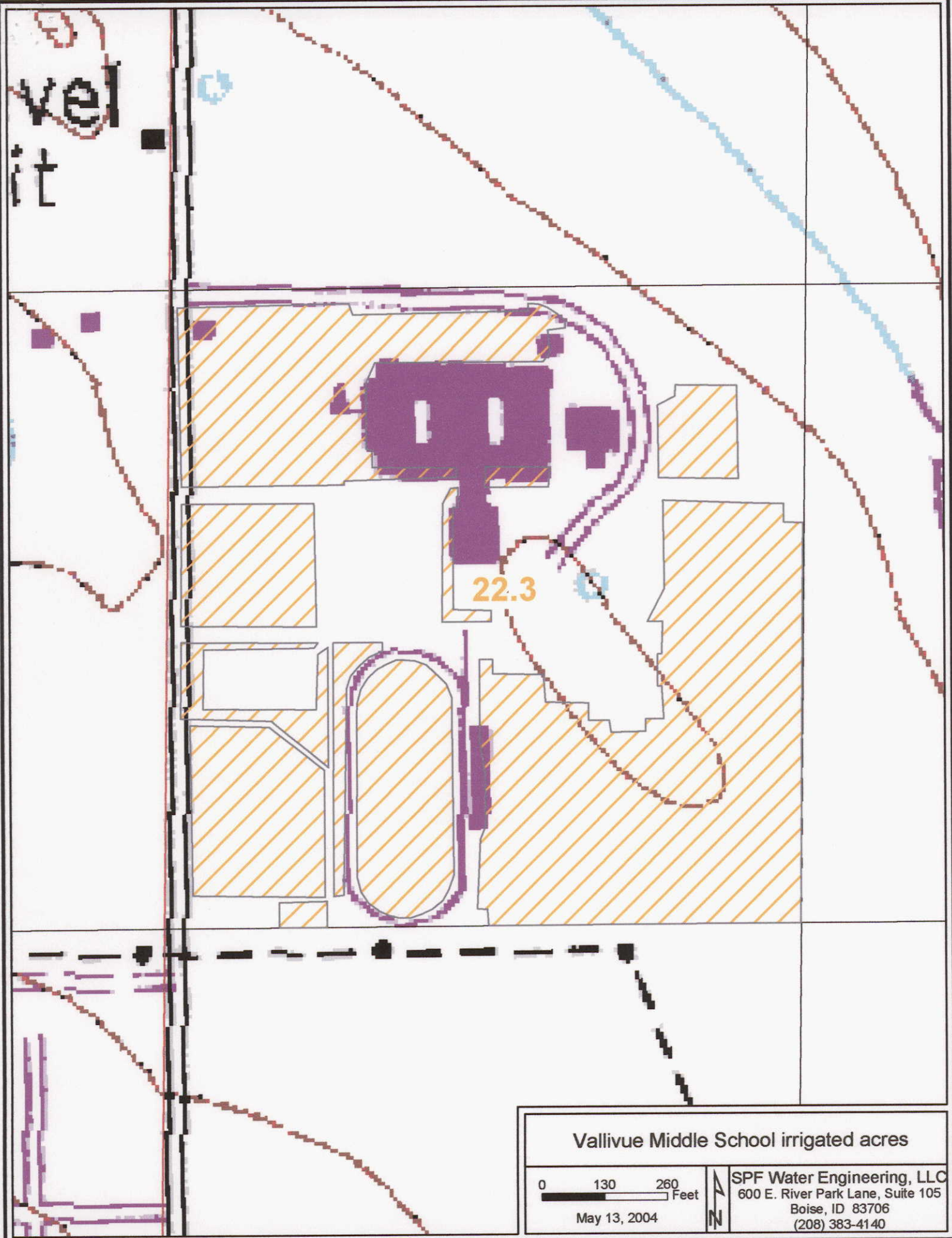
Vallivue Middle School irrigated acres

0 125 250 Feet

May 13, 2004



SPF Water Engineering, LLC
600 E. River Park Lane, Suite 105
Boise, ID 83706
(208) 383-4140



Vallivue Middle School irrigated acres

0 130 260 Feet

May 13, 2004



SPF Water Engineering, LLC
600 E. River Park Lane, Suite 105
Boise, ID 83706
(208) 383-4140

ROUTING SLIP

DISTRIBUTION	PROVIDED FOR YOUR:	
DATE: June 9, 2004	INFORMATION	
TO: FISCAL DEBBIE ALLEN	COMMENTS	
FROM: DANIEL A. NELSON WESTERN REGION	APPROVAL	YES
	SIGNATURE	
SPECIAL NOTES: Debbie could you please refund \$27.00 and correct the enclosed receipt. The applicants filed an application for transfer and then discovered that they needed to file an adjudication claim for a portion of it, which changed the fees for the transfer. Thank you Dan Nelson Western		

COPY

FOR Adjudication Files

MEMORANDUM

TO: IDWR FISCAL DEPT. - ATTN: DEBBIE ALLEN

FROM: DANIEL A. NELSON - SENIOR AGENT

DATE: June 9, 2004

SUBJECT: REFUND OF TRANSFER FEE AND REALLOWACATION OF FEES

Please refund \$ 27.00 of the \$ 250.00 received for receipt number W031279 paid by Pinnacle Engineers for Vallivue Schools District #139 for an application for transfer and adjust the receipt as shown below. The review of the transfer revealed an existing license that was not accounted for in the Snake River Basin Adjudication. Therefore, the applicant filed an adjudication claim for the old license, and amended the transfer diversion rate from 0.62 cfs to 0.15 cfs. The reduction in diversion rate for the transfer reduced the fee to \$100.00, and the filing fee for the adjudication claim was \$123.00. This leaves \$27.00 that needs to be refunded to Vallivue School.

The following is the necessary information.

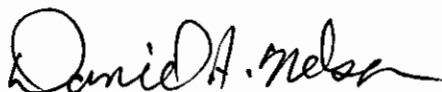
RECEIPT -- # W031279 (Copy of receipt included)
AMOUNT OF REFUND -- \$ 27.00
ADDRESS -- VALLIVUE SCHOOL DISTRICT #139
5207 S MONTANA
CALDWELL, IDAHO 83607

The receipt should read as follows:

Description	Fund	FD	PCA	Obj	Subsid	Amount
Application for Transfer	229	21	62105	1155		100.00
Adjudication Claim	9337	0	410162	6490		123.00
Total Amount						223.00

Thank you for your time and effort. If you have any questions please contact me at the Western Office of IDWR.

Sincerely,



Daniel A. Nelson
Senior Agent

DATE 6-9-04

Receipt Details for ID W031279

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/2/2004 2:58:37 PM	2/2/2004 3:20:20 PM	WESTERN	\$250.00	Check
Payer		PINNACLE ENGINEERS		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
5277			
Card Expiration Date	Credit Card Transaction #		

Comment APPLICATION FOR TRANSFER

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$250.00	TRANSFERS	62105	0229	21		1155

Refund(s):

Amount	Payee	Date	Document Number
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May 19, 2004

RECEIVED

JUN 02 2004

WATER RESOURCES
WESTERN REGION

Mike Sheppard
Pinnacle Engineers, Inc.
12552 West Executive Drive, Suite B
Boise, ID 83713

Subject: Vallivue Middle School Water Rights

Dear Mike:

As described by email correspondence over the past few weeks, the Department of Water Resources determined that the Vallivue Middle School property had an older appurtenant water right license (63-2856) that was not in the School District's name. The water right authorized irrigation of 40 acres from a groundwater source with a diversion rate of 0.80 cfs and a 1951 priority date. The School District apparently did not know about this water right and filed a new water right application (63-10182) for domestic and irrigation purposes in 1983. Water right 63-10182 was subsequently licensed for diversion of 0.47 cfs for irrigation of 19.4 acres and 0.15 cfs for domestic purposes.

Based on extensive discussions with the Department of Water Resources, we have concluded that the best approach to dealing with this issue for purposes of water right transfer is as follows.

1. Prepare a claim for 63-2856 with a diversion rate of 0.47 cfs for the acres that are irrigated at the school. Our GIS determination is 22.3 acres (rather than the 19.4 acres determined for the 1983 license).
2. Revise the transfer of 63-10182 to eliminate the irrigation use (covered under 63-2856) and add a new point of diversion (the proposed domestic well).

Applications for these purposes are enclosed. If acceptable, please have the School District provide notarized signatures where indicated and return the applications to me. I will forward them on to the Department of Water Resources.

Sincerely,

Terry M. Scanlan, P.E., P.G.

MEMORANDUM

COPY
FOR ADJUDICATION
FILE

TO: FILE
FROM: DANIEL A. NELSON *DAN*
DATE: 6/9/2004

RE: VALLIVUE SCHOOL DISTRICT # 139 TRANSFER, RIGHT 63-10182

The transfer proposes to add a point of diversion for the domestic use and eliminate the irrigation component for water right 63-10182. The new well will be located in the same location as the existing well. Both wells are located in the NWSW S10 T3N R3W, Canyon County. **THE APPLICANT HAS REQUESTED THAT THIS APPLICATION BE EXPEDITED DUE TO ACCOMPLISH THE WORK DURING THE SUMMER VACATION.**

AUTHORITY TO FILE:

The applicant is the owner of record; therefore ownership should not be an issue.

WATER RIGHT VALIDITY:

This water right was licensed in 4/29/1993, and there is no question that the school has been in operation since the licensing of the water right.

INJURY TO OTHER WATER RIGHTS:

No increase in rate of diversion or volume is being requested. This school has been in operation for several years without controversy. No injury is anticipated.

ENLARGEMENT OF USE:

This water right was originally licensed with an irrigation component. This transfer review revealed that an older license, 63-2856, for irrigation overlapped the school property. Further review of the licensing of this right revealed that the well listed on application for permit for this water right was an existing irrigation well. All the information suggests that the irrigation well licensed for this water right was already covered under water right 63-2856. The applicant has requested that the irrigation component be removed from water right 63-10182. The irrigation of the school grounds will be covered under water right 63-2856. With the removal of irrigation from this water right, the applicant has removed the possibility of enlargement issues. Please see narrative for more details.

LOCAL PUBLIC INTEREST:

There is nothing to suggest that this application is not within the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

Applicant proposed beneficial use consistent with irrigation standards for the area.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of the application.

NARATIVE

The largest issue for this transfer is the overlap of water right 63-2856. During the filing of water right 63-10182 the school was not aware of 63-2856, the existing irrigation water right. This overlap was not identified in the permitting or licensing process by IDWR staff. This issue lay dormant until this transfer was filed. Technology has allowed us to easily identify this overlap issue. Water right 63-10182 should have never included an irrigation component. Therefore, this transfer will give the department the opportunity to rectify this situation.

The applicant has filed an adjudication claim for the 22.3 acres identified by the applicant as actual irrigation of the school grounds. Jan Shurte of our adjudication staff reviewed the adjudication claim and stated that is looked as though it could be recommended as claimed if there aren't any further issues. A copy of this memo will accompany the adjudication claim to help explain the situation.

Therefore, this transfer should change water right 63-10182 to only list domestic use on the water right. All irrigation use will be covered by 63-2856, and is not included in this transfer. The SRBA staff will review that water right in their process.

The school is located on high ground that cannot be served by canal water. Water right permit 63-31889 was recently issued for fire protection for the school. This permit should not affect this transfer, since it will use different wells and is for a non-consumptive use.

CONDITIONS AND SUGGESTIONS

This transfer seems acceptable as listed on the front page of the transfer with the inclusion of the conditions on the draft approval.