

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84943**

This is to certify that: **CITY OF KUNA**
751 W 4TH ST
KUNA, ID 83634

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>
63-7327	WR/DECREED	4/15/1970	5.790 cfs	1440.0 af	N/A	320.0	GROUND WATER
63-9668	WR/DECREED	2/13/1981	0.690 cfs	347.2 af	N/A	130.0	GROUND WATER

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>
63-7327	NO	NO	YES	NO	NO	NO
63-9668	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-7327	63-7327	5.240 cfs	1305.0 af	290.0	420.0	N/A	N/A	N/A	N/A	N/A
63-9668	63-9668	0.690 cfs	347.2 af	130.0	420.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.930 cfs	1652.2 af	420.0	420.0		N/A	N/A	N/A	N/A

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 22nd day of April, 2022.


NICK MILLER, Western Regional Manager

Transfer No. 84943

WATER RIGHT NO. 63-9668**As Modified by Transfer No. 84943**

In accordance with the approval of Transfer No. 84943, Water Right No. 63-9668 is now described as follows:

Right Holder: CITY OF KUNA
PO BOX 13
KUNA, ID 83634-0013

Priority Date: 2/13/1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.670 cfs	346.0 af
MUNICIPAL	01/01	to 12/31	0.020 cfs	1.2 af
			0.690 cfs	347.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L1 (NENE) Sec 2 Twp 01N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	1									32.0	33.0	33.0	32.0					130.0
01N	01W	2		25.0	40.0	25.0	40.0			40.0					40.0	40.0		40.0	290.0
				L 2				L 3											

Right Acre Limit: 130.0

POU Total Acres: 420.0

PLACE OF USE: MUNICIPAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	2	X																0
			L 1																

WATER RIGHT NO. 63-9668
As Modified by Transfer No. 84943

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 130 acres within the 420 acres place of use authorized by this right in a single irrigation season. The specific 130 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 130 acres to be irrigated within the 420 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. This right is limited to the irrigation of 130 acres within the authorized place of use in a single irrigation season.
3. This right when combined with all other 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 of the place of use.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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. 63-7327**As Modified by Transfer No. 84943**

In accordance with the approval of Transfer No. 84943, Water Right No. 63-7327 is now described as follows:

Right Holder: CITY OF KUNA
PO BOX 13
KUNA, ID 83634-0013

Priority Date: 4/15/1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 10/01	5.240 cfs	1305.0 af
			5.240 cfs	1305.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 2 Twp 01N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	1									32.0	33.0	33.0	32.0					130.0
01N	01W	2		25.0	40.0	25.0	40.0			40.0					40.0	40.0		40.0	290.0
				L 2			L 3												

Right Acre Limit: 290.0

POU Total Acres: 420.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of a specific 290 acres within the 420 acres place of use authorized by this right in a single irrigation season. The specific 290 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 290 acres to be irrigated within the 420 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. This right is limited to the irrigation of 290 acres within the authorized place of use in a single irrigation season.
3. This right when combined with all other 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 of the place of use.

Transfer No. 84943

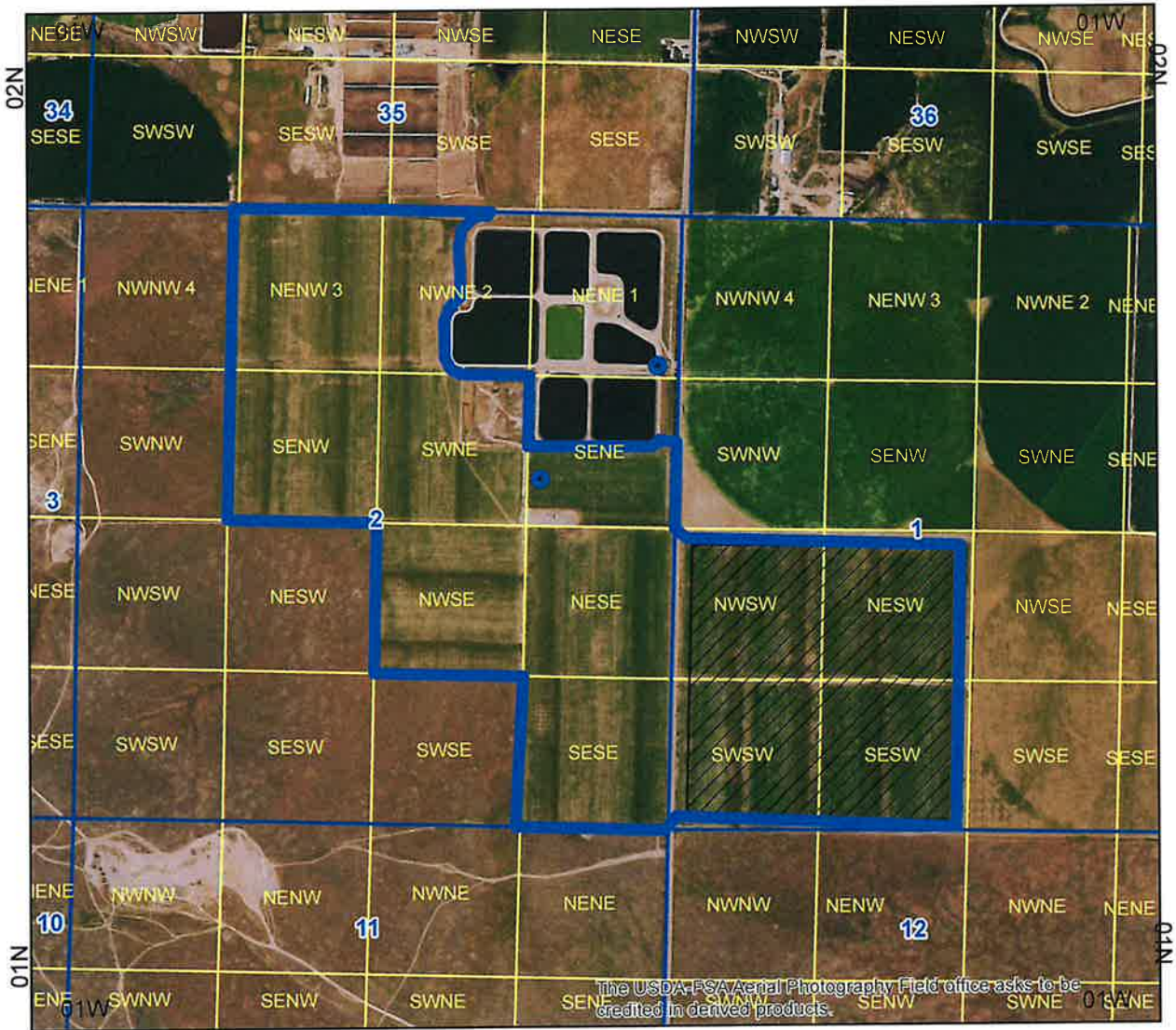
WATER RIGHT NO. 63-7327
As Modified by Transfer No. 84943

CONDITIONS OF APPROVAL

4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/1 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than 2/6/2009.
6. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 84943
63-7327 & 63-9668

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

- Transfer POD
- PPU
- ▨ POU

0 0.175 0.35 0.7 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 22, 2022

CITY OF KUNA
751 W 4TH ST
KUNA ID 83634

Re: Transfer No: 84943
Water Right No(s): 63-7327, 63-9668
Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

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

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

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

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

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



Nick Miller
Regional Manager

Enclosure
CC:

PAUL STEVENS
751 W 4TH ST
KUNA ID 83634

CITY OF KUNA
PO BOX 13
KUNA ID 83634-0013

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

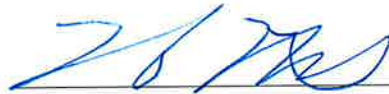
Re: Transfer No.: 84943

Water Right No(s): 63-7327, 63-9668

**CITY OF KUNA
751 W 4TH ST
KUNA ID 83634**

**PAUL STEVENS
751 W 4TH ST
KUNA ID 83634**

**CITY OF KUNA
PO BOX 13
KUNA ID 83634-0013**



**Nick Miller
Regional Manager**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 84943

FROM: Marcelina Williams

DATE: February 2, 2022

RE: Evaluation of Application

The transfer proposes modifying the place of use of water rights 63-7327 and 63-9668 to create a 420-acre permissible place of use (PPU) for both rights. Right 63-7327 currently permits 320 acres of irrigation. Right 63-9668 currently permits 130 acres of irrigation. During validity review, it was determined there were 30 acres of right 63-7327 which appeared subject to forfeiture, and ultimately were relinquished by the right holder. This is discussed further in the Validity Review section below.

Pursuant to Section §42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Deviations from Transfer Policy Standards

The point of diversion for water right 63-7327 was changed from SWSWNE to SWNE to align with the Department's data entry standards for groundwater points of diversion.

Summary of Information Submitted

Authority to File:

Transfer 84943 was filed by the City of Kuna. City of Kuna is the current owner of record for both water rights involved in the transfer as well as the property appurtenant to the proposed changes.

Water Right Validity and Partial Forfeiture Discussion:

The partial decree for water right no. 63-7327 was issued on 02/06/2009. This right is presumed to be partially valid because beneficial use has occurred within the last five years. Beneficial use confirmed by Department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file as it is an IDWR product available to other staff. Based on the aerial imagery, the Department determined water right 63-7327 was subject to partial forfeiture, as 30 acres of the irrigation place of use was developed as settling ponds and appears to have not been irrigated for at least the last 5 years. The applicant did not provide a defense to forfeiture and ultimately agreed to relinquish 30 acres of water right 63-7327. The reduction of acres will result in a 290 acre limit for the right within the PPU, and the diversion rate and volume will be reduced accordingly, through the transfer.

The partial decree for water right no. 63-9668 was issued on 05/01/09. This right is presumed to be valid since full beneficial use has occurred within the last five years. Beneficial use confirmed by Department aerial imagery, landsat images, google earth image, or other evidence. Evidence of beneficial use does not need to be added to the file as it is an IDWR product available to other staff.

Injury to Other Water Rights:

No changes are proposed to the points of diversion of either water right, and there will be no increase in the rate or volume of water diverted, so injury is not anticipated.

Enlargement of Use:

Some enlargement concerns must be addressed since partial forfeiture is in question.

As discussed under the "Water Right Validity and Partial Forfeiture Discussion" section of this memo, the Department found water right no. 63-7327 to be subject to partial forfeiture. 30 acres of water right 63-7327 have not been used for irrigation purposes over the past five years. The applicant agreed to relinquish the 30 acres subject to forfeiture. Water right 63-7327 will be reduced to 290 acres through the process of this transfer resulting in a PPU totaling 420 acres between the two rights involved in Transfer 84943.

Water right 63-7327 was decreed at a diversion rate of 0.018 cfs per acre and 4.5 AF per acre. Upon approval of this transfer, water right 63-7327 will allow for 5.22 cfs and 1305 AF to accommodate the 30 acres relinquished.

Since the transfer will describe water that has historically been beneficially used for irrigation purposes and will maintain the diversion rates and volumes per acres as decreed, the transfer will not result in enlargement.

There was also concern the permit holder could use the combined rate of the two rights across the full 420 acre PPU, therefore spreading acres of the right with the higher rate. This concern was discussed in a meeting with Kuna City officials on January 26th, 2022. It was determined the intent is to rotate where the right with the higher rate will be used from one season to the next.

Local Public Interest:

Evidence has not been found to suggest that the changes proposed by this transfer conflict with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Treated Wastewater Land Application

2021 Annual Wastewater Reuse Summary Report **In coordination with Excel Summary Tables**

Land Application Permit M-060-05

Issued February 21, 2019

Expires February 21, 2029

Pre-application conference due August 2027 for permit renewal

City of Kuna, Idaho

P.O. Box 13

Kuna, Idaho 83634

Prepared by:

Thomas B. Shaffer Jr.

Authorized Permit Representative

Wastewater Treatment Plant Foreman

Reviewed by:

Carlee Oswald – Public Works Admin

Catherine Feistner, E.I.T. – Assistant City Engineer

Paul Stevens, P.E. – City Engineer



January 2022



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1.0 Operations Report

The following is an interpretive report of the 2021 reporting year's data with respect to the use of treated wastewater and supplemental irrigation water by the City of Kuna wastewater reuse facility. The wastewater reuse facility includes 406 acres that encompasses seven agricultural fields and three hydraulic management units (HMU) for land application as shown in Figure 1. The West Farm consists of all fields west of S Swan Falls Rd while the East Farm is Field 1.

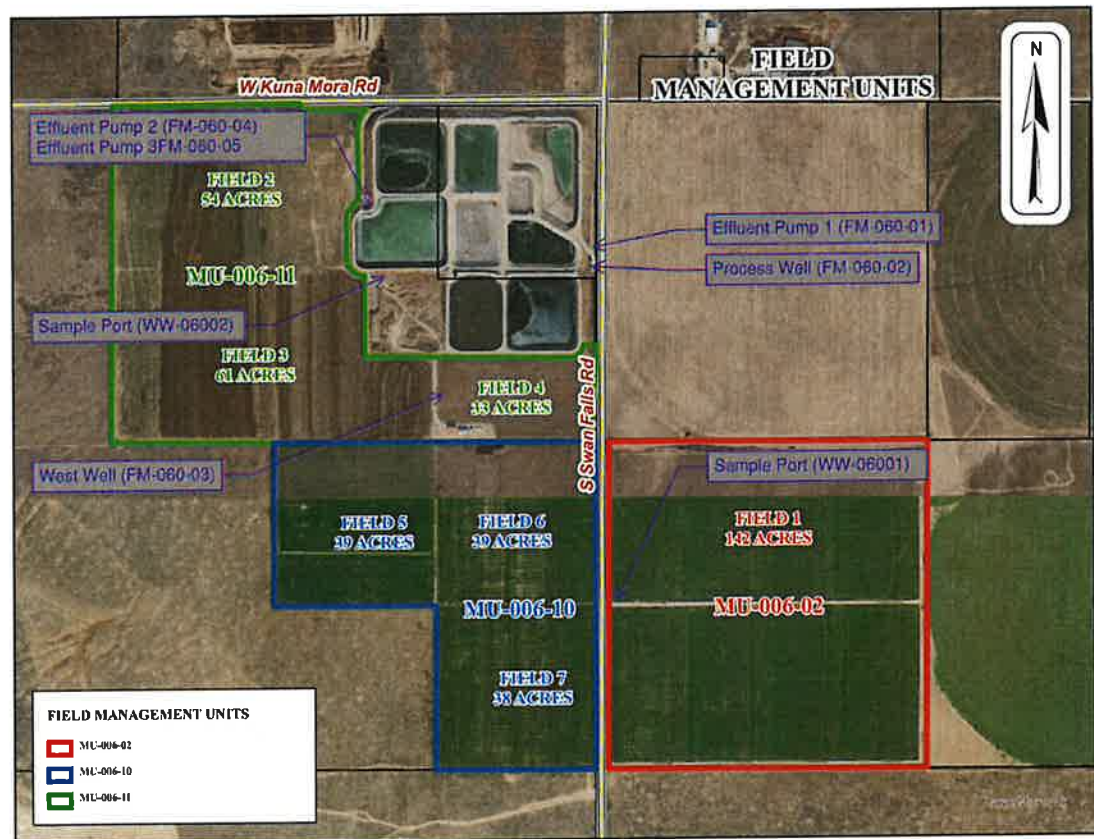


Figure 1. Wastewater Reuse Facility Map

The Annual Wastewater Reuse Summary Report summarizes the operation of Kuna's wastewater reuse facility for the period of November 1, 2020 through October 31, 2021 as per the requirements of the Idaho Department of Environmental Quality Reuse Permit M-060-05 issued on February 21, 2019, expiring on February 21, 2029.

- 1.1 Groundwater Conditions.** The first groundwater in the vicinity of the treatment facility and land application site is encountered at a depth approximately 220 feet below ground level. The soil profile consists of 0-7 feet of silt loam topsoil over a cemented hardpan layer, 40 to 60 feet of basalt, then sand and gravel to the first aquifer.

Wells in the area consist of large irrigation wells and widely scattered small residential wells. There are no public drinking water supply wells within two miles of this facility. The land application facility includes two irrigation wells, as shown in Figure 1, to supplement the available supply of treated wastewater sufficient to adequately irrigate the facility's crops. They are denominated as the West Well and the Process Well.

The current permit requires annual monitoring of the West Well and additional monitoring when water is irrigated directly on the fields for dissolved solids, nitrates, and chlorides. The city irrigated with the West Well during March, April, May, June, and September of 2021. The monthly samples for these months are attached as Appendix A.

- 1.2 Seepage Rate Testing.** Treatment and storage lagoons are to be tested for leakage every five or ten years in accordance with IDAPA 58.01.16.493.03. All City of Kuna lagoons were constructed prior to April 15, 2007 and therefore require testing every ten years after initial testing. The IDAPA Code states "the subsequent tests are to meet leakage of more than zero point twenty-five (0.25) inches (1/4 inch) per day" for lagoons constructed prior to 2007. As of 2021, each lagoon is to be tested next as follows:

Lagoon No. 1 – 2031
Lagoon No. 2 - 2029
Lagoon No. 3 – In process of bidding for new liner
Lagoon No. 4 – 2028
Lagoon No. 5 - 2029
Lagoon No. 6 - 2027
Lagoon No. 7 – 2024
Lagoon No. 8 – Future Lagoon
Lagoon No. 9 – 2026
Lagoon No. 10 - 2027

Lagoon No. 3 has been discontinued due to exceeding the allowable leakage rate. A new liner is planned to be installed. Once the liner is installed, a seepage rate test will be performed immediately and again after 10 years in operation.

1.3 Major Maintenance Activities.

- 1.3.1 Airline Replacement.** The city replaced the 21-year-old aeration lines in Lagoon 7 in the fall of 2021. The new airlines are in good working order.
- 1.3.2 Wheel Line Replacement.** The city is working towards replacing the existing 40-year-old wheel lines with an upgraded pivot system. The city is currently working on bid documents.

- 1.4 Flow Meters and Backflow Prevention Device.** The city changed all flow meters at the Lagoons to ABB Watermaster electromagnetic flow meters in 2020. There are no mechanical flow meters that need to be calibrated.

The West Well backflow prevention device was tested on June 8, 2021 and passed. Associated documentation is provided as Appendix B.

- 1.5 Disinfection of Wastewater.** The permit requires disinfection levels in Class C wastewater for land application to be less than 23 total coliform colonies per 100 mL for the median of the last five consecutive samples. In 2021, disinfection was checked on 19 occasions at WW-060-01 and checked on 3 occasions at WW-060-02. There were no disinfection exceedances during the 2021 growing season.

- 1.6 Additions to the Corrective Action Plan.** It was presumed in preparing the Disinfection Corrective Action Plan, additional causal factors and solutions could present themselves as the investigation progressed. This suggested the possibility of amendments to the plan over time. This land application site substantially met permit conditions relative to disinfection for 2012 – 2015 and 2017 – 2020. Consequentially, no new corrective actions were proposed for the 2021 irrigation season. The City of Kuna will continue to implement the successful components of its Disinfection Corrective Action Plan for the 2022 land application season.

- 1.7 Buffer Areas.** All fields have buffer zones in accordance with Permit M-060-05 Section 4.2. The buffer zones are implemented to protect the public and the environment. A map of the current buffer zones is shown in Figure 2. The largest concern is meeting the 100-ft buffer distance requirement from permanent and intermittent surface water. The areas with the highest probability of accumulating intermittent surface water is on the eastern fields. Consequentially, this area has the largest buffer zone in the event intermittent surface water has accumulated. During the 2021 growing season, no water run-off left any of the fields and no run-off from the adjacent farmer was observed. As such, the buffer zone permit requirements were met and there was no impact to other surface waters in the vicinity. In the undesired event that run-off occurs in the future, operators are immediately notified to address the issue by reducing irrigation frequency and/or quantity.

- 1.8 Crop Rotation.** Operators prefer planting alfalfa in the fields due to its effectiveness at utilizing nitrogen and phosphorus from wastewater. However, the operators must rotate crops on the fields to barley, sorghum or triticale each season prior to replanting alfalfa. If crops are not removed and replaced, the old crop loses its viability and vigor; the old crops have a higher chance of dying out as it becomes invaded by weeds. During the 2021 growing season, Fields 1, 6 and 7 grew and harvested triticale and

were reseeded with alfalfa. Fields 2-5 only grew and harvested alfalfa; Fields 2 and 3 were reseeded at the end of growing season with triticale for Spring 2022 harvest. Crop production data is shown in Appendix C.



Figure 2. Land Application Buffer Zone Map

1.9 West Well Rehabilitation. The plans to extend and connect new piping from the West Well to the West Farm were discussed in the 2020 Annual Report. The West Well rehabilitation work was completed in spring 2021. Pending appropriate IDWR water rights approvals, the operators may irrigate Field 1 with fresh well water, while still irrigating the other fields with wastewater from Effluent Pump 1. These new improvements will help reduce the nitrogen and phosphorus in the soil.

1.10 Soil Analysis. Each spring, grab samples are taken from each soil management unit. The soil management units correspond with the HMU labeling in Figure 1. Grab samples are taken from each depth: 0" – 12", 12" – 24", and 24" – 36". The soil grab samples, as shown in Appendix D are analyzed by the local lab Analytical Laboratories, Inc for six constituents. The following section discusses the six constituent samples from 2021 and as they relate to the year 2017. Since 2017, fertilizer

applications have increased on all fields. This is evident by comparing some of the sample constituents.

Phosphorus is required for plants to photosynthesize, grow, and produce. In moderation, phosphorus is required for good plant health. In 2021, Field 1 phosphorus concentrations increased with depth. The West Farm has the highest phosphorus concentrations were in the 24" – 36" soil sample depth, the lowest phosphorus concentrations were in the 12" – 24" soil sample depth, and the middle range of phosphorus concentrations were in the 0" – 12" soil sample depth. The exact quantities are located in the accompanying excel file (SAR Etc. tab). This trend is similar to 2017 samples. Since 2017, soil phosphorus levels have decreased to be within permit requirements.

Nitrate is a form of food for plants to grow and produce. In 2021, samples show nitrate decreases with depth across all fields. The increased application of fertilizer since 2017 shows increased nitrate in all fields and depths. The current nitrate levels are within permit requirements.

Ammonia can be a nitrogen source for plants in moderation. Ammonia is more or less constant with depth except SU-006011 decreases with depth. Since 2017, ammonia concentrations have decreased in all fields and depths. Ammonia is within permit requirements.

Electric conductivity is a measurement of salts present in the soil. It is an indication of healthy soil with plant nutrient availability and activity of soil microorganisms. In 2021, samples show electric conductivity increases with depth. The increased application of fertilizer since 2017 shows increased electric conductivity in all fields and depths.

Exchangeable sodium, often expressed as ESP or NA, is another type of measurement of salts present in the soil. The ESP concentrations on Field 1 increase with depth. The West Farm has the highest concentrations of ESP located in the 12" – 24" soil sample depth, the middle range of ESP concentrations were in the 24" – 36" soil sample depth, and the lowest concentrations of ESP were in the 0" – 12" soil sample depth. The exact quantities are found in the accompanying excel file (SAR Etc. tab). The exchangeable sodium is within permit requirements.

Samples from 2021 show a slightly basic pH. Depth does not cause the pH to vary. Since 2017 pH has become more alkaline but it is still within permit requirements.

2.0 Nutrient Loading

The operators at the Kuna Land Application facility monitor and regulate the application of nitrogen and monitor the application of phosphorus in the applied

wastewater. To effectively meet the wastewater reuse permit monitoring requirements, the operators at the wastewater reuse facility take samples for Analytical Laboratories, Inc. to analyze nutrient content in the applied wastewater. The results of the 2021 crop season are described in the following paragraphs.

2.1 Irrigation Rates. During the 2021 season, treated wastewater was applied predominately to Field 1. A small amount of wastewater was applied to Fields 2-7 for approximately two weeks of the season to empty Ponds 9 and 10. The operator prefers to evenly distribute wastewater over all fields. Pending appropriate IDWR water rights approvals, the new piping construction completed in spring 2021 will give the operator the needed flexibility to irrigate Field 1 with fresh well water while irrigating an evenly distributed amount of wastewater on Fields 2-7. The supporting irrigation flow data is shown in Appendix E.

The accompanying excel file (IWR tab) summarizes the precipitation deficit, applied wastewater, irrigated supplemental water, and required irrigation (wastewater and supplemental water) applied for each field.

The process of calculating the Irrigation Water Requirement (IWR tab) is outlined in Section 5 of the PLAN as provided to DEQ in November 2020. An irrigation system efficiency of 70% was assumed in the calculations. The following results show the percentage of provided irrigation of the adjusted crop requirement for each field:

Field 1 (East Farm) = 115%
Field 2 (West Farm) = 128%
Field 3 (West Farm) = 128%
Field 4 (West Farm) = 128%
Field 5 (West Farm) = 120%
Field 6 (West Farm) = 120%
Field 7 (West Farm) = 120%

The permit requires irrigation to be monitored and applied “substantially at the IWR” (Permit M-060-05 Section 4.2). The applied irrigation meets IWR permit requirements.

2.2 Nitrogen Loading. The permit allows nitrogen loading of 125% of crop uptake. The crop uptake nitrogen loading is monitored by plant tissue samples as shown in Appendix F. Tissue samples are taken from each HMU at each cutting, and each sample is tested for nitrate, nitrite and Total Kjeldahl Nitrogen (TKN) levels. The nitrogen levels and dry weight crop yield are used to calculate total nitrogen uptake by the crops. The dry weight yield for all cuttings is obtained using measured moisture contents of the samples. The nitrogen loading is determined from the concentration of TKN, nitrate and nitrite in monthly samples taken from the treated

wastewater during months in which treated wastewater is being applied, as shown in Appendix G. Analytical Laboratories, Inc. analyzes and reports the sample concentrations.

The nitrogen applied through fertilizer, supplemental irrigation water, and wastewater applications versus nitrogen crop uptake are shown below:

Field 1 = 123% < 125%
Field 2 = 78% < 125%
Field 3 = 99% < 125%
Field 4 = 86% < 125%
Field 5 = 75% < 125%
Field 6 = 94% < 125%
Field 7 = 94% < 125%

The crop uptake data shown in the accompanying excel file (Harvest Summary tab), suggests the West Farm need additional nitrogen to support a healthy crop. A review of the soils information since 2017 shows increasing nitrogen uptake in all fields due to increased applied fertilizer. The crops are absorbing most, if not all, of the applied nitrogen. This suggests the recent increase in fertilizer application is better meeting crop nitrogen needs. The recent piping reconstruction will allow operators to irrigate Field 1 with supplemental irrigation water to reduce applied nitrogen rates. Nitrogen crop uptake is within permit requirements and the City of Kuna plans to apply fertilizer to the fields in the upcoming irrigation season.

As recommended by DEQ, the crop nutrient needs will be carefully projected. The nutrient content of the wastewater, commercial fertilizer, and other sources of nitrogen will be sampled and monitored by the operators and farmers to continuously supplement the changing crop needs.

- 2.3 Phosphorus Loading.** Phosphorus crop uptake is also based on plant tissue samples, as shown in Appendix F, and obtained at each cutting and crop yields reported by the farmer. The phosphorus applied through fertilizer, supplemental irrigation water, and wastewater applications in relation to phosphorus crop uptake are shown below:

Field 1 = 807%
Field 2 = 573%
Field 3 = 727%
Field 4 = 627%
Field 5 = 602%
Field 6 = 594%
Field 7 = 595%



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

Paul Stevens, P.E.
Kuna City Engineer
208-287-1727

November 3, 2021

Anna Kaiser
c/o Idaho Department of Water Resources
2735 W. Airport Way
Boise, ID, 83705

RECEIVED

NOV 03 2021

WATER RESOURCES
WESTERN REGION

Re: Partial Forfeiture for Transfer 84943

Dear Anna Kaiser,

The City of Kuna, Idaho requests to proceed with the Transfer Application 84943 as stated in the IDWR Additional Information Request written August 9, 2021.

According to the letter, Transfer Application 84943 includes 30 acres of non-irrigated land. The Attachment to August 9, 2021 Letter depicts these 30 acres in the eastern section of 01N01W Section 2 NWNE2 and the northern section of 01N01W Section 2 SENE. Subject to Idaho Code 42-223, these 30 are subject to forfeiture. The City will accept forfeiture of the 30 acres to continue transferring the associated Place of Use for the 420 acres.

Thank you,

Paul Stevens, P.E.
Kuna City Engineer

Kaiser, Anna

From: Catherine Feistner <cfeistner@kunaaid.gov>
Sent: Wednesday, November 3, 2021 1:35 PM
To: Kaiser, Anna
Cc: Paul Stevens
Subject: RE: IDWR Transfer 84943 - Additional Information
Attachments: Transfer 84943 - City Response to August 9, 2021 Letter.pdf

Good afternoon Anna –

We would like to continue with the Transfer Application 84943, please see the attached letter. Please let us know if you need anything else.

Best,

Cat Feistner, EIT

CITY OF KUNA – ASST. CITY ENGINEER
OFFICE: 208-639-5347

From: Catherine Feistner
Sent: Tuesday, August 17, 2021 4:17 PM
To: 'Kaiser, Anna' <Anna.Kaiser@idwr.idaho.gov>
Cc: Paul Stevens <PStevens@kunaaid.gov>
Subject: IDWR Transfer 84943 - Additional Information

Good afternoon Anna,

The city is requesting additional time to provide the requested information for Transfer 84943. Please see the attached letter.

Thank you,

Cat Feistner, EIT

CITY OF KUNA – ASST. CITY ENGINEER
OFFICE: 208-639-5347



751 W 4TH ST
PO Box 13
KUNA, ID 83634

Kaiser, Anna

From: Kaiser, Anna
Sent: Tuesday, August 17, 2021 5:03 PM
To: 'Catherine Feistner'
Cc: Paul Stevens
Subject: RE: IDWR Transfer 84943 - Additional Information

Good afternoon,

The Department of Water Resources (Department) accepts your request to hold processing on City of Kuna's transfer application no. 84943 for six months from today. The application will be held until February 17, 2022. If the Department does not receive a response by February 17, we will continue processing the transfer application considering partial forfeiture as described in the August 9th letter.

Please do not hesitate to contact me with any additional questions.

Thank you,
Anna

Anna Kaiser | Water Resource Agent
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

From: Catherine Feistner [mailto:cfeistner@kunaaid.gov]
Sent: Tuesday, August 17, 2021 4:17 PM
To: Kaiser, Anna <Anna.Kaiser@idwr.idaho.gov>
Cc: Paul Stevens <PStevens@kunaaid.gov>
Subject: IDWR Transfer 84943 - Additional Information

Good afternoon Anna,
The city is requesting additional time to provide the requested information for Transfer 84943. Please see the attached letter.

Thank you,
Cat Feistner, EIT
City of Kuna – Asst. City Engineer
Office: 208-639-5347



751 W 4th St
PO Box 13
Kuna, ID 83634



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

Paul Stevens, P.E.
Kuna City Engineer
208-287-1727

August 17, 2021

Anna Kaiser
c/o Idaho Department of Water Resources
2735 W. Airport Way
Boise, ID, 83705

Re: Additional Information Request for Transfer 84943

Dear Anna Kaiser,

The City of Kuna, Idaho requests an additional six months to provide evidence of irrigation use in the areas described by Additional Information Request.

Thank you,

Paul Stevens, P.E.
Kuna City Engineer

Kaiser, Anna

From: Catherine Feistner <cfeistner@kunaaid.gov>
Sent: Tuesday, August 17, 2021 4:17 PM
To: Kaiser, Anna
Cc: Paul Stevens
Subject: IDWR Transfer 84943 - Additional Information
Attachments: Time Extension Request.pdf

Good afternoon Anna,

The city is requesting additional time to provide the requested information for Transfer 84943. Please see the attached letter.

Thank you,
Cat Feistner, EIT
City of Kuna – Asst. City Engineer
Office: 208-639-5347



751 W 4th St
PO Box 13
Kuna, ID 83634



Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 9, 2021

CITY OF KUNA
ATTN: PAUL STEVENS
751 W 4TH ST
KUNA ID 83634

RE: Additional Information Request for Transfer 84943

Dear Applicant:

On April 7, 2021, you filed a transfer application no. 84943 to change the place of use (POU) of water rights 63-7327 and 63-9668. Part of the transfer process is review for rights subject to forfeiture. Idaho Statute 42-222 states in part:

... (2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter; except that any right to the use of water shall not be lost through forfeiture by the failure to apply the water to beneficial use under certain circumstances as specified in section 42-223, Idaho Code.

I am now trying to verify the water use on your land. The rights described above authorize a total irrigation of 450 acres. Using aerial imagery and digital tools to measure irrigated lands, it appears a surface area of 30 acres under water right 63-7327 may be subject to forfeiture. Remote sensing tools from satellites in 2017 and 2019 show that a total area of roughly 30 acres decreed for irrigation under right 63-7327 has been used for storage over the past five years. Since these acres are not used for their decreed purpose, they are subject to forfeiture. Evidence of irrigation use in these areas is needed to complete processing of the transfer application. If you are unable to provide evidence that the 30 acres in question were irrigated over the past five year, the department will consider your transfer proposal with partial forfeiture, only authorizing transfer of the 420 acres shown to have been irrigated.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be approved with partial forfeiture as described above without a timely written reply within the next thirty (30) days. Refunds are not issued for rejected applications. You may also withdraw the application with the form enclosed in order to receive a refund for the filing. Please contact me at 208-334-2190 if you have any questions regarding your application or the enclosed information. Thank you for your attention to these matters.

Sincerely,



Anna Kaiser
Water Resource Agent
IDWR | Western Regional Office
2735 W. Airport Way, Boise ID 83705
(208) 334-2190 | anna.kaiser@idwr.idaho.gov

Enclosure(s): National Agriculture Imagery Program (NAIP) imagery map 2019
Idaho Statute §42-223



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

Catherine Feistner, E.I.T.
Asst. Kuna City Engineer
208-639-5347

RECEIVED

APR 07 2021

**WATER RESOURCES
WESTERN REGION**

Telephone (208) 639-5347
Email: cfeistner@kuna.id.gov

April 5, 2021

Anna Kaiser
c/o IDWR Western Region
2735 W Airport Way
Boise, ID, 83705

Re: Incomplete Transfer Application

Dear Ms. Kaiser,

This is the City of Kuna's re-submittal of the Water Rights Transfer Application. In this revised submittal, the description of rights, place of use, and map have been corrected. Also submitted in this application is a check for the remaining \$880.

Thank you for assistance. Please let me know if there is anything else you need.

Catherine Feistner, E.I.T.
Assistant Kuna City Engineer



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN

Director

March 18, 2021

CITY OF KUNA
751 W 4TH ST
KUNA ID 83634

Re: Transfer Application Additional Information Request

Dear Applicant:

This office received your transfer application on March 8, 2021. The Idaho Department of Water Resources (Department) cannot complete processing your application until the following items are addressed:

1) Part B.1. – Description of rights

- Correct the *municipal* nature of use description associated with right no. 63-9668 (0.67 cfs) to *irrigation*.

2) Part B.4. – Place of Use (POU)

- Table 4 describes a proposed 520-acre place of use. Water rights 63-7327 and 63-9668 together permit 450 acres (130 acres under right 63-9668 and 320 acres under right 63-7327). Transfers proposing a POU increase are at risk for enlargement and are typically not approvable by Department standards.
- Please update the table to describe your desired 450-acre POU.
 - *Note: The POU shape you outlined without adding in the land occupied by waste water ponds in NENE, NWNE, and SENE quarter quarters of Section 2 is approximately 450 acres.*

3) MAP

- Please submit an updated map outlining the 450-acre POU shape.

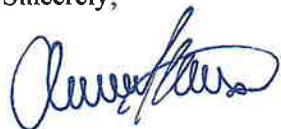
4) Transfer Application Fee

- With this letter, I included the Department's transfer application fee schedule with the appropriate fee highlighted.
- Please submit the required fee upon re-submission of your application. You have already submitted \$100.00.

With this letter, I have included your original application for transfer. Please make the necessary changes to your application, and submit your updated application and necessary fees by mail to me at the address listed below. If you have any questions please do not hesitate to call me at (208)-334-2190 or email me at anna.kaiser@idwr.idaho.gov.

You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be returned without a timely written reply within the next thirty (30) days. Refunds are not issued for rejected applications.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Kaiser', with a stylized, cursive script.

Anna Kaiser

Water Resource Agent

Idaho Dept. of Water Resources | Western Regional Office

2735 W Airport Way, Boise ID 83705

Enclosures: Original Transfer Application
 Fee Schedule

CC: PAUL STEVENS

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. **84943**

APR 07 2021

WATER RESOURCES
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) CITY OF KUNACheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

84943

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) CITY OF KUNAPhone 208-287-1727Mailing address 751 W 4TH ST, KUNA, ID, 83634Email PSTEVEN@KUNAID.GOV

- ☒ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

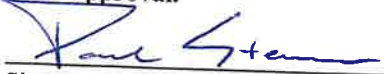
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative PAUL STEVENSPhone 208-287-1727Mailing address 751 W 4TH ST, KUNA, ID, 83634Email PSTEVEN@KUNAID.GOV

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

PAUL STEVENS, PUBLIC WORKS DIR.
Print Name and Title if applicable

5 April 2021
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
 - Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
 - Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
- The City would like to modify the place of use for two water rights. Both water rights are used for the City's Sewer system at the South Re-Use Facility operations. If the place of use of the two water rights is identical and covers the entire land application site (the farm), it will help reduce increasing nitrates in the soil and increase ease of operation.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-7327	5.79 CFS	IRRIGATION	03/01 to 10/01	GROUND WATER
☒ ☐	63-9668	0.67 CFS	IRRIGATION	04/01 to 10/31	GROUND WATER
☒ ☐	63-9668	0.02 CFS	MUNICIPAL	01/01 to 12/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.48 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

CC 1/26/22 NO

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
			SE	NE	2	01N	01W	ADA	Groundwater	
			NE	NE	2	01N	01W	ADA	Groundwater	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	2	15	20	30	25	40			40					40	40		40	290
01N	01W	1									40	40	40	40					160
Total Acres (for irrigation use)																			450

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion systems for both water rights have a magnetic flow meter and backflow preventers (see attached pictures on pages 17 and 18). The diversion system consists of piping to irrigate the farmland.

- b. Who owns the property at the point(s) of diversion? CITY OF KUNA

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Our intent is to decrease nitrates in the soil with the ability to directly apply fresh water instead of solely re-use water.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

The municipal water rights are used for a bathroom at the sewer facility.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by LE Date 04/07/2021 Preliminary check by _____ Date _____

Fee paid \$880.00 Date 04/07/2021 Received by LE Receipt # W049273

1 fee paid	Date	Received by	Receipt #
+ \$100.00	3/8/2021	CS	W049156
Add'l fee paid	Date	Received by	Receipt #

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



City of Kuna
751 W 4th Street
Kuna, ID 83634

Attachment #1

Paul Stevens holds the positions of City of Kuna Public Works Director and City Engineer. He is authorized to make the proposed water rights changes near the South Water Re-Use Facility.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7327

Current Owner: CITY OF KUNA
Priority Date: 4/15/1970
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 10/01	5.79 CFS	1440 AF
	<u>Total Diversion</u>	5.79 CFS	1440 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4NE1/4 Sec. 2, Twp 01N, Rge 01W B.M.
ADA County

Place of Use**IRRIGATION Within ADA County**

T01N R01W S2	NWNE	40.00	T01N R01W S2	SWNE	40.00
T01N R01W S2	SENE	40.00	T01N R01W S2	NENW	40.00
T01N R01W S2	SENE	40.00	T01N R01W S2	NESE	40.00
T01N R01W S2	NWSE	40.00	T01N R01W S2	SESE	40.00

Total Acres: 320

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. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Decreed Date: 2/6/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-9668

Current Owner: CITY OF KUNA
Priority Date: 2/13/1981
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.67 CFS	346 AF
MUNICIPAL	01/01 to 12/31	0.02 CFS	1.2 AF
	<u>Total Diversion</u>	0.69 CFS	347.2 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4 Sec. 2, Twp 01N, Rge 01W B.M.
ADA County

Place of Use

IRRIGATION Within ADA County

T01N R01W S1	NESW	32.00	T01N R01W S1	NWSW	33.00
T01N R01W S1	SWSW	33.00	T01N R01W S1	SESW	32.00
Total Acres: 130					

MUNICIPAL Within ADA County

T01N R01W S2 NENE

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.

Decreed Date: 5/1/2009

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 63-7327[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

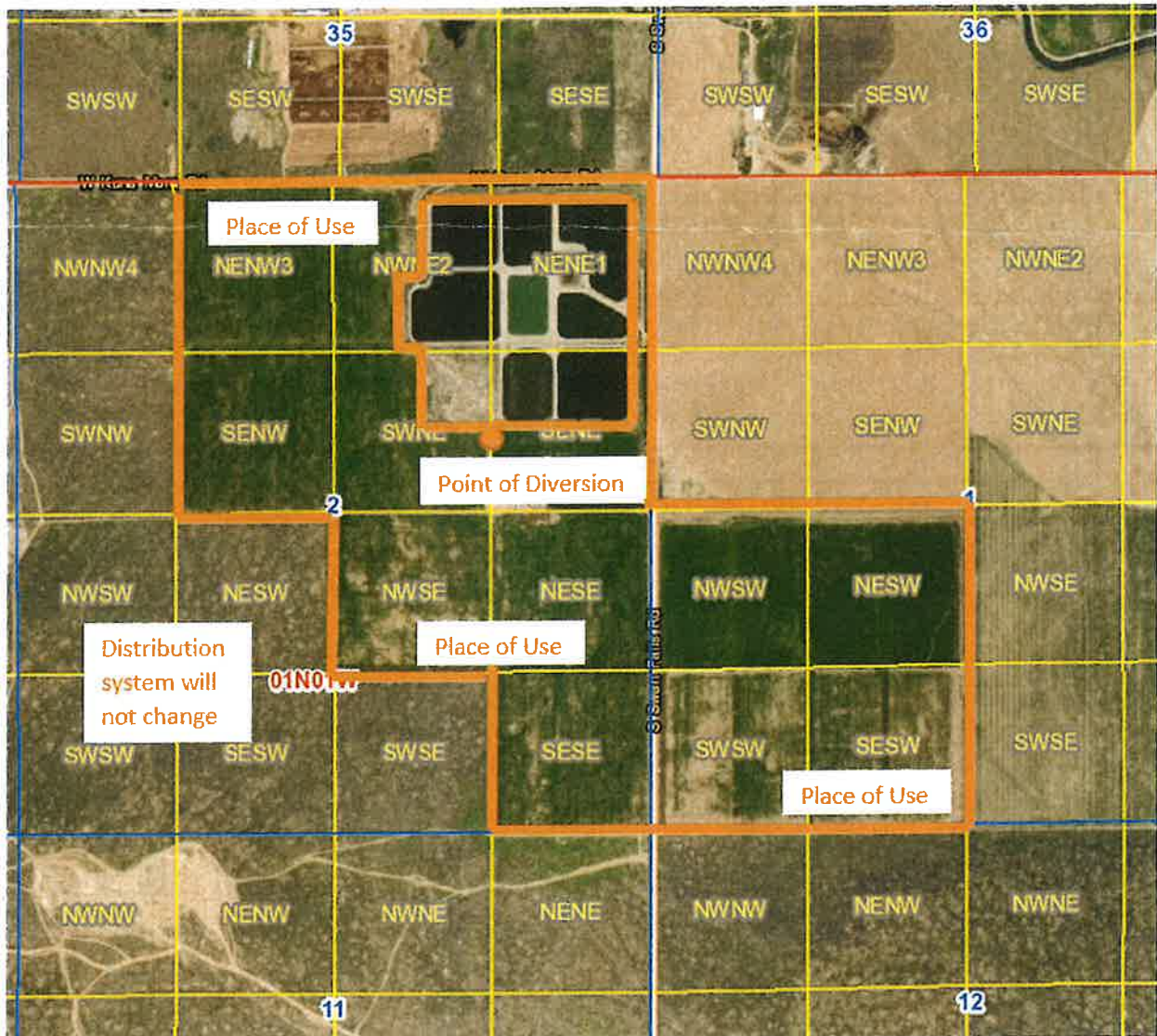
[illegible]

Total Acres (for irrigation use) 450

84943

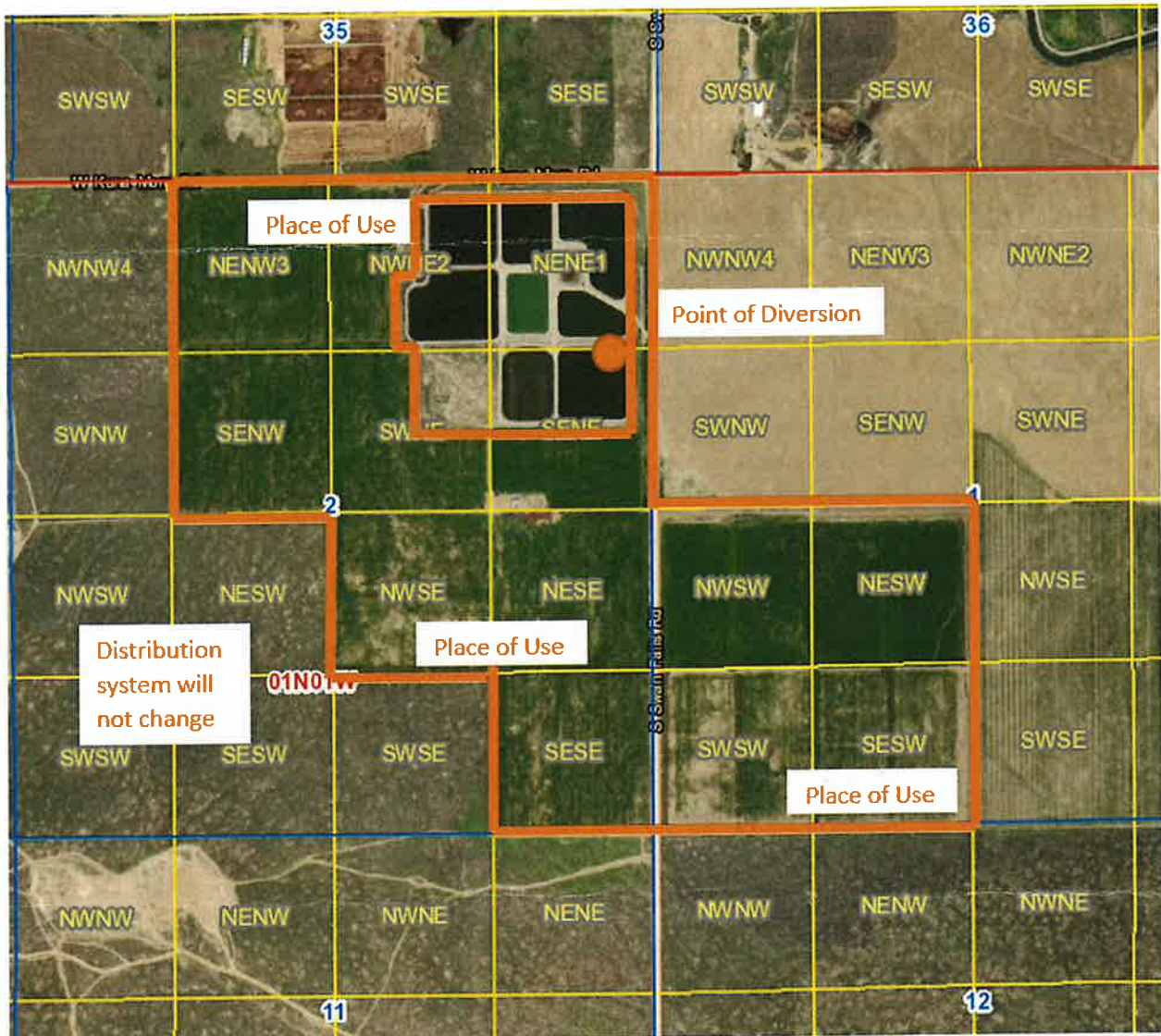
Water Right #63-7327

Attachment #7A – Proposed Places of Use



Water Right #63-9668

Attachment #7A – Proposed Places of Use



Attachment # 7b - Existing Places of Use

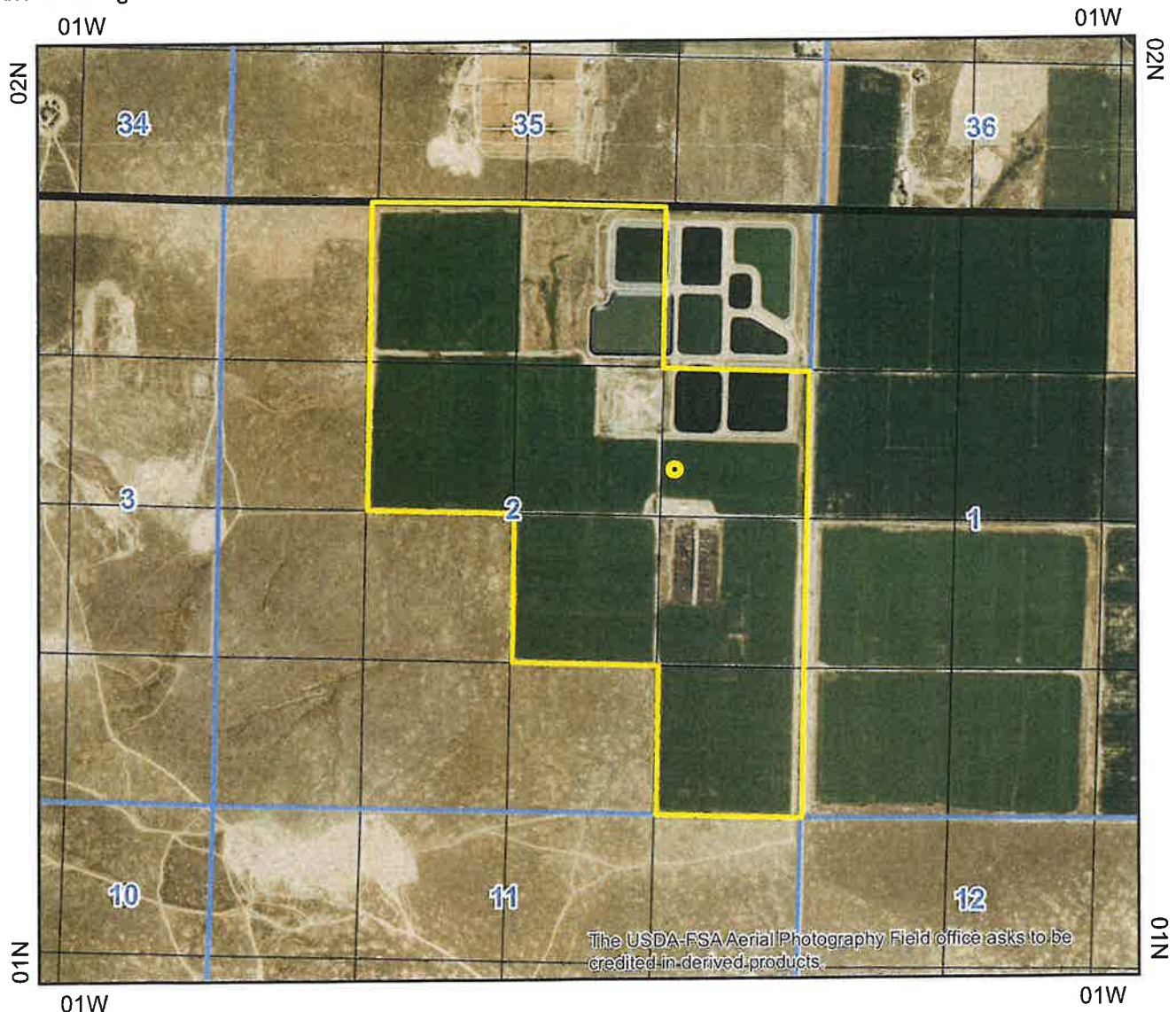
State of Idaho
Department of Water Resources

Water Right

63-7327

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.175 0.35 0.7 Miles

84943



Attachment # 7b - Existing Places of Use

State of Idaho
Department of Water Resources

Water Right 63-9668

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

01W



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

0 0.125 0.25 0.5 Miles

84943



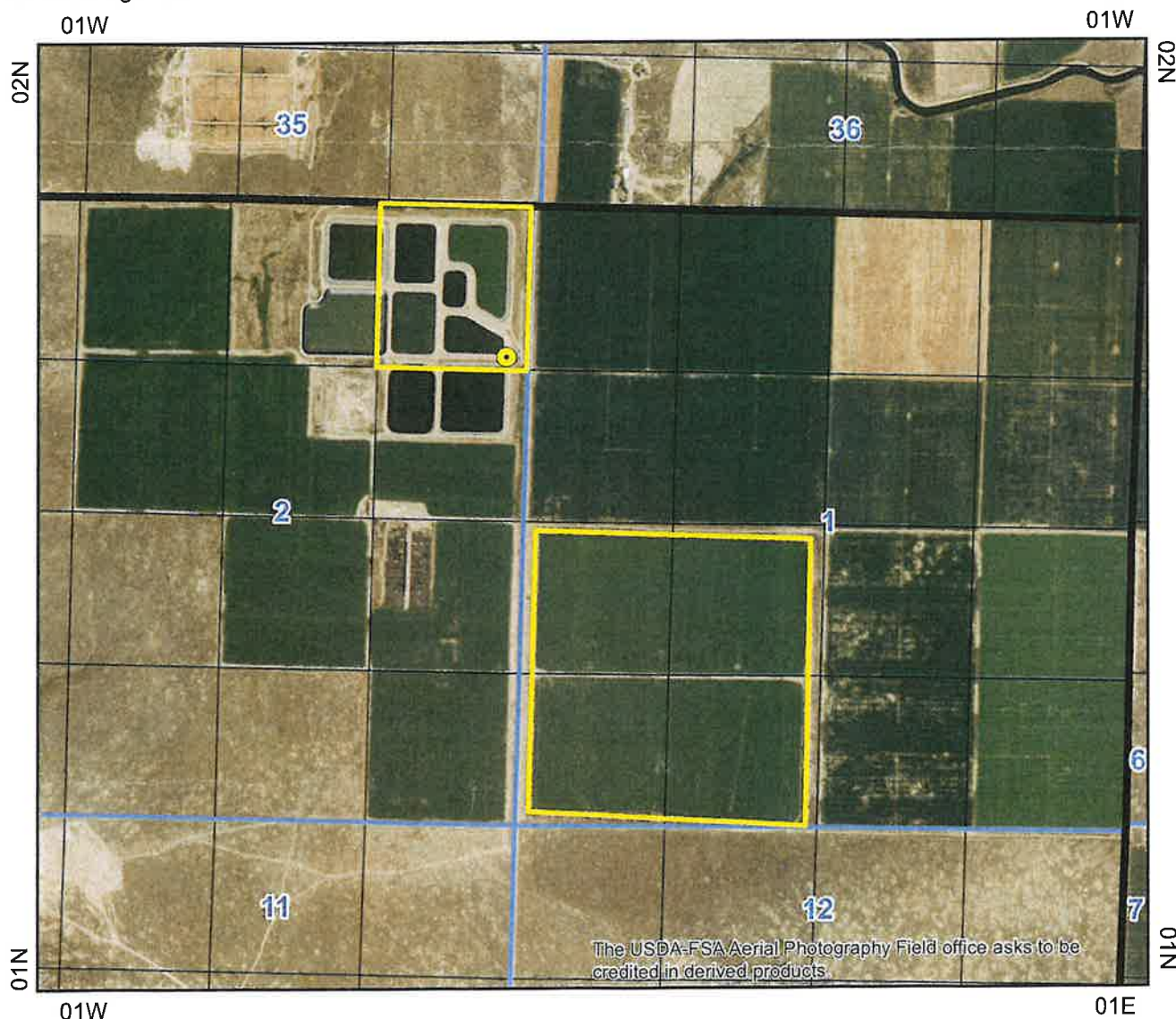
State of Idaho
Department of Water Resources

Water Right

63-9668

MUNICIPAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.175 0.35 0.7 Miles



84943

Water Right #63-7327

Lockable Controlling Device

The water from the point of diversion for water right #63-7327 can flow in two directions to the various locations on the farm. Each direction has a backflow preventer, or a lockable controlling device. The backflow preventer for water flowing south is shown in Picture #1 and for water flowing north is shown in Picture #2.

The well already has a magnetic flow meter (measuring device), not pictured.



Figure 1. Backflow Preventer for Water Flowing South.



Figure 2. Backflow Preventer for Water Flowing North

Water Right #63-9668

Backflow Preventer

The sewage water cannot enter the well water line due to elevation differences. The water will spill out of the concrete holding before entering the well water line. The well has a magnetic flow meter (measuring device), not pictured.



RECEIVED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

MAR 08 2021
INCOMPLETE
WATER RESOURCES
WESTERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) CITY OF KUNA

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

MAR 08 2021

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) CITY OF KUNA Phone 208-287-1727
Mailing address 751 W 4TH ST, KUNA, ID, 83634 Email PSTEVEN@KUNAID.GOV

- ☒ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative PAUL STEVENS Phone 208-287-1727
Mailing address 751 W 4TH ST, KUNA, ID, 83634 Email PSTEVEN@KUNAID.GOV

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

PAUL STEVENS, PUBLIC WORKS DIR.
Print Name and Title if applicable

3 March 2021
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use
 ☐ Change nature of use
 ☐ Change period of use
 ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

The City would like to modify the place of use for two water rights. Both water rights are used for the City's Sewer system at the South Re-Use Facility operations. If the place of use of the two water rights is identical and covers the entire land application site (the farm), it will help reduce increasing nitrates in the soil and increase ease of operation.

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-7327	5.79 CFS	IRRIGATION	03/01 to 10/01	GROUND WATER
☒ ☐	63-9668	0.67 CFS	MUNICIPAL	04/01 to 10/31	GROUND WATER
☒ ☐	63-9668	0.02 CFS	MUNICIPAL	01/01 to 12/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 6.48 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	2	40	40	40	40	40			40					40	40		40	360
01N	01W	1									40	40	40	40					160
Total Acres (for irrigation use)																			520

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion systems for both water rights have a magnetic flow meter and backflow preventers (see attached pictures on pages 17 and 18). The diversion system consists of piping to irrigate the farmland.

- b. Who owns the property at the point(s) of diversion? CITY OF KUNA

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Our intent is to decrease nitrates in the soil with the ability to directly apply fresh water instead of solely re-use water.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

The municipal water rights are used for a bathroom at the sewer facility.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

84943



City of Kuna
751 W 4th Street
Kuna, ID 83634

Attachment #1

Paul Stevens holds the positions of City of Kuna Public Works Director and City Engineer. He is authorized to make the proposed water rights changes near the South Water Re-Use Facility.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7327

Current Owner: CITY OF KUNA
Priority Date: 4/15/1970
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 10/01	5.79 CFS	1440 AF
	<u>Total Diversion</u>	5.79 CFS	1440 AF

Location of Point(s) of Diversion

GROUND WATER
ADA County

SW1/4SE1/4NE1/4 Sec. 2, Twp 01N, Rge 01W B.M.

Place of Use

IRRIGATION Within ADA County

T01N R01W S2	NWNE	40.00	T01N R01W S2	SWNE	40.00
T01N R01W S2	SENE	40.00	T01N R01W S2	NENW	40.00
T01N R01W S2	SENE	40.00	T01N R01W S2	NESE	40.00
T01N R01W S2	NWSE	40.00	T01N R01W S2	SESE	40.00

Total Acres: 320

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. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER AFTER OCTOBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Decreed Date: 2/6/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-9668

Current Owner: CITY OF KUNA
Priority Date: 2/13/1981
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.67 CFS	346 AF
MUNICIPAL	01/01 to 12/31	0.02 CFS	1.2 AF
	<u>Total Diversion</u>	0.69 CFS	347.2 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4 Sec. 2, Twp 01N, Rge 01W B.M.
ADA County

Place of Use

IRRIGATION Within ADA County

T01N R01W S1	NESW	32.00	T01N R01W S1	NWSW	33.00
T01N R01W S1	SWSW	33.00	T01N R01W S1	SESW	32.00
Total Acres: 130					

MUNICIPAL Within ADA County

T01N R01W S2 NENE

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.

Decreed Date: 5/1/2009

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 63-7327

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	520
----------------------------------	-----

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 63-9668[illegible]

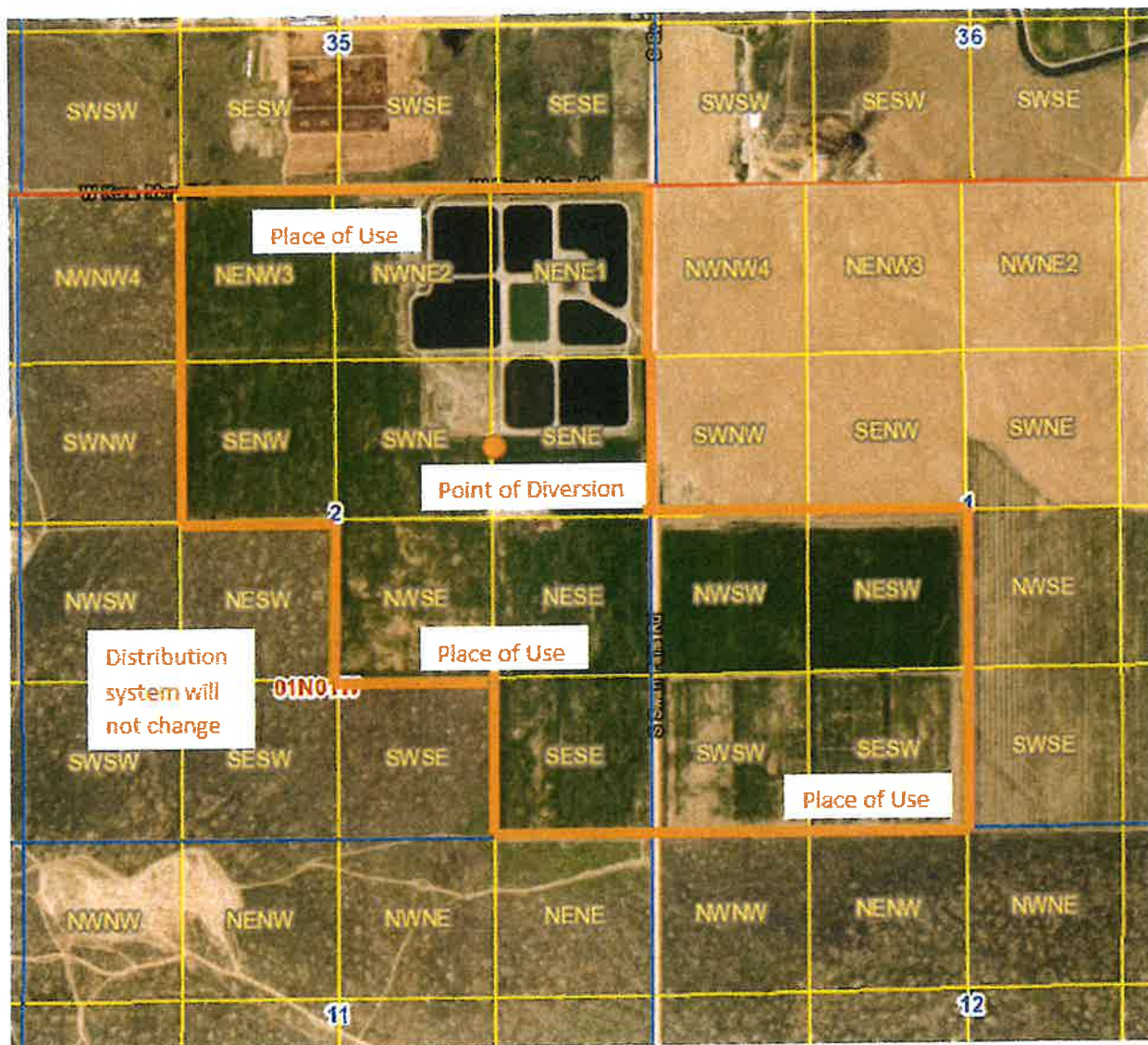
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	520
----------------------------------	-----

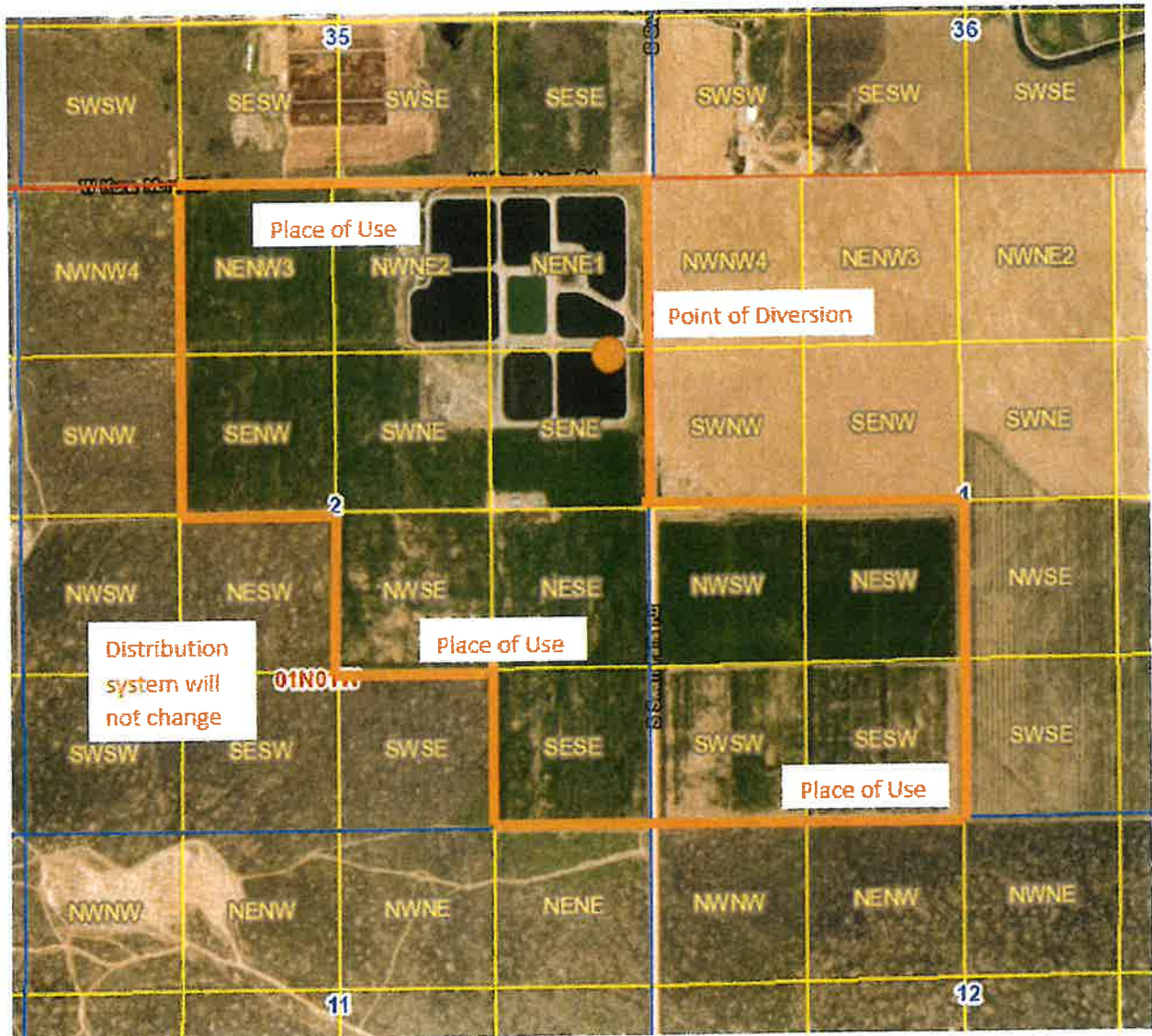
Water Right #63-7327

Attachment #7A – Proposed Places of Use



Water Right #63-9668

Attachment #7A – Proposed Places of Use



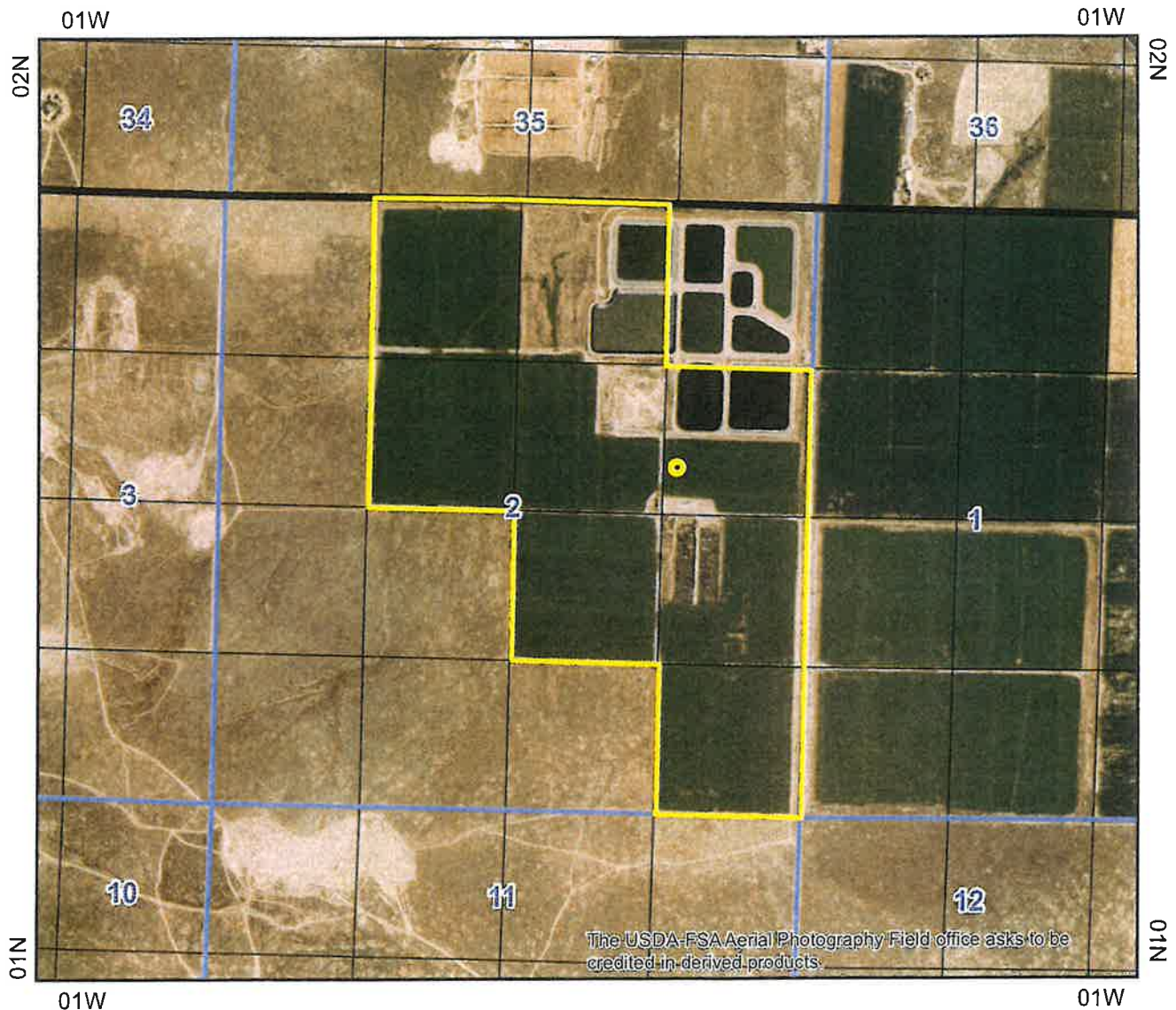
Attachment # 7b - Existing Places of Use

State of Idaho
Department of Water Resources

Water Right 63-7327

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.175 0.35 0.7 Miles

84943



Attachment # 7b - Existing Places of Use

State of Idaho
Department of Water Resources

Water Right 63-9668

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.125 0.25 0.5 Miles

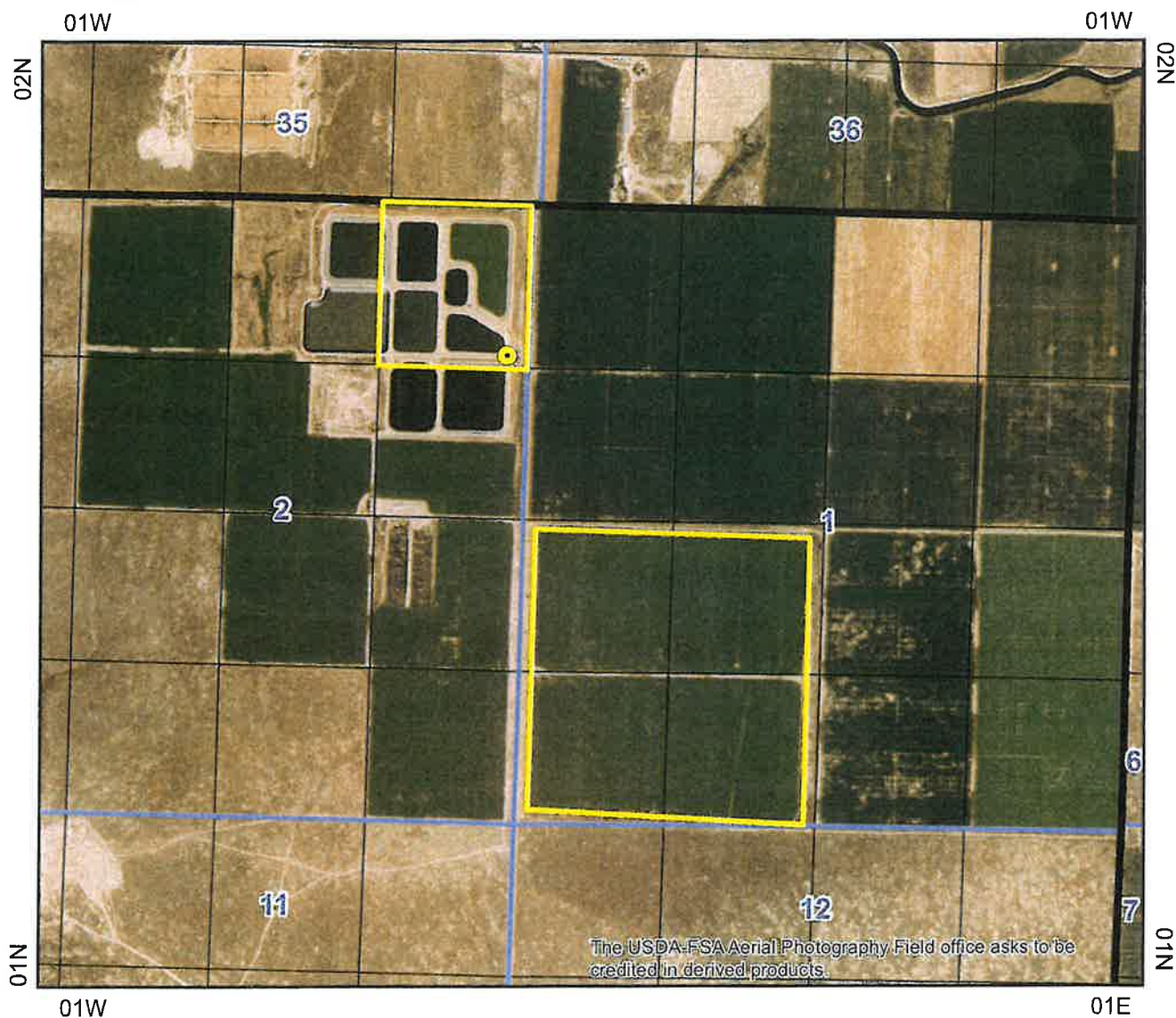


State of Idaho
Department of Water Resources

Water Right
63-9668

MUNICIPAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



● Point of Diversion

Water Service Area Boundary

Townships

PLS Sections

Quarter Quarters

0 0.175 0.35 0.7 Miles



Water Right #63-7327

Lockable Controlling Device

The water from the point of diversion for water right #63-7327 can flow in two directions to the various locations on the farm. Each direction has a backflow preventer, or a lockable controlling device. The backflow preventer for water flowing south is shown in Picture #1 and for water flowing north is shown in Picture #2.

The well already has a magnetic flow meter (measuring device), not pictured.

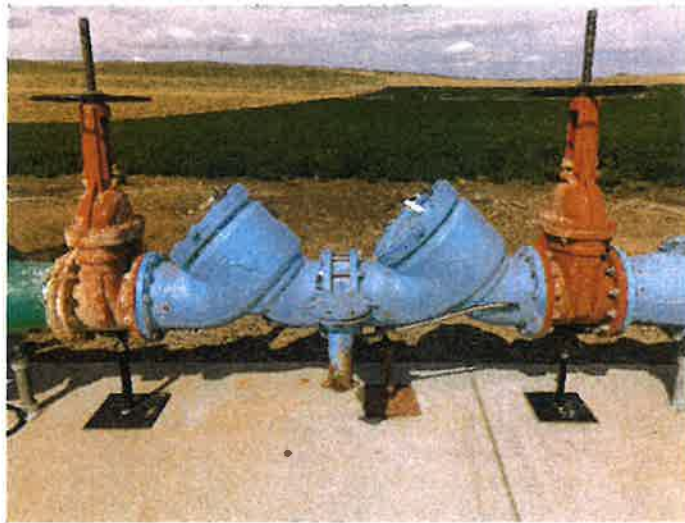


Figure 1. Backflow Preventer for Water Flowing South.

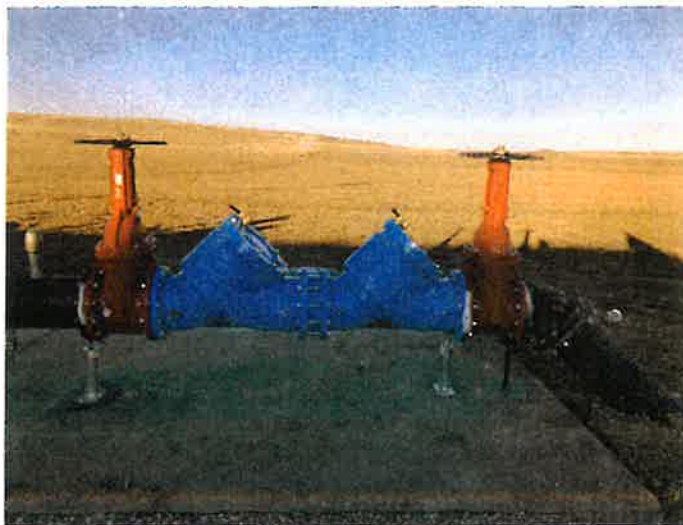


Figure 2. Backflow Preventer for Water Flowing North

Water Right #63-9668

Backflow Preventer

The sewage water cannot enter the well water line due to elevation differences. The water will spill out of the concrete holding before entering the well water line. The well has a magnetic flow meter (measuring device), not pictured.



VENDOR: 186 IDAHO DEPT. OF WATER RESOURCES

2/26/2021

Check No: 121405

INVOICE #

INV DATE

DESCRIPTION

INV AMOUNT

02192021IDWR

1

2/19/2021

LAGOON WATER RIGHTS, C.FEISTNER, F

100.00

TOTAL AMOUNT

100.00

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

121405



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P.O. BOX 13

KUNA, IDAHO 83634

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One Hundred and 00/100 Dollars

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2/26/2021

100.00

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[Signature]
[Signature]

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES A SECURITY SCREEN BACKER