

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 84658

JAN 25 2021

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFERWATER 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) Surprise Valley HOACheck 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: 10a: Lease Agreement with the City of Boise; 10b: Bowler Park Concept Diagram

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Surprise Valley HOA Phone 208-368-0058
Mailing address 5240 S Surprise Way, Boise, ID 83716 Email manager@surprisevalleyhoa.com

- ☐ 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 SPF Water Engineering Phone 208-383-4140
Mailing address 300 E Mallard Dr, Ste 350, Boise, ID 83706 Email lgraves@spfwater.com

- ☐ 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.

Thomas D. Wicker THOMAS D. WICKER - Pres 1/21/2021
Signature of Applicant or Authorized Representative Print Name and Title if applicable 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.O.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**.
Applicants wish to extend their pressurized irrigation system to an adjacent parcel owned by the City of Boise aka Bowler Park. A water use lease agreement between the applicants and the City is included as Attachment 10a. The park will consist mostly of natural vegetation with up to 5 acres of irrigation for trees and landscape areas.

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 ☒ ☐	63-161BN	2.82/634.5	Irrigation	3/1 to 11/15	Boise River
☒ ☐	63-2932	1.0/14	Irrigation	3/1 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.82 cfs and/or 634.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.10 cubic feet per second and/or 22.5 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.)

Current 255-acre permissible place of use plus additional 16.3 acres described below, aka Parcel No. S0932244350

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	
3N	3E	32								16.3									16.3
Total Acres (for irrigation use)																			16.3

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:

Well, pumps, flow meters and pressurized irrigation system. Measuring device and lockable controlling works have been accommodated.

- b. Who owns the property at the point(s) of diversion? N/A - no changes to points of diversion are proposed.

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:

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:

The five acres to be irrigated within the proposed area were previously leased to the IWSB under Contract 1244 that expired 12/31/2020, thereby making them available for transfer.

- 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:

Municipal water for potable uses.

- 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:

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

Current Water Right No.: 63-161bn

Current Owner: SURPRISE VALLEY HOA
Priority Date: 5/1/1866
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

2.82 CFS

Annual Volume

634.5 AF

Total Diversion

2.82 CFS

Location of Point(s) of Diversion

BOISE RIVER

L6(NW1/4NE1/4)

Sec. 4, Twp 02N, Rge 03E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T02N R03E S4	Lot 7	NWNE	14.50	T02N R03E S4	Lot 3	NENW	26.00
T02N R03E S4	Lot 4	NWNW	3.00	T03N R03E S29	Lot 6	SWSW	0.50
T03N R03E S32	Lot 2	NWNE	1.50	T03N R03E S32		SWNE	31.50
T03N R03E S32	Lot 1	SENE	4.00	T03N R03E S32		NENW	24.00
T03N R03E S32		NWNW	8.50	T03N R03E S32		SENW	16.50
T03N R03E S32		NESE	35.00	T03N R03E S32		NWSE	10.00
T03N R03E S32		SESE	8.00	T03N R03E S33		NWSW	16.00
T03N R03E S33		SWSW	34.50	T03N R03E S33		SESW	21.50

Total Acres: 255

Conditions of Approval:

1. Diversion under this right and Right No. 63-2932 is subject to all prior water rights and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.
2. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
3. The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from ground water via Water Right No. 63-2932. This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-161BN (this right) is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right No. 63-2932 shall not exceed 14.0 acre feet.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via this water right. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.
6. X35 Rights 63-161BN and 63-2932 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 634.5 af at the field headgate, and the irrigation of 141 acres.
7. R65 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 lands above.
8. The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under this right and Right No. 63-2932, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.
9. X27 This right is limited to the irrigation of 141 acres within the authorized place of use in a single irrigation season.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. SD1 This right originated as all or part of right no. 30 in the Stewart Decree and the historic Boise River Water Masters records.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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

Current Water Right No.: 63-2932

Current Owner: SURPRISE VALLEY HOA
Priority Date: 3/16/1953
Origin: Water Right
Status: Water Supply Bank 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	1 CFS	14 AF
	<u>Total Diversion</u>	1 CFS	14 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4 Sec. 33, Twp 03N, Rge 03E B.M.
ADA County

Place of Use

IRRIGATION Within ADA County

T02N R03E S4	Lot 7	NWNE	14.50	T02N R03E S4	Lot 3	NENW	26.00
T02N R03E S4	Lot 4	NWNW	3.00	T03N R03E S29	Lot 6	SWSW	0.50
T03N R03E S32	Lot 2	NWNE	1.50	T03N R03E S32		SWNE	31.50
T03N R03E S32	Lot 1	SENE	4.00	T03N R03E S32		NENW	24.00
T03N R03E S32		NWNW	8.50	T03N R03E S32		SENW	16.50
T03N R03E S32		NESE	35.00	T03N R03E S32		NWSE	10.00
T03N R03E S32		SESE	8.00	T03N R03E S33		NWSW	16.00
T03N R03E S33		SWSW	34.50	T03N R03E S33		SESW	21.50

Total Acres: 255

Conditions of Approval:

1. Diversion under this right and Right No. 63-161BN is subject to all prior water rights and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.
2. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via Water Right No. 63-161BN. This water right is to be utilized to the maximum extent during periods of time when it is available for diversion. The water right holder shall develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.
3. The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided by ground water via Water Right No. 63-2932 (this right). This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-161BN is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right No. 63-2932 (this right) shall not exceed 14.0 acre feet.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. 104 If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. The water right holder is required to install and maintain totalizing measuring devices subject to approval by the Department which record diversions under this right and Right No. 63-161BN, and to maintain records of these diversions. The measuring devices and records are subject to inspection by the watermaster or the Department upon request, and shall be provided to the Department and the Watermaster no later than December 1 of each year.
10. R65 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 lands above.
11. X35 Rights 63-161BN and 63-2932 when combined shall not exceed a total diversion rate of 2.82 cfs, a total annual maximum diversion volume of 634.5 af at the field headgate, and the irrigation of 141 acres.

Decreed Date: 2/16/2007





NOV 10 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPARTMENT OF
WATER RESOURCES**WATER SUPPLY BANK LEASE CONTRACT No. 1244**

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

LESSOR: SURPRISE VALLEY HOA
5240 S SURPRISE WAY
BOISE, ID 83716

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on December 17, 2019.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
63-161BN	5/1/1866	BOISE RIVER, tributary to SNAKE RIVER	0.10	22.5	5.0
63-2932	3/16/1953	GROUND WATER	0.04	0.5	5.0
Combined Lease Totals			0.10	22.5	5.0

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2020 to December 31, 2020. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1244

5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1244

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: SURPRISE VALLEY HOA
5240 S SURPRISE WAY
BOISE, ID 83716

By [Signature]
Title President
Date 11/3/20

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By [Signature]
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 11/12/20

Lease approved by IDWR [Signature]

Date 11/12/20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1244

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 63-161BN

BOISE RIVER L 6NWNE Sec. 4 Twp 02N Rge 03E ADA County

Source and Location of Point(s) of Diversion for Water Right No(s): 63-2932

GROUND WATER SESW Sec. 33 Twp 03N Rge 03E ADA County

Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From	to	To		
63-161BN	IRRIGATION	03/01	to	11/15	0.10 cfs	22.5 AF
63-2932	IRRIGATION	03/01	to	11/15	0.04 cfs	0.5 AF
Totals:					0.10 cfs	22.5 AF

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03E	4		14.5 L7			26.0 L3	3.0 L4											43.5
03N	03E	29											0.5 L6						0.5
03N	03E	32		1.5 L2	31.5	4.0 L1	24.0	8.5		16.5					35.0	10.0		8.0	139.0
03N	03E	33										16.0	34.5	21.5					72.0

Total PPU Acres: 255.0

Idled Acres: 5.0

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1244

6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
14. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
15. This right originated as all or part of right no. 30 in the Stewart Decree and the historic Boise River Water Masters records.
16. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
17. The primary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided from Boise River water via Water Right No. 63-161BN. This water right is to be utilized to the maximum extent during periods when it is available for diversion. The water right holder shall

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1244

develop and maintain operational storage in the amount of 4.0 to 6.0 acre-feet to enable this water right to be used to satisfy diurnal fluctuations in rate of flow demands.

18. The secondary source of water for the irrigation of up to 141 acres of the Surprise Valley Development is to be provided by ground water via Water Right No. 63-2932. This water right is to be utilized only during periods when (1) full diversion under Water Right No. 63-161BN is inadequate to provide sufficient water to satisfy the irrigation requirements, and (2) during periods not to exceed seven (7) days per irrigation season when the surface water system becomes unoperational due to an unanticipated mechanical failure. The total annual diversion volume under Right No. 63-2932 (this right) shall not exceed 14.0 acre feet.
19. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
20. These rights 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 the irrigation of the lands above.
21. The unleased portions of these rights, when combined, are limited to 2.32 cfs and 522.0 af for the irrigation of 116 acres.
22. Diversion under right nos. 63-161BN & 63-2932 are subject to all prior water rights and is subject to delivery by the watermaster of Water District No. 63, Boise River and tributaries.

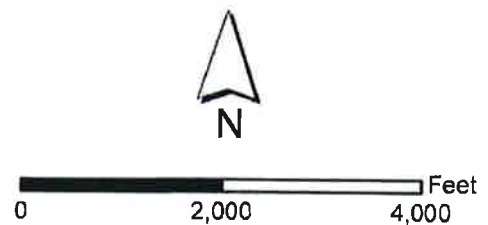
Idaho Water Resource Board
Water Supply Bank Lease Contract No. 1088

63-161BN & 63-2932
Effective until December 31, 2024

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- ⊙ Approved Lease Point of Diversion
- Approved Lease Place of Use
- Township/Range
- Sections
- QQ



AGREEMENT FOR LEASE OF WATER RIGHT

This lease ("Lease" or "Agreement") is made and entered into as of the 21 day of July, 2020, by and between SURPRISE VALLEY HOMEOWNERS' ASSOCIATION, INC., an Idaho corporation, hereinafter referred to as the "Lessor;" and the city of Boise City, an Idaho municipal corporation, by and through its Public Works Department hereinafter referred to as the "Lessee." Individually, Lessor and Lessee may be referred to as Party; collectively, Lessor and Lessee may be referred to as Parties. The term "cubic feet per second" is abbreviated in this Agreement as "cfs."

Whereas, Lessor is owner of the following water rights ("Water Rights"), decreed to it by the Snake River Basin Adjudication District Court, the pertinent elements of which are summarized below, for convenience only:

	Water Right No. 63-161BN	
Priority Date	05/01/1866	
Quantity	2.82 cfs	
Source	Boise River	
Purpose of Use	Irrigation	
Season of Use	03/15 – 11/15	

Whereas, the Lessee is the owner of a parcel of land within the service area ("Service Area") of the place of use for Lessor's Water Rights, as the Service Area is presently defined by the Idaho Department of Water Resources; and

Whereas, Lessee desires water for irrigation of up to 5 acres; and

Whereas, Lessee desires to lease a twenty-four (24) hour delivery rate of no more than of no more than 0.1 cfs.

NOW, THEREFORE, IT IS AGREED:

1. **Term.** This lease shall be for the irrigation season beginning March, 2021 (irrigation season being defined as March 15 – November 15), and shall automatically renew for each additional irrigation season, unless otherwise cancelled by either Party. Advance notice of cancelation of this Lease must be made in writing prior to February 1 of each year.

2. **Quantity.** Lessor does hereby lease to Lessee a twenty-four (24) hour delivery rate of no more than 0.1 cfs for irrigation of up to 5 acres of land within Lessor's Service Area with Lessor's Water Rights. Deliveries shall be restricted to the period between 12 pm to 7 pm, and a maximum flow rate of no more than 250 gallons per minute.

3. **Ownership.** Lessee agrees that this lease shall in no way confer upon Lessee any ownership interest in the Water Rights, or in any way affect Lessor's ownership of the Water Rights.

4. **Modification of the Lease.** Any modification of this Lease shall be in writing and signed by each of the Parties hereto.

5. **Assignment.** The water shall only be used by the Lessee, and shall not be sublet, assigned, or in any way used by anyone other than Lessee. If Lessee sublets, assigns, or in any way allows the leased water to be used by anyone other than Lessee, a breach of the Agreement shall have occurred. If a breach under this paragraph occurs, Lessor shall be entitled to immediately terminate the Lease, and shall be entitled to retain any monies paid by Lessee under the Lease.

6. **Water Quality.** Lessor does not warrant, represent, or guarantee that the water it provides to Lessee satisfies any water quality standards. The water provided by Lessor is non-potable.

7. **Non-Use by Lessor.** Except in the event of a breach of this Agreement, Lessor agrees it will not put to beneficial use the water leased to Lessee during the term of this Lease.

8. **Place of Use.** Lessee agrees the water shall only be used on Lessee's property, which is located within the Lessor's Service Area of the Water Rights, and shall only be used to irrigate 5 acres of Lessee's property.

9. **Irrigation Season.** In accordance with the elements of the Water Rights, Lessor may begin diversion of the Water Rights as early as March 15 and end as late as November 15. Actual timing of water turn-on and shutoff for irrigation of the property owned by Lessee shall be set by Lessor, at Lessor's sole discretion. For the purpose of maintaining adequate pressure within the irrigation system, Lessor, at Lessor's sole discretion, may specify the times of day and days of the week during which Lessee may use the water.

10. **Reduced or Suspended Delivery.** If at any time the water supply to the Lessor under the Water Rights is reduced or suspended, the Lessor, at Lessor's sole discretion, may reduce or suspend delivery of water to Lessee. Such reduction or suspension could result from mechanical or other failures at the pumping station, by a reduction in water usage ordered by the Water Master for Water District No. 63, the Idaho Department of Water Resources, or other factors. It is expressly understood that such reduction or suspension of delivery of water shall not constitute a breach of this Lease and shall not entitle Lessee to any remedy, recovery or legal or equitable claim against Lessor, its directors, officers, employees or representatives. In the case of a reduction or suspension for a period of more than seven consecutive days, payments due under this lease will be adjusted proportionally to charge for only the water provided to Lessee.

11. **Permanent Reduction.** If the Water Rights are permanently reduced by action of the Idaho Department of Water Resources, a court of law, or other government agency, the Parties may terminate or modify this lease.

12. **Guidelines for Delivery of Irrigation Water Supply to Bowler Park.** Lessor and Lessee shall abide by the roles and responsibilities provided by the "Guidelines for Delivery of Irrigation Water Supply to Bowler Park" ("Guidelines") which is attached hereto as Exhibit A and incorporated herein by this reference. Updates to the Guidelines may be made from time to time by the Parties in writing.

13. **Right of Entry.** Lessee hereby authorizes Lessor or Lessor's representative(s) to enter onto Lessee's property for the purpose of inspecting Lessee's irrigation system and water use. If Lessor desires to inspect Lessee's irrigation system, such inspection must be coordinated with Lessee to ensure access to Lessee buildings, flow meter, pumps, and controls.

14. **Duty to Repair.** Lessee shall make all repairs and replacements in its irrigation system, as soon as practicable, upon notice from Lessor or its representative. In the event of a leak, Lessor may, in Lessor's sole discretion, discontinue delivery of water to Lessee until repairs have been made to the satisfaction of Lessor. Until repairs are made to Lessor's satisfaction, Lessor, in Lessor's sole discretion, shall be entitled to put the water leased to Lessee to beneficial use on other property within Lessor's Service Area.

15. **Metering.** Lessee shall install and maintain a flow meter to accurately measure the instantaneous and total flow diverted to Lessor's irrigation system. The Parties shall agree on the type of meter and the placement of the meter before installation. Lessor reserves the right to enter onto Lessee's property for the purpose of inspection of Lessor's flow meter,

subject to notification and coordination with Lessee. At the first of each month of the irrigation season, Lessee shall provide Lessor all recorded flow data.

16. **Indemnification.** Lessee shall indemnify, save and hold harmless Lessor from any and all losses, claims, actions or judgments for damages or injury to persons or property and losses and expenses caused or incurred by Lessee, its contractors, employees, guests, or any other parties arising out of or in connection with Lessee's Lease or its use of the Water Rights whether such loss, damage or cost occurs on Lessee's property or otherwise.

17. **Fee.** The fee shall be based on a twenty-four (24) hour delivery rate of no more than 0.1cfs provided by Lessor to Lessee, as stated in Paragraph 2, above. The fee for 0.1 cfs, shall be \$5,100.00 per irrigation season.

18. **Payment.** Payment by Lessee shall be made in one (1) lump sum of \$5,100.00, due by March 14 of each year. If Lessor does not receive from Lessee the lump sum payment of \$5,100.00 by March 14 of each year, the Lease may be revoked.

19. **Default.** Lessee specifically understands the critical importance of putting the full diversion rate of the water leased to it under Lessor's Water Rights to beneficial use. Lessor and Lessee agree that in the event of a default by either party, the non-defaulting party shall give written notice to the defaulting party describing the default. The defaulting party shall have thirty (30) days to correct the default. Upon expiration of such thirty (30) day period, the non-defaulting party may declare this lease terminated.

20. **Mediation and Arbitration.** Lessor and Lessee agree that disputes for any violation of this Agreement shall be settled first by mediation and if unsuccessful by arbitration, with litigation only allowed after unsuccessful mediation or arbitration. Mediation

and arbitration shall be governed by Idaho's Uniform Mediation Act (Idaho Code § 9-801 *et seq.*) and Arbitration Act (Idaho Code § 7-901 *et seq.*).

21. **Attorneys' Fees and Damages.** The Parties agree that the prevailing party in said mediation, arbitration, or litigation shall be entitled to reasonable attorneys' fees.

22. **Insurance.** Lessee shall maintain and cause its contractors to maintain liability insurance in which Lessor shall be named as an additional insured in the minimum amount as specified in the Idaho Tort Claims Act set forth in Title 6, Chapter 9 of the Idaho Code. The limits of insurance shall not be deemed a limitation of the covenants to indemnify and save and hold harmless Lessor; and if Lessor becomes liable for an amount in excess of the insurance limits herein provided, Lessee covenants and agrees to indemnify and save and hold harmless Lessor from and for all such losses, claims, actions, or judgments for damages or liability to persons or property.

23. **Waiver.** No failure to enforce, delay, or omission in the exercise of any of Lessor's rights hereunder shall be deemed a waiver of such right nor shall such failure, delay, or omission in any way impair or impede Lessor's rights hereunder.

24. **Entire Agreement.** This Lease, contains the entire understanding and agreement between the Parties in connection with the subject matter contained herein. All prior agreements and understandings are null and have no further force or effect.

25. **Amendment.** This Lease shall not be amended except in writing signed by both Parties.

26. **Governing Law.** This Lease shall be interpreted in accordance and governed by the laws of the State of Idaho.

27. **No Construction.** No Party or such Party's attorney shall be deemed to be the drafter of this Agreement for purposes of interpreting or construing any of the provisions of this Agreement. This Agreement shall be interpreted in accordance with the fair meaning of its language and not strictly for or against any of the Parties to this Agreement.

28. **Headings.** The headings contained herein are for convenience only and do not explain, define, limit, amplify, or aid in the interpretation, construction, or meaning of the provisions of the Lease.

29. **Attorneys' Fees and Costs.** In any suit, action, or appeal therefrom to enforce this Lease, the prevailing Party shall be entitled to recover its costs incurred therein, including reasonable attorneys' fees and costs, including those associated with any appeal.

30. **Severability.** If any portion of this Agreement shall be found to be void or unenforceable, it shall in no way affect the validity or enforceability of any other provision hereof.

31. **Binding Agreement.** This Agreement shall be binding upon the respective heirs, successors, and assigns of the parties.

32. **Notice.** Any notices required hereunder shall be deemed sufficient if personally delivered or if mailed, postage prepaid as follows:

Lessor:

Surprise Valley Homeowners' Association, Inc.
5240 S Surprise Way
Boise, ID 83716

Lessee:

City of Boise
150 N. Capitol Blvd.
Boise, ID 83702

35. **Counterparts.** This Agreement may be in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one instrument.

IN WITNESS whereof, the parties have caused their names to be subscribed by agents first thereunto duly authorized as of the day and year herein first above written.

SURPRISE VALLEY HOMEOWNERS' ASSOCIATION, INC.

Thomas D. Wilson 7/21/20
President Date

City of Boise

Mayor: Lauren McLean	7/28/20 Date
----------------------	-----------------

Attest: _____
Lynda Lowry, City Clerk

EXHIBIT A

Guidelines for Delivery of Irrigation Water Supply to Bowler Park

This document provides guidelines for delivery and use of water from the pressurized irrigation system ("PI system") owned by Surprise Valley Homeowners' Association, Inc. (SVHOA) to Bowler Park ("Park") owned by the City of Boise ("City").

1. The City, at the City's cost, shall install a manual isolation valve at the connection point to the PI system. The City shall own and maintain the isolation valve and all piping, valves, and appurtenances downstream to the Park. SVHOA shall own and maintain all piping, valves, and appurtenances upstream from the isolation valve.
2. Delivery of water from the PI system to the Park shall be controlled using an automated control valve (motor-actuated butterfly valve or equivalent). The valve shall be operated using a timer or similar device to ensure that the automated valve is open during authorized delivery hours only.
3. The City shall maintain a totalizing flow meter to accurately measure the instantaneous rate of flow and totalized flow diverted from the SVHOA PI system.
4. The City shall utilize Suez potable water as a supplemental irrigation source for use at such times when the SVHOA PI system supply is not available or is inadequate to meet Park irrigation needs.
5. The City shall install and maintain backflow prevention to prevent Suez supplemental water from entering the Surprise Valley pressure irrigation system.
6. The City shall install and maintain backflow prevention to prevent non-potable irrigation water from entering the Suez potable water supply. The backflow prevention shall meet all applicable requirements of Suez and the Idaho Department of Environmental Quality. The backflow prevention devices, flow meter, and automated control valve shall be located in a mechanical space within the Park restroom building. SVHOA shall be authorized to examine the equipment with 24 hours' notice to the City.

Lauerman, Denise

From: Lauerman, Denise
Sent: Friday, February 26, 2021 11:59 AM
To: 'rex@wd63.org'; 'Mike Meyers'
Subject: Application for Transfer 84658, Permit 63-35002
Attachments: Watermaster Recommendation Form 2021.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. You can find a copy of the applications at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the applications, then complete the enclosed recommendation form and return it to this office by **03/22/2021**.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by **03/22/2021**, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Thanks!
Denise

Denise Lauerman | *Administrative Assistant*
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | denise.lauerman@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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

Brad Little
Governor

Gary Spackman
Director

February 26, 2021

SUEZ WATER IDAHO
C/O ROGER DILTUS
8248 W VICTORY RD
BOISE, ID 83709

RE: Transfer No. 84658
Water Right No(s). 63-161BN, 63-2932

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant 1

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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

Brad Little
Governor

Gary Spackman
Director

February 26, 2021

GIVENS PURSLEY LLP
C/O MICHAEL C CREAMER
PO BOX 2720
BOISE, ID 83701

RE: Transfer No. 84658
Water Right No(s). 63-161BN, 63-2932

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant 1

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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

Brad Little
Governor

Gary Spackman
Director

February 25, 2021

SURPRISE VALLEY HOA
5240 S SURPRISE WAY
BOISE, ID 83716

RE: Transfer No. 84658
Water Right No(s). 63-161BN, 63-2932

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 3/4/2021 and 3/11/2021. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Lauerman
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706-6660

Lauerman, Denise

From: Lauerman, Denise
Sent: Thursday, February 25, 2021 1:46 PM
To: BOI Legals
Subject: ADA COUNTY Legal Notice - Application for Permit No. 63-35002, 63-34990, 63-34998, Transfer No. 84658
Attachments: Cover Letter Ada County ID Statesman.docx; Legal Notice Ada County 63-35002 63-34990 63-34998 TR84658.docx

Good afternoon,

Please see the attached ad for publication on 03/04/2021 and 03/11/2021.

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/22/2021. Your cooperation is appreciated.

Please **confirm this is okay to publish as shown and send confirmation and all other correspondence to this email.**

Thanks much!
Denise

Denise Lauerman | Administrative Assistant
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | denise.lauerman@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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

Brad Little
Governor

Gary Spackman
Director

February 25, 2021

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-35002, 63-34990, 63-34998
Transfer No. 84658
Water Right No(s). 63-161BN, 63-2932

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/22/2021. Your cooperation is appreciated.

Sincerely,

Denise Lauerman
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
63-35002

OFFICE OF THE PRESIDENT
1910 UNIVERSITY DR
BOISE, ID 83725-0001
Point of Diversion L5 (SENE) S4 T02N R03E ADA County Source BOISE RIVER Tributary SNAKE RIVER
Use: WILDLIFE 01/01 to 12/31 30 CFS
Total Diversion: 30 CFS
Date Filed: 12-24-2020
Place Of Use: WILDLIFE
T02N R03E S4 L1 (NENE), L5 (SENE)
Mitigation is proposed for consumptive use.

63-34990
CHRISTA PATERSON
MIKE DANIELS
8823 S BROKEN WHEEL LN
KUNA, ID 83634-1467
Point of Diversion NESW S11 T02N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 12-14-2020
Place Of Use: IRRIGATION
T02N R01E S11 NESW
Total Acres: 10
Water bearing zone to be appropriated is from 50 to 270 feet.

63-34998
BRIAN THOMAS
TRIMJOIST WEST INC
1712 N 14TH ST
BOISE, ID 83702-2603
Point of Diversion L2 (NWNE) S1 T01N R01E ADA County Source GROUND WATER
Use: FIRE PROTECTION FROM STORAGE 01/01 to 12/31 0.3 AF
Use: DIVERSION TO STORAGE 01/01 to 12/31 1.67 CFS
Use: COMMERCIAL 01/01 to 12/31 0.04 CFS
Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.3 AF
Total Diversion: 1.71 CFS 0.6 AF
Date Filed: 01-15-2021
Place Of Use: COMMERCIAL, DIVERSION TO STORAGE, FIRE PROTECTION FROM STORAGE, FIRE PROTECTION STORAGE
T01N R01E S1 L2 (NWNE)
Water bearing zone to be appropriated is from 400 to 500 feet.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84658**

SURPRISE VALLEY HOA, 5240 S SURPRISE WAY, BOISE, ID 83716 has filed Application No. 84658 for changes to the following water rights within ADA County(s): Right No(s). 63-161BN, 63-2932; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:
The purpose of this transfer is to expand the Surprise Valley HOA (HOA) place of use boundary 16.3 acres to include Bowler Park. The HOA proposes to provide water to irrigate up to 5 acres of land within the park using water previously held in the Water Supply Bank. The site is located in SE Boise 1.5 miles NW from the HWY 21/S. Surprise Way intersection and 0.5 miles SE of the Amity Rd/S. Surprise Way intersection.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s) or proposed transfer(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WVRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 3/22/2021. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on 3/4/2021 and 3/11/2021



RECEIVED

JAN 25 2021

WATER RESOURCES
WESTERN REGION

January 22, 2021

Patrick Kelly
Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer – Surprise Valley HOA

Dear Patrick,

On behalf of Surprise Valley Homeowners Association Inc. (SVHOA) and the City of Boise Parks and Recreation Department (City), enclosed please find an Application for Transfer of water rights 63-161BN and 63-2932. The application seeks to change the permissible place of use for these water rights to include a 16.3-acre City of Boise parcel proposed for development as Bowler Park. The City has entered into a lease agreement with SVHOA to use the SVHOA rights irrigate up to 5 acres of the City parcel. The specifics of the transfer are described in the Transfer Narrative, Part 1A.3. The 5-acre portion of the water rights proposed for use by the City were released from the Idaho Water Supply Bank on December 31, 2020 (Contract 1244).

A check for the \$200 transfer filing fee is included. The fee is based on a water right quantity of 0.18 cfs using the calculation from Water Right Transfer Processing Memo 23 Part IV.d. (canal company example): $16.3 \text{ acres} / 255 \text{ acres} \times 2.82 \text{ cfs} = 0.18 \text{ cfs}$.

Please contact me with any questions.

Sincerely,

Terry M. Scanlan

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

Enclosure: Transfer Application and Filing Fee

Cc: Tom Wicher – SVHOA President (trwicher@gmail.com)
John Roldan – Boise Public Works (jroldan@cityofboise.org)
Toby Norton – Boise Parks (tnorton@cityofboise.org)