

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84018**

This is to certify that: **CITY OF MERIDIAN**
33 E BROADWAY AVE STE 206
MERIDIAN, ID 83642-2619

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>
63-33371	WR/LICENSE	5/18/1987	0.110 cfs	45.0 af	N/A	10.0	GROUND WATER
63-34888	WR/LICENSE	5/18/1987	0.020 cfs	7.2 af	N/A	1.6	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>
63-33371	NO	NO	NO	YES	NO	NO
63-34888	NO	NO	NO	YES	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>
63-33371	63-33371	0.110 cfs	45.0 af	N/A	10.0	N/A	N/A	N/A	N/A	N/A
63-34888	63-34888	0.020 cfs	7.2 af	N/A	1.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.130 cfs	52.2 af	N/A	11.6		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 22 day of October, 2020.

for, Patricia Kelly
Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE #63-33371

Transfer No. 84018

WATER RIGHT NO. 63-34888
As Modified by Transfer No. 84018

In accordance with the approval of Transfer No. 84018, Water Right No. 63-34888 is now described as follows:

Right Holder: CITY OF MERIDIAN
 33 E BROADWAY AVE STE 206
 MERIDIAN, ID 83642-2619

Priority Date: 5/18/1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.020 cfs 0.020 cfs	7.2 af 7.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 10 Twp 03N Rge 01W ADA County
GROUND WATER	SENV	Sec 10 Twp 03N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	01W	10		1.6															1.6

POU Total Acres: 1.6

CONDITIONS OF APPROVAL

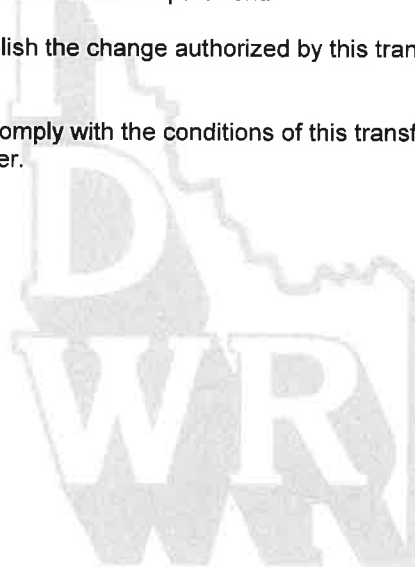
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
2. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
3. This right when combined with all other rights shall not exceed a combined annual maximum diversion volume of 7.2 af at the field headgate for the place of use.

Transfer No. 84018

WATER RIGHT NO. 63-34888
As Modified by Transfer No. 84018

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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 63-33371

As Modified by Transfer No. 84018

In accordance with the approval of Transfer No. 84018, Water Right No. 63-33371 is now described as follows:

Right Holder: CITY OF MERIDIAN
33 E BROADWAY AVE STE 206
MERIDIAN, ID 83642-2619

Priority Date: 5/18/1987

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

0.110 cfs

0.110 cfs

Diversion Volume

45.0 af

45.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NENE
SENW

Sec 10 Twp 03N Rge 01W ADA County
Sec 10 Twp 03N 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	
03N	01W	10			10.0														10.0

POU Total Acres: 10.0

CONDITIONS OF APPROVAL

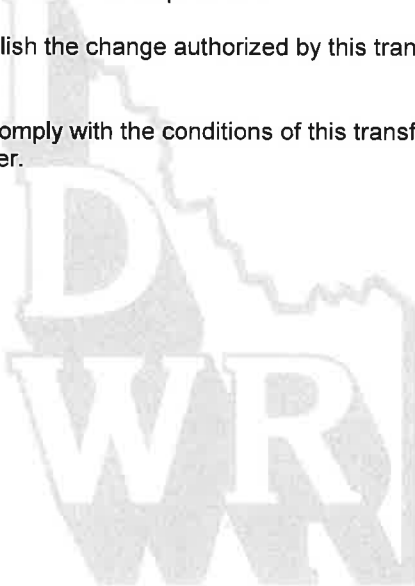
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
2. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
3. This right when combined with all other rights shall not exceed a combined annual maximum diversion volume of 45.0 af at the field headgate for the place of use.

Transfer No. 84018

WATER RIGHT NO. 63-33371
As Modified by Transfer No. 84018

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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



State of Idaho
Department of Water Resources
Attachment to Transfer of Water Right
63-33371 & 63-34888

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.

01W



- Townships
- PLS Sections
- Quarter Quarters
- Transfer POD
- Transfer POU

0 0.05 0.1 0.2 Miles





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

October 22, 2020

CITY OF MERIDIAN
33 E BROADWAY AVE STE 206
MERIDIAN ID 83642-2619

Re: Transfer No: 84018
Water Right No(s): 63-33371, 63-34888

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,



Anna Kaiser



Nick Miller

Regional Manager

Enclosure

CC:

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

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.

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2020 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.: 84018
Water Right No(s): 63-33371, 63-34888

CITY OF MERIDIAN
33 E BROADWAY AVE STE 206
MERIDIAN ID 83642-2619

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



Anna Kaiser
Water Resource Agent

MEMORANDUM

TO: Transfer No. 84018

FROM: Tyler Smith

DATE: 4/23/2020

RE: Evaluation of Application

Summary of Information Submitted

The City of Meridian recently acquired Fuller Park located in western Ada County. The City filed transfer no. 84018 to add a point of diversion and change ownership of water rights 63-33370 & 63-33371 covering the irrigation of the park. Water right no. 63-33370 was split prior to transfer processing. The applicant's split portion is now numbered 63-34888. The proposed changes will be applied to the new split portion.

The water rights are supplemental to irrigation provided by Nampa & Meridian Irrigation District, and the new point of diversion will be a new well drilled within the park.

Lori Graves of SPF Water Engineering is the representative for the transfer. Ms. Graves can be reached at 208-383-4140 or lgraves@spfwater.com

Authority to File

The application was filed in the name of City of Meridian, and included a grant deed proving ownership of the place of use. The application was signed by Rachel Myers, Administrative Assistant II for the City of Meridian, who has authority to sign on behalf of the city.

Water Right Validity

The rights are presumed to be valid since 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 it is an IDWR product available to other staff.

Injury to Other Water Rights

None anticipated. The opportunity to claim injury will be presented to water users through public advertisement.

Enlargement of Use

The rights being transferred are supplemental to surface water, and enlargement is not a concern.

Local Public Interest

No information has been made available to suggest a conflict with 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.

Summary

Assuming other information not yet discovered does not contradict the above analysis, the application can be approved as reflected by the draft approval.

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
263978	0004638037	The following application(s) have been filed to app	TRANSFER NO. 84018	\$286.18	2	8.78 In

Attention: Kensie Thorneycroft

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

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

63-34880
LESLIEANN SCHWEIGER
GREGORY SCHWEIGER
9930 NEARPOINT DR
ANCHORAGE, AK 99507-1207
(2) Point of Diversion NESW S8 T05N R01W ADA County Source
GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Use: IRRIGATION 03/01 to 11/15 0.18 CFS
Total Diversion: 0.22 CFS
Date Filed: 04-06-2020
Place Of Use: DOMESTIC, IRRIGATION
T05N R01W S8 NESW
Total Acres: 9
Water bearing zone to be appropriated is from 450 to 650 feet.
Domestic use is for one home in Colton Ranch Subdivision Lot 8 & 9 Block 1.

63-34883
CITY OF MERIDIAN
33 E BROADWAY AVE STE 206
MERIDIAN, ID 83642-2619
Point of Diversion SENW S10 T03N R01W ADA County Source
GROUND WATER
Use: AESTHETIC STORAGE 01/01 to 12/31 158.5 AF
Use: RECREATION STORAGE 01/01 to 12/31 158.5 AF
Use: IRRIGATION 03/01 to 11/15 0.15 CFS
Total Diversion: 0.15 CFS, 158.5 AF
Date Filed: 04-08-2020
Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE
T03N R01W S10 SWNE, SENW
Place Of Use: IRRIGATION
T03N R01W S10 NWNE, SWNE, SENW
Total Acres: 14 within a 23 acre permissible place of use
Water bearing zone to be appropriated is from 50 to 250 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84018

CITY OF MERIDIAN, 33 E BROADWAY AVE STE 206, MERIDIAN, ID 83642-2619 has filed Application No. 84018 for changes to the following water rights within ADA County(s): Right No(s). 63-33371, 63-34888; 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 City of Meridian recently acquired Fuller Park located in western Ada County. The City filed transfer no. 84018 to add a point of diversion and change ownership of water rights covering the irrigation of the park. The water rights are supplemental to irrigation provided by Nampa & Meridian Irrigation District, and the new point of diversion will be a new well drilled within the park. Water bearing zone to be appropriated is 50 to 250 feet.

PROPOSED AMENDMENT OF WATER PERMIT 2-10516

124 DEGREES LLC, 2900 NICHOLS ST, SAN DIEGO, CA 92106-3425 filed an application to amend permit no. 2-10516 on 03-23-2020 to amend a water permit no. 2-10516 with a 2016 priority from the Snake River totaling 16.2 cfs/4324.9 AFA for wildlife and recreational use. The permit provides wildlife/recreation and wildlife/recreation storage water for property located approx. 1.5 miles southeast of Hammett, ID on Schoffs Island. The applicant proposes to amend the permit to add a point of diversion across from the island, decrease the place of use on the island and move those acres to land north of the island, decrease

VICTORIA RODELA, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 05/07/2020

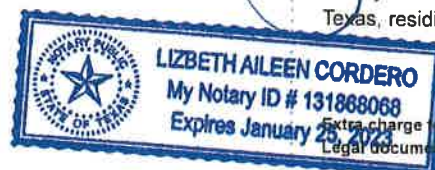
Ending issue of: 05/14/2020

V Rodela

(Legals Clerk)

On this 14th day of May in the year of 2020 before me, a Notary Public, personally appeared before me Victoria Rodela known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits. Legal document please do not destroy!

the period of use to seasonal, and decrease the volume of water. 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), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application 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 5/26/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/7/2020 and 5/14/2020

0004638037-01