



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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**BRAD LITTLE**  
Governor

**GARY SPACKMAN**  
Director

May 29, 2020

WEST ADA SCHOOL DISTRICT  
1303 E CENTRAL DR  
MERIDIAN, ID 83642-7991

SETTLERS IRRIGATION DISTRICT  
C/O S. BRYCE FARRIS  
SAWTOOTH LAW OFFICES PLLC  
1101 W RIVER ST STE 110  
PO BOX 7985  
BOISE ID 83707-7985

**RE: Application for Permit 63-34653 (West Ada School District)**

Dear Parties:

The Department has prepared the attached draft permit approval that incorporates standard conditions required by the Department, including conditions reflecting the settlement reached between West Ada School District (Applicant) and Settlers Irrigation District (Protestant) in this contested matter. Note, the conditions of approval agreed to by the parties are similar in language and intent to standard Department conditions. The Department has included standard conditions in place of the stipulated conditions on the attached draft approval.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your settlement, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. Note that you may file a petition for reconsideration within 14 days after the Department issues a preliminary order approving the permit.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nick Miller', is written over a blue horizontal line.

Nick Miller  
Regional Manager

Enclosure

Cc: SPF Water Engineering

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 63-34653

DRAFT

**Priority:** December 20, 2018

**Maximum Diversion Rate:** 0.22 CFS

This is to certify that

WEST ADA SCHOOL DISTRICT C/O SPENCER MCLEAN  
1303 E CENTRAL DR MERIDIAN ID 83642-7991

has applied for a permit to appropriate water from:

**Source :** GROUND WATER

and a permit is APPROVED for development of water as follows:

**Beneficial Use**

IRRIGATION

**Period of Use**

03/01 to 11/15

**Rate of Diversion**

0.22 CFS

**Location of Point(s) of Diversion**

GROUND WATER SW¼ NW¼, Sec. 27, Twp 04N, Rge 01W, B.M. ADA County

**Place of Use:** 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	
04N	01W	27							5.0			4.0							9.0

Right Acre Limit: 3.7

Total Acres: 9.0

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2025**.
2. Subject to all prior water rights.
3. This right is limited to the irrigation of 3.7 acres within the authorized place of use in a single irrigation season.
4. The diversion rate for this right shall not exceed 0.22 cfs. Provided further, this right when combined with all other rights shall provide no more than 0.02 cfs, per acre when averaged over a twenty-four hour period based upon the amount of water applied over such twenty-four hour period. However, should the lands authorized to be irrigated under this right ever cease to be irrigated for public turf grass recognized by the Department as allowing more than one inch per acre, then 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.
5. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 16.7 af at the field headgate for the place of use.
7. 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

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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.

8. To prevent injury to prior water rights appropriating water from the underlying shallow aquifer, the well used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
9. Water bearing zone to be appropriated is 200 to 300 feet.
10. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
11. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
12. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

DRAFT

\_\_\_\_\_  
NICK MILLER  
Western Regional Manager

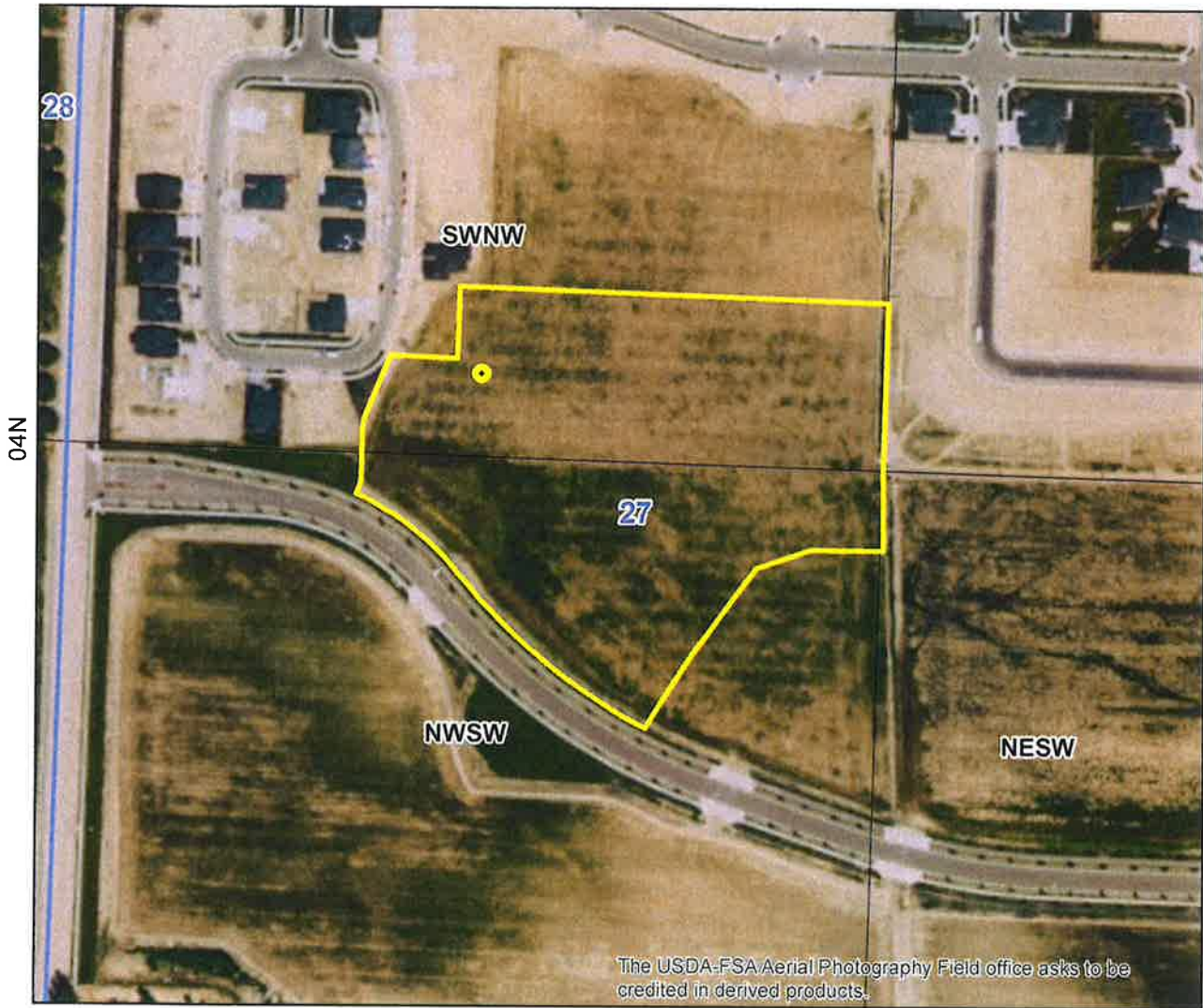
# Attachment to Permit to Appropriate Water






63-34653

DRAFT

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



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

0 0.035 0.07 0.14 Miles

