

RECEIVED

DEC 30 2019


DEPARTMENT OF
WATER RESOURCES

**APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT**

Section 42-222(4), Idaho Code, provides that a water right holder may apply to protect a valid water right from forfeiture. Upon a showing of reasonable cause, the Director may grant one (1) extension of five (5) years in which to resume use.

1. Water Right No. 63-12470 (one right per application)
☒ Attach a copy of the water right record, available at <http://www.idwr.idaho.gov>, *Water Right Transfers, Step 1*, or by contacting any Department office.
2. Applicant City of Boise Phone 208-384-3920
3. Are you the current water right holder of record? Yes ☒ No ☐
☐ If no, provide documentation of your authority to sign on behalf of the right holder -- OR -- attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee.
4. Mailing address ☒ Same as water right record -- OR -- complete the following information:
Address _____ City _____
State _____ Zip code _____ Email _____
5. Give the last date water was beneficially used Acres have been protected since 2015
6. Explain your reasons for non-use of the water right and your reasons for requesting an extension of time.
Attach additional documentation if needed.
See attached explanation/summary

The information contained in this application is true to the best of my knowledge.

 Signature of applicant or authorized agent	<u>Stephan Burger Public Works Director</u> Print name (and title, if applicable)	<u>12/12/19</u> Date
_____ Signature of applicant or authorized agent	_____ Print name (and title, if applicable)	_____ Date

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water *on or before* _____

Signed this _____ day of _____, 20_____. Title: _____

Stamped received ☒ Fee received by KM Date 12-30-19 Receipt # C108174

IDAHO Department of Water Resources



WATER RIGHT REPORT

12/9/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 63-12470

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF BOISE PUBLIC WORKS DEPT 150 N CAPITOL BLVD PO BOX 500 BOISE, ID 83701-0500 2083843920

Priority Date: 09/09/1998

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	7.32 CFS	1647 AFA
Total Diversion			7.32 CFS	1647 AFA

Location of Point(s) of Diversion:

GROUND WATER	SESW	Sec. 23	Township 01N	Range 01E	ADA County
GROUND WATER	SWSW	Sec. 24	Township 01N	Range 01E	ADA County
GROUND WATER	SESW	Sec. 25	Township 01N	Range 01E	ADA County
GROUND WATER	SESW	Sec. 25	Township 01N	Range 01E	ADA County
GROUND WATER	NWSE	Sec. 25	Township 01N	Range 01E	ADA County
GROUND WATER	NWSW	Sec. 27	Township 01N	Range 01E	ADA County
GROUND WATER	NENE	Sec. 33	Township 01N	Range 01E	ADA County
GROUND WATER	SWNE	Sec. 34	Township 01N	Range 01E	ADA County
GROUND WATER	NWNW	Sec. 34	Township 01N	Range 01E	ADA County
GROUND WATER	NENW	Sec. 35	Township 01N	Range 01E	ADA County

GROUND WATER|NWNW|Sec. 35|Township 01N|Range 01E|ADA County

GROUND WATER|NENE|Sec. 36|Township 01N|Range 01E|ADA County

IRRIGATION Use:

Acre Limit: 366

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
01N	01E	23		NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
		24		NESW	40		NWSW	40		SWSW	40		SESW	40
				NENE	40		NWNE	40		SWNE	40		SENE	40
		25		NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
		26		NESE	40		NWSE	40		SWSE	40		SESE	15
				NENE	40		NWNE	40		SWNE	40		SENE	40
		27		NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
		33		NESE	40		NWSE	40		SWSE	40		SESE	40
				NENE	40		NWNE	40		SWNE	40		SENE	40
		34		NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
		35		NESE	40		NWSE	40		SWSE	40		SESE	40
				NENE	40		NWNE	40		SWNE	40		SENE	40
		36		NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
		36		NESE	40		NWSE	40		SWSE	40		SESE	40
				NENE	32		NWNE	38		SWNE	4		SENE	28
		36		NENW	40		NWNW	40		SWNW	18		SENE	28
				NESW	40		NWSW	40		SWSW	18		SESW	10

Total Acres: 4225

Conditions of Approval:

1. X27 This right is limited to the irrigation of 366 acres within the place of use described above in a single irrigation season.
2. X35 Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
3. X35 Rights 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 60.87 cfs, and a total annual maximum diversion volume of 16,808.1 af for the irrigation of 3,646 acres, industrial, stockwater and domestic uses.
4. 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.
5. 170 To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes. Use Changed Mitigation Mitigation Mitigation Right No. to Mitigation Rate (cfs) Volume (AF) Acres 2-2268B Irrigation 9.8 2317.6 579 The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2NE, N 1/2SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.
6. 01M 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.
7. Water bearing zone to be appropriated is 300 to 600 feet.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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.
10. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 01/31/2011

Permit Proof Due Date: 5/1/2010

Permit Proof Made Date: 4/20/2010

Permit Approved Date: 9/21/2009

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/09/1998

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre:

Combined Acres Limit: 3653

Combined Volume Limit: 16817.6

Combined Rate Limit: 60.87

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

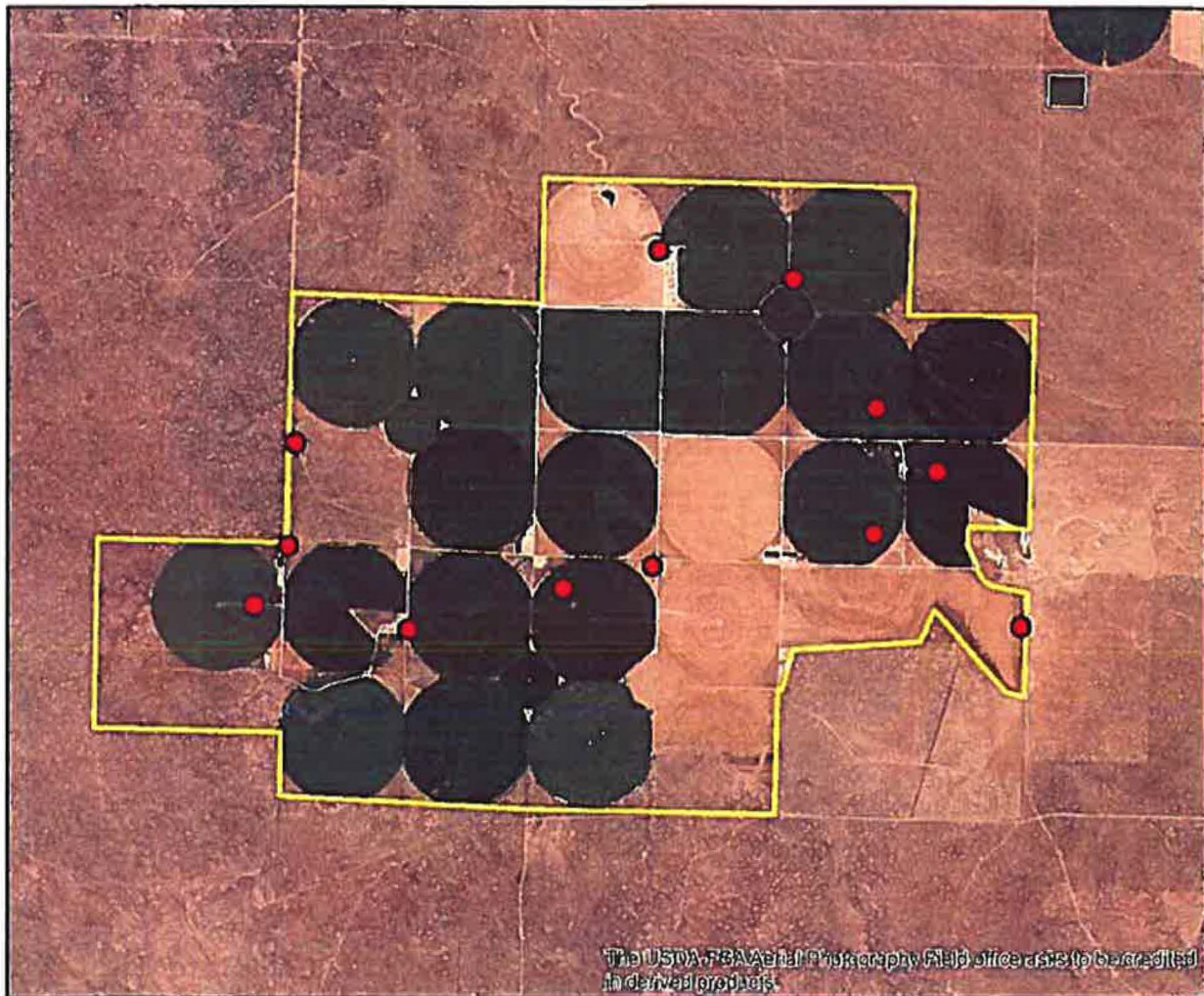
Mitigation Plan: False

State of Idaho
Department of Water Resources

Attachment to Application for Transfer No. 80626

Water Rights No. 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A,
63-7055C, 63-7055D, 63-7064B, 63-7078B, 63-7064A, 63-7755B, 63-8130B,
63-8435, 63-9243, 63-9359, 63-12461, 63-12470

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



Legend

- Transfer POD
- Transfer POU
- Township/Range
- Sections

0 0.5 1 2 Miles



Legend

- TMSF Irrigation - 3463 acres
- Twenty Mile South Farm Irrigation ppu

The City has 19 water rights that authorize 3,646 acres irrigation within a 4,225-acre ppu. As shown, irrigation is planned for 3,463 acres during the 2020-2025 irrigation seasons. Of the remaining 183 acres currently not being irrigated, 132 are proposed for protection under a lease renewal application and 51 acres are proposed for protection under an extension from forfeiture application.



Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 12, 2020 9:12 AM
To: 'legals@idahostatesman.com'
Subject: Legal Notice for your Paper
Attachments: Extension of Time Legal Notice_63-12470.docx

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before April 6, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

CITY OF BOISE, PUBLIC WORKS DEPT., PO BOX 500, BOISE ID 83701, has filed an Extension of Time to Avoid Forfeiture for water right 63-12470, with a priority date of 09/09/1998 from groundwater in the amount of 7.32 cfs, 1647 af, and 366 acres of irrigation. The right was decreed on 01/31/2011. The extension is requested to avoid the loss of 51 acres that the present diverting works are unable to irrigate. The right serves a portion of Twenty Mile Farm near the intersection of Cloverdale Rd and Nicholson Rd in Kuna, ID.

For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right, please see <http://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 the proposed application must be filed with the director, Dept. Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID, 83720 together with a protest fee of \$25.00 for each application on or before 4/6/2020. The protestant must also send a copy of the protest to the applicant.

Gary Spackman, Director

Published 3/19/2020 and 3/26/2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 12, 2020

CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE ID 83701-0500

RE: Extension of Time to Avoid Forfeiture of a Water Right 63-12470

Dear Applicant(s):

The Department of Water Resources has received your Extension of Time to Avoid Forfeiture application. Please refer to the water right 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 03/19/2020 AND 03/26/2020. 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 at (208) 287-4800 if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist



SPF WATER
ENGINEERING

December 23, 2019

RECEIVED
DEC 30 2019
DEPARTMENT OF
WATER RESOURCES

Justin Ferguson
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Water Bank Lease Renewal – 63-7755B*
Resumption of Beneficial Use Notice – 63-7755B
Extension of Time to Avoid Forfeiture – 63-12470

Dear Justin,

On behalf of the City of Boise, enclosed is an application package including a *Water Bank Lease Renewal* for Contract No. 391, *Resumption of Beneficial Use Notice* involving water right 63-7755B and an *Extension of Time to Avoid Forfeiture* for water right 63-12470. With the applications is an explanation that clarifies the relationship and purpose of the three water right actions.

Check No. 014831 for \$350 is enclosed for the water bank lease (\$250) and forfeiture extension (\$100). Please let me know if there are any questions. Thanks Justin.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: John Roldan, Boise City

Enclosures

SPF file numbers: 389.0980

Explanation/Summary

Nineteen ground water rights authorize irrigation use at the City's Twenty-Mile South (TMS) Farm. When combined, the water right authorize irrigation of 3646 acres within a 4225-acre permissible place of use (ppu). The water rights each have an acre limit and are not considered stacked. Water right 63-7755B was the chosen water right used for Lease Contract 391 and remains the chosen water right for the lease contract renewal application described below.

In 2015, total authorized irrigation under the 19 rights was 3,653 acres and only 3440 were being irrigated. Consequently, 150 acres were leased to the Water Supply Bank for 5 years under Contract No. 391 set to expire December 31, 2019 and 63 acres the City planned to bring into production within 5 years were protected under an Extension of Time to Avoid Forfeiture set to expire July 1, 2020. As a result, 213 acres have been protected since 2015.

In January 2017, the Department approved transfer no. 80626, allowing a 4225-acre permissible place of use for irrigation of 3,653 combined acres under the 19 water rights. In July 2017, transfer no. 81638 was then approved allowing 7 of the 3,653 acres to be permanently retired from irrigation and used for the City's new compost facility. As a result, 3,646 acres are now authorized for irrigation within the 4,225-acre ppu.

Based on irrigation data provided by the farm manager as shown on the attached GIS photo map and listed in the attached table, 3,463 acres of the 3,646 authorized acres will be irrigated at TMS Farm during the 2020-2025 irrigation seasons. For continued protection of the remaining 183 authorized acres, enclosed are the following:

1. *Resumption of Beneficial Use Notice* for the 63 acres under water right 63-7755B protected under the Extension of Time to Avoid Forfeiture approved in 2015 set to expire July, 2020.
2. *Extension of Time to Avoid Forfeiture* for 51 acres currently not being irrigated that the City plans to develop within the next 2 years. Water right 63-12470 was chosen for this action.
3. *Water Supply Bank Lease Application* requesting lease renewal for the remaining 132 acres currently not being irrigated that the City would like to protect for another 5 years. The water right allows irrigation of 279 acres within the authorized ppu, of which 147 acres will continue to be irrigated.