

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82807**

This is to certify that: CITY OF PARMA
305 N 3RD ST
PARMA, ID 83660

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>
63-9700	WR/DECREED	3/21/1990	2.200 cfs	N/A	N/A	N/A	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>
63-9700	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>
63-9700	63-9700	2.200 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.200 cfs	N/A	N/A	N/A		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 4th day of SEPTEMBER, 2019.


ANGELA GRIMM, Water Rights Section Manager

WATER RIGHT NO. 63-9700

As Modified by Transfer No. 82807

In accordance with the approval of Transfer No. 82807, Water Right No. 63-9700 is now described as follows:

Right Holder: CITY OF PARMA
305 N 3RD ST
PARMA, ID 83660

Priority Date: 3/21/1990

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

1/01

To

to 12/31

Diversion Rate

2.200 cfs

2.200 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENW

Sec 9 Twp 05N Rge 05W CANYON County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Parma municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 82807. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
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. 63-9700

As Modified by Transfer No. 82807

CONDITIONS OF APPROVAL

8. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

September 10, 2019

CITY OF PARMA
305 N 3RD ST
PARMA ID 83660

Re: Transfer No: 82807
Water Right No(s): 63-9700

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) 287-4800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Angela M. Grimm". The signature is fluid and cursive, with a long horizontal stroke at the end.

Angela M. Grimm
Water Rights Section Manager

Enclosure

CC:

TO ENGINEERS
332 N BROADMORE WAY
NAMPA ID 83687-5330

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2019 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.: 82807
Water Right No(s): 63-9700**

**CITY OF PARMA
305 N 3RD ST
PARMA ID 83660**

**TO ENGINEERS
332 N BROADMORE WAY
NAMPA ID 83687-5330**

A handwritten signature in blue ink, reading "Darla Block", is written over a horizontal line. The signature is fluid and cursive.

**Darla Block
Technical Records Specialist 1**

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.

Webster, Clay

From: Howell, Levi <lhowell@to-engineers.com>
Sent: Tuesday, August 27, 2019 3:39 PM
To: Webster, Clay
Cc: Zach Trillhaase (parmapw@cableone.net); Ketterling, Kasey
Subject: RE: Parma Well #13 Water Right Split

Clay,

I talked with Parma's public works and the park was historically irrigated with shares pulled from an unnamed drain in the farmer's cooperative Ditch Co area. Parma stopped using those shares because they cannot call for delivery and therefore it was an unreliable source.

Please let me know if you need anything else.

Thank you,
Levi Howell

LEVI HOWELL, PE | *Project Engineer*



T-O ENGINEERS

332 N. Broadmore Way | Nampa, Idaho 83687

O 208.442.6300

www.to-engineers.com



From: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Sent: Monday, August 26, 2019 7:44 AM
To: Howell, Levi <lhowell@to-engineers.com>
Cc: Zach Trillhaase (parmapw@cableone.net) <parmapw@cableone.net>; Ketterling, Kasey <kketterling@to-engineers.com>
Subject: RE: Parma Well #13 Water Right Split

Levi,

I appreciate the map and clarification of the irrigation system. During my review, I noticed that the park falls within the service area of the Farmer's Cooperative Ditch Co (Farmers). Do you know if this park has been historically irrigated with shares from Farmers?

Thanks,
Clay

From: Howell, Levi [<mailto:lhowell@to-engineers.com>]
Sent: Monday, August 05, 2019 4:07 PM
To: Webster, Clay <Clay.Webster@idwr.idaho.gov>
Cc: Zach Trillhaase (parmapw@cableone.net) <parmapw@cableone.net>; Ketterling, Kasey <kketterling@to-engineers.com>
Subject: Parma Well #13 Water Right Split

Clay,

Thank you for talking with me this afternoon. As discussed, the application that was submitted on October 15, 2018 intended to split 2.2 CFS off of the well 7 water right and allocate it to the new well 13 for irrigation purposes. At this time well 13 is only intended for irrigation of a city park and is not hooked up to the city water system. Attached is a map of the distribution system that shows the location of well 13.

Please let me know if you need any additional information to process the application.

Thank you,
Levi Howell

LEVI HOWELL, PE | *Project Engineer*



T-O ENGINEERS

332 N. Broadmore Way | Nampa, Idaho 83687

☎ 208.442.6300

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MEMORANDUM

Date: August 26, 2019

To: Transfer 82807

From: Clay Webster

Re: Review & Evaluation of Sufficiency of Information

The department received this application from Mathew Graham of T-O Engineers for the City of Parma on October 15, 2018. The application was received with insufficient fees. The remainder of the fees were received by the Western Region Office on October 29, 2018. A letter requesting clarification of information was sent to The City of Parma and copied to TO Engineers 11/27/2018 with no response. Follow-up via e-mail on 8/1/2019 initiated contact with the applicant's engineer.

This application proposes move water right (63-9700) off of well 7 to irrigate a city park. By definition, this use is authorized under the Municipal Use. This will move the point of diversion (designated as well # 13) to **SENW of S9, T05N, R05W in Canyon County**. This well is proposed to irrigate the park adjacent to City Hall, and according to correspondence with Levi Howell of TO Engineers will be under it's own diversion system and not tied to the other rights.

The City of Parma has six water rights and a permit (63-3103, 63-7437, 63-9152, 63-9700, 63-10258, 63-21552 and 63-32221) that share the Large Place of Use (POU). Water right 63-9700 has no combined limits with the other rights. This right falls within the POU of the Farmer's Cooperative Ditch Co.

The Current POD for this water right is shared between two water rights (63-9700 and 63-21552) for City of Parma Municipal Use. The City also has a permit (63-32221) which identifies well # 13 to be drilled in SESW of S4, T05N, R05W, this will have to addressed at the time of licensing 63-32221.

Authority to File:

This application was signed by Zach Trillhaase, the Public Works Supervisor for the City of Parma and submitted by Mathew Graham, the City Engineer (TO Engineers). The city owns a parcel of land where the new well is proposed to be drilled.

Water Right Validity:

63-9700 was decreed in the SRBA in April of 2009. Municipal water rights are presumed valid. With no evidence contrary to this presumption, there are no concerns of forfeiture.

Injury to Other Water Rights:

This transfer proposes to drill a new well to provide 2.2 cfs in the same legal description as the current point of diversion located in **SENW of S9, T05N, R05W**. This location is outside of the basin 63 Ground Water Restricted Area. No injury is anticipated.

Enlargement of Use:

This transfer proposal will not authorize additional overall diversion of water nor any increase in beneficial use from the current water right. Review of aerial imagery shows that the park area has been irrigated prior to this transfer application. Since this park falls within the service area of the Farmer's Cooperative Ditch Co. the transfer will be approved with condition stating that the right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of water except when surface water rights are not available for use.

Local Public Interest:

There are no apparent issues identified.

Beneficial Use/Conservation of Water Resources:

This proposed transfer will not change the authorized beneficial use under this right. The transfer appears consistent with the conservation of water resources in Idaho.

Effect on Economy the Local Area:

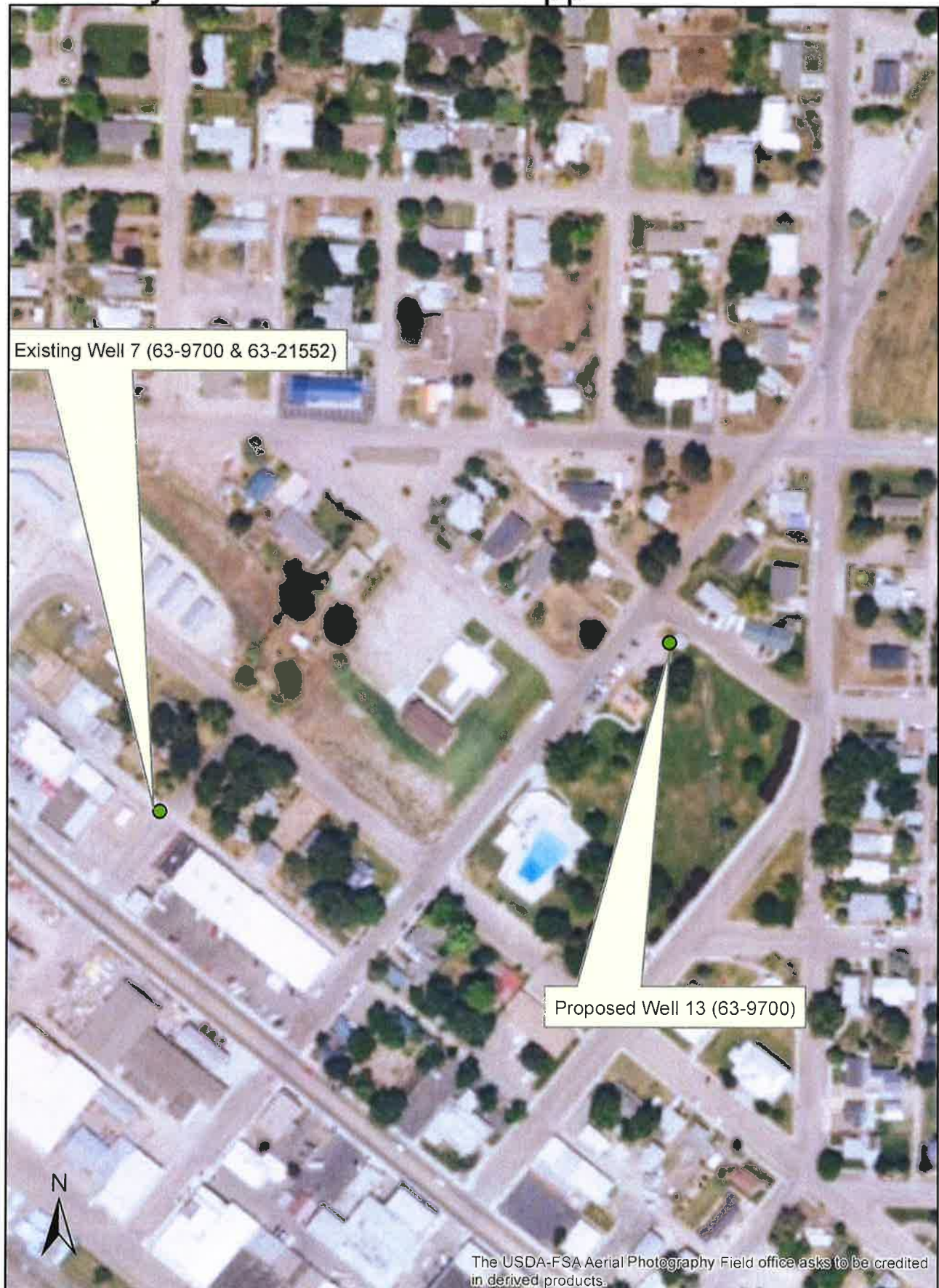
No effects are anticipated.

Effect on Agricultural Base of the Local Area:

This application will have no effect.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

City of Parma Transfer Application 82807



MEMORANDUM

Date: August 20, 2019
To: Transfer 82807
From: Clay Webster
Re: Legal Notice Not Required

Legal Notice Not Required
8/20/2019

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