

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83341**

This is to certify that: CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL, ID 83605

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>
63-7900	WR/DECREED	12/4/1973	0.740 cfs	166.5 af	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>
63-7900	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>
63-7900	63-7900	0.740 cfs	166.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.740 cfs	166.5 af	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 10th day of July, 2019.


Chief, Water Allocation Bureau

WATER RIGHT NO. 63-7900

As Modified by Transfer No. 83341

In accordance with the approval of Transfer No. 83341, Water Right No. 63-7900 is now described as follows:

Right Holder: CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL, ID 83605

Priority Date: 12/4/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	03/01	to 11/01	0.740 cfs	166.5 af
			0.740 cfs	166.5 af

LOCATION OF POINT(S) OF DIVERSION

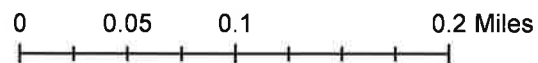
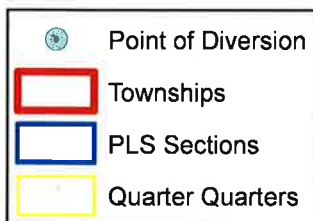
GROUND WATER	SWNW	Sec 27 Twp 04N Rge 03W CANYON County
GROUND WATER	SWNW	Sec 27 Twp 04N Rge 03W CANYON County

CONDITIONS OF APPROVAL

1. Municipal use is for the irrigation of the Fairview Golf Course.
2. Place of use is within the service area of the City of Caldwell municipal water supply system as provided for under Idaho Law.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. 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
Attachment to Transfer No. 83341
Water Right(s): 63-7900

This map depicts the IRRIGATION point of diversion for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



RECEIVED

JUN 06 2019

**WATER RESOURCES
WESTERN REGION**

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

Please direct all inquiries to Ed Squires at (208) 631-6781.

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☐ Transfer is for changes pursuant to Idaho Code § 42-221.0.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** City of Caldwell Fairview Golf Course Phone (208) 455-3006

2. **MAILING ADDRESS** 621 Cleveland Boulevard (Attention: Brent Orton) City Caldwell
State ID Zip 83605 Email Please contact Ed Squires at hli@hydrologicinc.net

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-7900

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.74 cubic feet per second and/or 166.5 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

6. 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 #1 (backup well) inside of a locked pump house pumps water through a flow meter directly into the Fairview Golf Course irrigation system. Well #2 will be plumbed to same irrigation system. (No available map or plan.)

- b. Who owns the property at the point(s) of diversion? City of Caldwell

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Brent Orton, Public Works Director
Print name and title if applicable

5-21-2019
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes pages of attachments.

Received by as

Date 06/06/19

Fee paid \$500⁰⁰ Date 06/06/19

Received by as

Receipt # W047465

Preliminary review by

Date

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Aerial Well Location Map of New POD Caldwell Fairview Golf Course Well #2

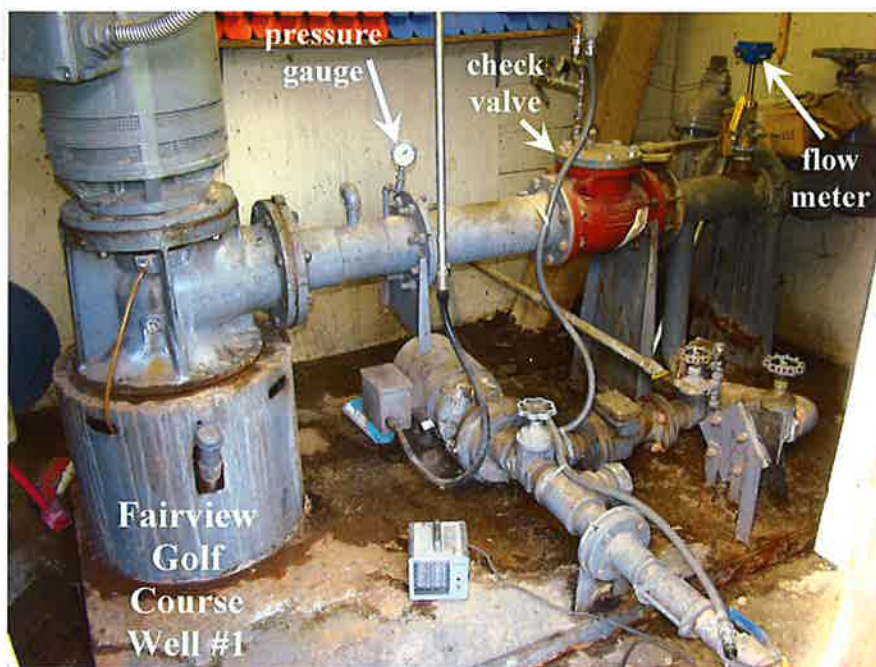
T. 4 N., R. 3 W., Section 27, SW $\frac{1}{4}$, NW $\frac{1}{4}$



Photos of Proposed Fairview Golf Course Well #1 Site



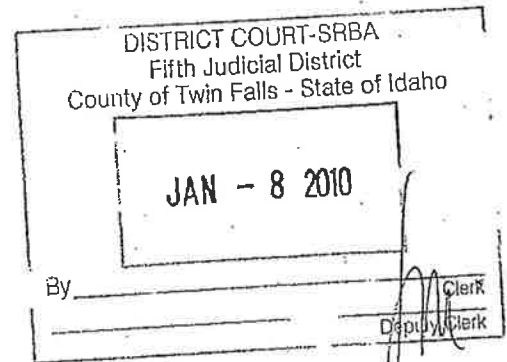
Photos of existing Fairview GC Well #1 pumphouse with flow meter that supplies water to irrigate the golf course.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-07900



NAME AND ADDRESS: CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL, ID 83605

SOURCE: GROUND WATER

QUANTITY: 0.74 CFS
166.50 AFY

PRIORITY DATE: 12/04/1973

POINT OF DIVERSION: T04N R03W S27 SWNW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	03-01 TO 11-01	0.74 CFS 166.50 AFY

PLACE OF USE:
Place of use is within the service area of Caldwell as provided for under Idaho law. The place of use is generally described as within the city limits of Caldwell and the surrounding service area.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7900 Priority December 4, 1973 Amount .74 cfs

THIS IS TO CERTIFY, that CITY OF CALDWELL
of Caldwell; Idaho, has complied with the terms and conditions of Permit
No. 63-7900 issued pursuant to Application for Permit dated December 4, 1973,
and has submitted proof to the Department of Water Resources on December 27, 1978,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.34 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 1</u> to <u>November 1</u> at <u>74</u> cfs and <u>166.5</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than .74 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
166.5 acre feet per year, said waters to be diverted within the SW 1/4, Sec. 27, Twp. 4N,
Rge. 3W, B.M. in the County of Canyon

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	3W	27							3	7									22
		28	9																15

Total number of acres irrigated 37

This right when combined with all other rights shall provide no more than .02 cfs
per acre nor more than 4.5 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of
June, 19 81.

WITNESSED AND
SEALED

Director



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

July 10, 2019

CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL ID 83605

Re: Transfer No.: 83341
Water Right No: 63-7900

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights 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

For Nick Miller
Regional Manager

Enclosure

CC:

HYDRO LOGIC INC
ATTN: ED SQUIRES
102 S 17TH ST STE 201
BOISE ID 83702-5177

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 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.: 83341
Water Right No(s): 63-7900

CITY OF CALDWELL
621 CLEVELAND BLVD
CALDWELL ID 83605

HYDRO LOGIC INC
ATTN: ED SQUIRES
102 S 17TH ST STE 201
BOISE ID 83702-5177



Anna Kaiser
Administrative Assistant

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.

MEMORANDUM

TO: Transfer No. 83341 – City of Caldwell

FROM: Allen Bradbury

DATE: 06/19/2019

RE: Evaluation of Application

Summary of Application Proposal

Narrative: This transfer proposes to add 1 new point of diversion for a municipal ground water right. The ground water right currently allows for the diversion of 0.740 cfs with a volume of 166.5 AF. Well #1 (backup well) is inside of a locked pump house which pumps water through a flow meter directly into the Fairview Golf Course irrigation system. The new well, call #2, will be plumbed in to the same irrigation system. The new well is within immediate proximity of the existing well.

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.

Location of Application Proposal: The place of use overlay's the City of Caldwell, Idaho's municipal area. The new point of diversion is located on the City of Caldwell's Fairview Golf Course near Grant Street and S. 10th Avenue in Caldwell in Canyon County. The address is 816 Grant Street Caldwell, Idaho 83605. Parcel no. R0146000000.

Summary of Information Submitted

Authority to File: This transfer application was submitted for the City of Caldwell and signed by Brent Orton, Public Works Director. This was confirmed by the City of Caldwell webpage for appointed officials at <https://www.cityofcaldwell.org/your-government/elected-appointed-officials/appointed-officials>. The applicant is the owner of water right no. 63-7900.

Water Right Validity/Historical Beneficial Use: The decree for water right no. 63-9918 was issued on 01/08/2010. According to www.idahogolf.com, the Fairview Golf Course opened in 1935. Aerial imagery from IDWR indicate that it has been continually irrigated over the last twenty years. Since evidence exists that shows irrigation occurring on the applicant's property within the last five years, the water right is presumed to be valid at the time of this application.

Overlap Analysis: The Fairview Golf Course falls within the large POU for water right 63-7900. Additional overlapping rights include both surface water and groundwater irrigation rights within the delivery area for Pioneer Irrigation District and municipal groundwater rights for the City of Caldwell. Water right 63-7900 is the only municipal right recognized at the POD. No other rights were considered.

Injury to Other Water Rights: The proposed point of diversion is to a new well. The proposed depth and diameter of the new well were not provided in the application. No information was found on the existing well. Well data from the Department's GIS well layer only show wells in adjacent Q-Q's. There is no apparent injury since the historical use of the water will not change.

Enlargement of Use: None anticipated since the new well is an additional point of diversion. It is not considered an improvement to the source. The right is still limited to the maximum rate of 0.74 cfs and the volume limit of 166.5 af.

Local Public Interest: No issues were identified. It is within the local public interest to allow municipalities to use their water rights to the fullest extent which in turn benefits the public at large.

Beneficial Use/Conservation of Water Resources: The proposed use is municipal which is recognized as a beneficial use of water and consistent with conservation of water resources in Idaho.

Summary of Application Approval / Denial

The application is consistent with criteria of I. C. § 42-222 and should be processed. Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.