

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82874**

This is to certify that: **INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
8169 W VICTORY RD
BOISE, ID 83709**

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>
63-2768	WR/DECREED	5/5/1949	0.240 cfs	26.0 af	N/A	6.5	GROUND WATER
63-5325	WR/DECREED	12/31/1958	0.100 cfs	16.0 af	4.0	4.0	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>
63-2768	YES	YES	YES	NO	NO	NO
63-5325	YES	YES	YES	NO	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>
63-2768	63-34684	0.040 cfs	4.0 af	1.0	2.0	63-2768	0.200 cfs	22.0 af	N/A	5.5
63-5325	63-34683	0.030 cfs	4.0 af	1.0	2.0	63-5325	0.070 cfs	12.0 af	N/A	3.0
COMBINED TOTALS		0.070 cfs	8.0 af	2.0	2.0		0.270 cfs	34.0 af	N/A	8.5

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 12th day of June, 2019.

SUPPORT DATA

IN FILE # 63-2768


Chief, Water Allocation Bureau

Transfer No. 82874

WATER RIGHT NO. 63-2768**As Modified by Transfer No. 82874**

In accordance with the approval of Transfer No. 82874, Water Right No. 63-2768 is now described as follows:

Right Holder: INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
8169 W VICTORY RD
BOISE, ID 83709

Priority Date: 5/5/1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	0.200 cfs	22.0 af
			0.200 cfs	22.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (NENENW) Sec 4 Twp 04N Rge 02E 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	02E	4					1.7												1.7
							L 3												
04N	02E	33												3.8					3.8

POU Total Acres: 5.5

CONDITIONS OF APPROVAL

1. Point of diversion and place of use is located within Lowell Elementary property.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 5/29/2009.
3. 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.

WATER RIGHT NO. 63-34684
As Modified by Transfer No. 82874

In accordance with the approval of Transfer No. 82874, Water Right No. 63-34684 is now described as follows:

Right Holder: INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
 8169 W VICTORY RD
 BOISE, ID 83709

Priority Date: 5/5/1949

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	0.040 cfs	4.0 af
			0.040 cfs	4.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SWSW) Sec 19 Twp 04N Rge 02E 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	02E	19											2.0						2.0
													L 4						

Right Acre Limit: 1.0

POU Total Acres: 2.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1 acre within the authorized place of use in a single irrigation season.
2. 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.
3. The diversion rate for this right shall not exceed 0.04 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 a school, park, cemetery or golf course 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.

WATER RIGHT NO. 63-34684
As Modified by Transfer No. 82874

CONDITIONS OF APPROVAL

4. 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.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 5/29/2009.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
8. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

WATER RIGHT NO. 63-5325

As Modified by Transfer No. 82874

In accordance with the approval of Transfer No. 82874, Water Right No. 63-5325 is now described as follows:

Right Holder: INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
8169 W VICTORY RD
BOISE, ID 83709

Priority Date: 12/31/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.070 cfs	12.0 af
			0.070 cfs	12.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 29 Twp 04N Rge 02E 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	
04N	02E	29								3.0									3.0

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. Point of diversion and place of use is located within Collister Elementary School property. Parcel No. S06929243605.
2. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
3. 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.

WATER RIGHT NO. 63-34683
As Modified by Transfer No. 82874

In accordance with the approval of Transfer No. 82874, Water Right No. 63-34683 is now described as follows:

Right Holder: INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
 8169 W VICTORY RD
 BOISE, ID 83709

Priority Date: 12/31/1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.030 cfs	4.0 af
			0.030 cfs	4.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (SWSW) Sec 19 Twp 04N Rge 02E 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	02E	19											2.0						2.0
													L 4						

Right Acre Limit: 1.0

POU Total Acres: 2.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 1 acre within the authorized place of use in a single irrigation season.
2. 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.
3. The diversion rate for this right shall not exceed 0.03 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 a school, park, cemetery or golf course 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.

Transfer No. 82874

WATER RIGHT NO. 63-34683

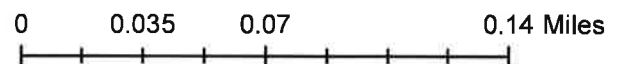
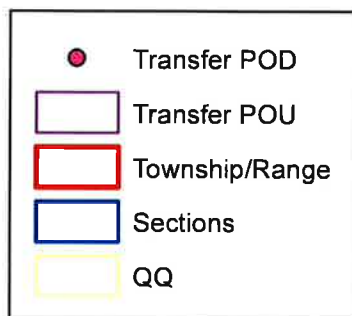
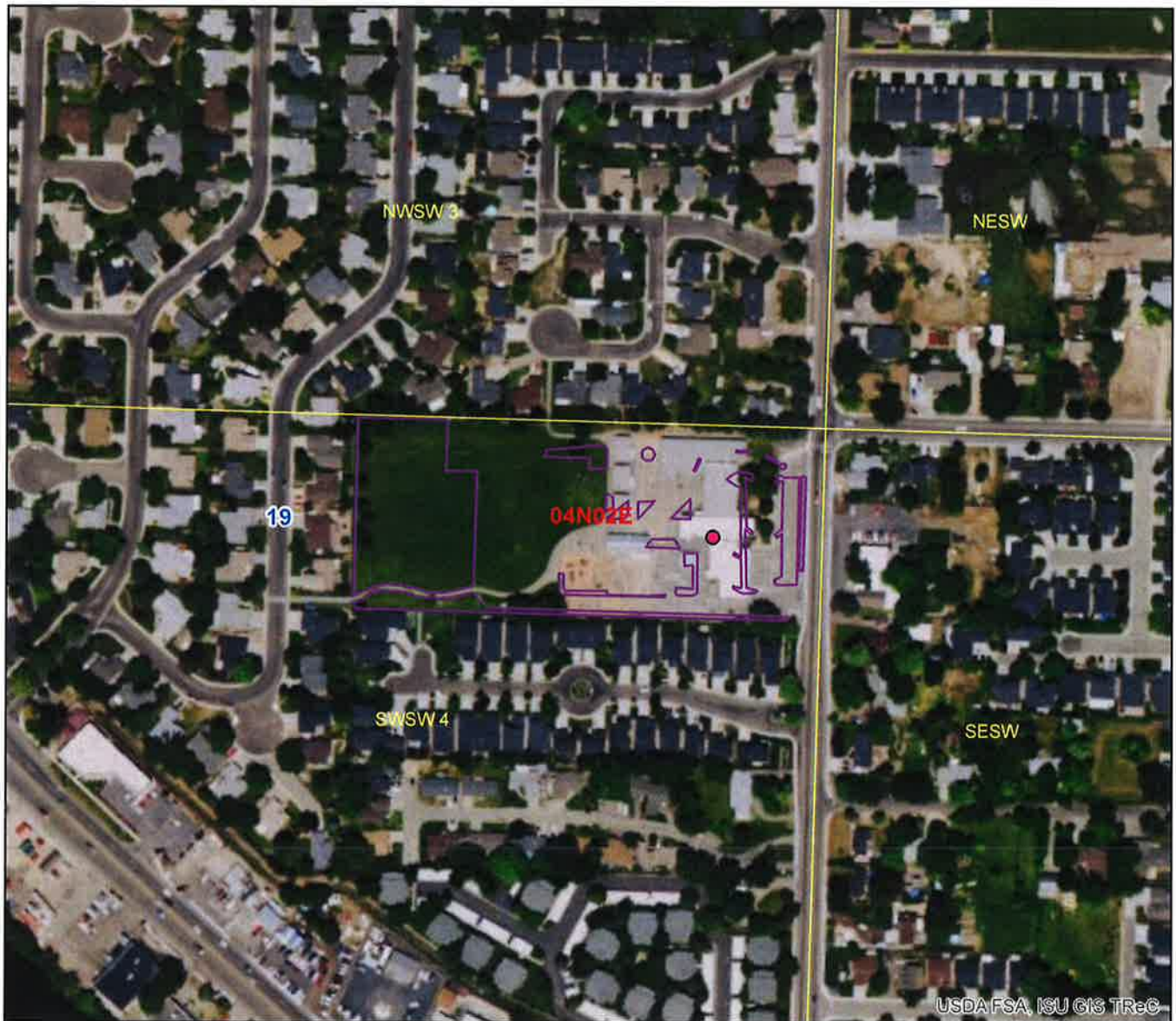
As Modified by Transfer No. 82874

CONDITIONS OF APPROVAL

4. 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.
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 point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
7. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. 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. 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. 82874
Water Right(s): 63-34683 & 63-34684

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.





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

June 12, 2019

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
8169 W VICTORY RD
BOISE ID 83709

Re: Transfer No.: 82874
Water Right Nos: 63-2768 & 63-5325

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:

SPF WATER ENGINEERING LLC

C/O LORI GRAVES

300 E MALLARD DR STE 350

BOISE ID 83706-6660

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 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.: 82874
Water Right No(s): 63-2768 & 63-5325

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
8169 W VICTORY RD
BOISE ID 83709

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

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

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. 82874 File

FROM: Justin Shearer, Water Resource Agent, Sr.

DATE: 4/18/19

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to transfer shallow ground water from 1 acre under right 63-2768 and 1 acre under right 63-5325 to the Pierce Park School site for supplemental irrigation use from an existing shallow domestic well or if re-located, a new shallow replacement well.

The site is located on the Pierce Park School grounds in Boise, ID at the intersection of Pierce Park Ln and Castle Dr. Lori Graves of SPF Water Engineering has been the acting representative.

Summary of Information Submitted

Authority to File: Nancy Gregory, President and Trustee of Independent School District of Boise City signed the application. Independent School District of Boise is the current owner of water rights 63-2768 and 63-5325.

Water Right Validity:

WR's 63-2768 and 63-5325 are both decreed rights. The rights are not subject to forfeiture as they have been under lease to the water supply bank since January 2015.

Overlap Analysis:

POU Overlap: Proposed POU is within Boise Valley Irrigation Ditch Co. service area and will overlap with proposed POU of Application for Permit 63-34645. Current POU's are within Boise City Canal Co. service area. WR 63-2768 is primary ground water, however, WR 63-5325 is supplemental ground water to Boise City Canal Co. surface water shares.

POD Overlap: Proposed POD will overlap with 63-5231 which has an existing domestic well authorized for supplemental irrigation. No POD overlap exists at current POD's for WR's 63-2768 and 63-5325.

Injury to Other Water Rights:

A reduction in the quantity of water available to other water rights is not anticipated because historic amounts beneficially used by the right holder is not increasing. Additionally, because the groundwater being transferred from WR's 63-2768 and 63-5325 have historically been diverted from wells that predate drilling regulations, it is not likely that they have full length seals and are diverting shallow groundwater tributary to the Boise River similarly to the proposed transfer POD that has a water bearing zone of 20-100 ft. The proposed POD at Pierce Park Elementary is approximately 2 miles from the existing POD at Collister Elementary, and approximately 3.5 miles from the existing POD at Lowell Elementary, so it is reasonable to assume that the proposed POD will be diverting from the same aquifer as the existing POD's. Additionally, the proposed POD is within the Boise Front GWMA, however shallow groundwater is proposed so appropriation of Low Temperature Geothermal (LTG) is not likely. Conditioned for non-LTG. Thus, injury to other water rights is not likely as a result of this transfer.

Enlargement of Use:

The transfer proposed does not increase the amount of water that has been historically used by changing the intended POU. There is no increase to diversion rate, or volume proposed by this transfer. The nature of use of the water right will not be altered by this transfer. However, because WR 63-5325 is supplemental GW to Boise City Canal Co. surface water shares, applicant would need to show that the access to the 5 shares of Boise Valley Irrigation Ditch Co. surface water has been restored in order to transfer 1 acre of supplemental groundwater to the proposed POU. Independent School District of Boise provided construction documents produced by Slichter Ugrin Architecture, Inc. that detail the proposed pump station plans for the new irrigation system that would restore the delivery of their surface shares from Boise Valley Irrigation Ditch Co. This should be considered sufficient evidence to the Department that the applicant is intending to restore said access to their surface water shares. No increase in diversion volume is being proposed. Increased rate/acre maintained by the split. Additional water for irrigation practices applied for under application 63-34645; application 63-34645 was withdrawn.

Local Public Interest: There are no anticipated impacts to recreation, fish, or wildlife as a result of this transfer. The transfer complies with applicable water and hazardous substance standards designed to protect the public water resource. The proposed transfer would comply with local and state government regulations, zoning ordinances, and policies. This transfer is compatible with the objectives and policies of the State Water Plan. The application was advertised and we did not receive any protests. For these reasons, this transfer should be considered in favor of local 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.

Discussion

Rights 63-2768 and 63-5325 are both currently in the water supply bank. WSB attachment sent to Clay Webster with a copy of transfer app on 12/28/18. Water rights will be released from the WSB upon transfer approval. Both rights are being split as result of this transfer. The split portions of these rights create WR's 63-34683 and 63-34684. The existing domestic well at the proposed POD for right 63-5231 will require a drilling fee upgrade since it will be providing water for irrigation as a result of this transfer.



ATTORNEYS AND COUNSELORS

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P.O. Box 1617
Boise, Idaho 83701-1617
208.344.6000
www.hawleytroxell.com

DANA L. HOFSTETTER
MAIL: DHOFSTETTER@HAWLEYTROXELL.COM
DIRECT DIAL: 208-388-4867
DIRECT FAX: 208-954-4867

March 25, 2018

RECEIVED
MAR 26 2019
WATER RESOURCES
WESTERN REGION

VIA U.S. MAIL AND FACSIMILE (208-334-2348)

Director
c/o Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Applications for Permit No. 63-34645 and Transfer No. 82874*

Dear Mr. Miller:

On behalf of Edwards Family LLC, I hereby submit the following comments in lieu of formal Protests regarding Applications for Permit No. 63-34645 and Transfer No. 82874 (the "Applications"). The Applications propose diversions from ground water within the boundaries of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area. If the Applications are approved, they should be conditioned to prevent the diversion of geothermal water and to assure that only cold water is diverted and to require monitoring to assure no geothermal water is diverted.

Please contact me if you have any further questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Dana L. Hofstetter

DH:tas
cc: Independent School District of Boise City
SPF Water Engineering

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RECEIVED

MAR 25 2019

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
253982	0004109488	The following applications have been filed to appr	63-34625	\$313.55	1	21.22 In

Attention: Kaiser Anna

IDAHO DEPT OF WATER RESOURCES / SOUTH
2735 WAIRPORT WAY
BOISE, ID 83705

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34625

CITY OF BOISE DEPT OF PARKS & RECREATION

1104 ROYAL BLVD

BOISE, ID 83706

Point of Diversion L8(SEN) S30

T03N R03E ADA County Source

BOISE RIVER Tributary SNAKE

RIVER Use: IRRIGATION 03/01 to

11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 10/16/2018

Place Of Use: IRRIGATION

T03N R03E S19 L3(NWSW)

L6(SWSW)

Total Acres: 3.6

Mitigation is proposed for consumptive use.

63-34626

CITY OF BOISE DEPT OF PARKS & RECREATION

1104 ROYAL BLVD

BOISE, ID 83706

Point of Diversion SESW S18

T04N R02E ADA County Source

GROUND WATER

Use: IRRIGATION 03/01 to

11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 10/16/2018

Place Of Use: IRRIGATION

T04N R02E S18 SESW

Total Acres: 2

Water bearing zone to be appropriated is from 200 to 500 feet.

63-34645

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY

8169 W VICTORY RD

BOISE, ID 83709

Point of Diversion L4(SWSW)

S19 T04N R02E ADA County

Source GROUND WATER

Use: IRRIGATION 03/01 to

11/15 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 12/3/2018

Place Of Use: IRRIGATION

T04N R02E S19 L4(SWSW)

Total Acres: 2

Water bearing zone to be appropriated is from 20 to 100 feet.

63-34651

BAINBRIDGE OWNERS ASSOCIATION INC

12601 W EXPLORER DR STE

200

BOISE, ID 83713-1880

Point of Diversion NWNE S27

T04N R01W ADA County Source

GROUND WATER

Use: IRRIGATION 03/01 to

11/15 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 12/3/2018

Place Of Use: IRRIGATION

T04N R01W S27 L4(SWSW)

Total Acres: 2

Water bearing zone to be appropriated is from 20 to 100 feet.

STEFANI BEARD, 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: 03/07/2019

Ending issue of: 03/14/2019

Stefani Beard
(Legals Clerk)

On this 14th day of March in the year of 2019 before me, a Notary Public, personally appeared before me Stefani Beard 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.

Christine Garcia
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!



Use: IRRIGATION 03/01
11/15 0.87 CFS
Total Diversion: 0.87 CFS
Date Filed: 12/17/2018
Place Of Use: IRRIGATION
FO4N R01W S27 NENE NWNE
SWNE SENE NENW SENW
Total Acres: 182

Water bearing zone to be appropriated is from 200 to number 450 feet.

Application proposes irrigation of 44 acres within the place of use described. Irrigation to occur within the Bainbridge Subdivision.

TRANSFER NO. 82915
BAINBRIDGE OWNERS ASSOCIATION INC, 12601 W EXPLORER DR STE 200, BOISE, ID 83713-1880; has filed Application No. 82915 for changes to the following water rights within ADA County(s): Right No(s). 63-161G, 63-26699, 63-8775; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to change the place of use of these rights to provide irrigation for residential lots and common areas in the Bainbridge subdivision. In addition, the applicant proposes construction of a new well to be used as the point of diversion for their portion of water right no. 63-8775. The subdivision and the new well site are in Meridian and located between N Black Cat Rd and N Ten Mile Rd along W Chinden Blvd. The proposed water bearing zone is to be 200 to 450 feet.

TRANSFER NO. 82874
INDEPENDENT SCHOOL DISTRICT OF BOISE CITY, 8169 VICTORY RD, BOISE, ID 83709; has filed Application No. 82874 for changes to the following water rights within ADA County(s): Right No(s). 63-2768, 63-5325; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: This transfer proposes splitting and transferring portions of water rights 63-2768 and 63-5325 to a new well at the Pierce Park School site at the intersection of Pierce Park Ln and Castle Dr for supplemental irrigation use. Water bearing zone to be appropriated is from 20 to 100 feet.

TRANSFER NO. 82916
CITY OF MERIDIAN, 33 E BROADWAY AVE, MERIDIAN, ID 83642-2619; has filed Application No. 82916 for changes to the following water rights within ADA County(s): Right No(s). 63-34433, 63-34434, 63-34435; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The applicant proposes to change the point of diversion for water right no. 63-34434 to a new well site to be constructed near the intersection of W Chinden Blvd and N Ten Mile Rd. Also proposed are changes to

✓ OK
AK
8/26/19

✓ OK
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8/26/19

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8/26/19

also proposed are changed in the place of use of rights no. 63-34433, 63-34434, and 63-34435 to create a permissible place of use to provide landscape irrigation for a 7.5 acre new City of Meridian park in the Bainbridge subdivision. The proposed water bearing zone is to be 200 to 450 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 3/25/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

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