

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82478**

This is to certify that: WEST ADA SCHOOL DISTRICT
C/O SPENCER MCLEAN
1303 E CENTRAL DR
MERIDIAN, ID 83642-7991

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>
63-11629	WR/LICENSE	1/16/1992	1.200 cfs	N/A	N/A	60.0	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>
63-11629	NO	NO	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>
63-11629	63-11629	1.200 cfs	N/A	42.0	78.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.200 cfs	N/A	42.0	78.0		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 31st day of May, 2019.


Manager, IDWR Western Region

WATER RIGHT NO. 63-11629
As Modified by Transfer No. 82478

In accordance with the approval of Transfer No. 82478, Water Right No. 63-11629 is now described as follows:

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

Priority Date: 1/16/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	3/15	to 11/15	1.200 cfs
			1.200 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 32 Twp 04N Rge 01W 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	01W	32			15.0												40.0	23.0	78.0

Right Acre Limit: 42.0

POU Total Acres: 78.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 42 acres within the authorized place of use in a single irrigation season.
2. The right holder shall cease irrigation of 18 acres previously authorized under this right, and consolidate use of water on the remaining 42 acres.
3. The diversion rate for this right shall not exceed 1.20 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. 82478

WATER RIGHT NO. 63-11629
As Modified by Transfer No. 82478

CONDITIONS OF APPROVAL

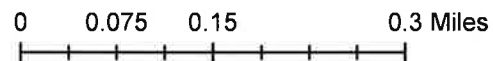
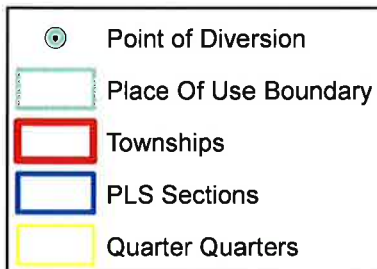
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre nor exceed a combined annual maximum diversion volume of 189 af at the field headgate for irrigation of the place of use.
5. The primary irrigation water for the place of use authorized under this right is surface water delivered by Nampa and Meridian Irrigation District. The right holder shall make full beneficial use of said primary surface water rights available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert water under this right to irrigate land with appurtenant primary surface water rights when the primary 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 water for irrigation purposes under this right if use of the primary surface water rights 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 nonpayment of annual assessments, without an approved transfer pursuant to Idaho Code §42-222 or other Department approval.
6. 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 the date of this approval.
7. 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.
8. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the 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.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 82478

Water Right(s): 63-11629

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

May 31, 2019

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

Re: Transfer No: 82478
Water Right No: 63-11629

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 May 31, 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: 82478
Water Right No: 63-11629

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

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



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. 82478

FROM: Allen Bradbury

DATE: 10/12/2018

RE: Evaluation of Application

Summary of Application Proposal

Narrative: Transfer No, 82478 proposes to consolidate the authorized irrigation rate applicable to 60 acres owned by the applicant to 42 acres within a proposed 78 acre permissible place of use. The acreage is irrigated under rights 63-11629 groundwater and Nampa and Meridian Irrigation District surface water. Currently both rights cover the same 60 acres of ground. A new high school campus will be developed within the proposed permissible place of use (PPU). Currently, water right 63-11629 provides 1.2 cfs supplemental ground water for irrigation of 60 acres will be retired from irrigation. The flow rate currently authorized for irrigation of the 60 acres will be consolidated to 42 acres. Also, the applicant has permit 63-34571 for 0.84 cfs on 42 acres. After this transfer both rights will be appurtenant to the same 42 acres within a 78 acre permissible place of use (PPU). Consolidation brings the rate to .049 cfs per acre with this application. No other changes are proposed. A change in ownership will also be accomplished thru the transfer. Permit 63-34571 is being processed simultaneously which pumps from an existing 16" well to a pressurized system. In combination, this permit application proposes diversion of an additional 0.84 cfs of supplemental groundwater for irrigation of the 42 acres. This will allow irrigation to occur at a faster rate in an effort to avoid student and athletic activities during and after school sessions.

Location of Application Proposal: The proposal is located just north of West Ustick Road between McDermott Road and Star Road near Nampa in Ada County.

Summary of Information Submitted

Authority to File: Spencer McLean, the Administrator of Buildings and Grounds for West Ada School District, signed the application. A letter, dated 5/16/2019, from West Ada School Districts Superintendent, Dr. Mary Ann Ranells confirmed that Mr. McLean has been designated to sign any permit application documents for projects within Joint School District No. 2 (dba West Ada School District). Lori Graves, of SPF Engineering is the representative for the applicant. Currently, water right 63-11629 lists Gerald Flower as the owner. Documentation was provided in the form of a warranty deed dated May 9, 2017 transferring ownership of the property to West Ada School District. An ownership change was filed concurrently with the transfer and will be updated thru the transfer showing West Ada School District as the current owner. The additional fee for the change in ownership was submitted with the transfer. Receipt no. W046491.

Water Right Validity/Historical Beneficial Use: Water right 63-11629 was licensed on 11/15/1996 with a priority date of 1/16/1992 for irrigation. Review of aerial imagery shows irrigation within the last 5 years, therefore, forfeiture is not a concern. Water right 63-11629 is a groundwater right that is supplemental to surface water shares from the Boise Project Board of Control and delivered by the Nampa and Meridian Irrigation District (NMID). In a phone call with NMID, information was verbally provided that parcel #S0432438650, is assessed under three different numbers 1187, 1191, and 1191B. Historically, water right 63-11629 has been put to beneficial use for irrigation of agricultural property. The proposal is for irrigation of turf grass for a public school. No change in historical beneficial use is proposed.

Overlap Analysis: The place of use is overlapped with a surface water right from the Nampa and Meridian Irrigation District. The Settlers Irrigation District overlaps the quarter-quarter but does not actually overlap the POU. Also, the POU for water right 63-11084 appears to overlap. However after examination of the record of survey found in the water rights backfile the POU acreages are clearly delineated and separated. This transfer proposes the use of groundwater from the current POD for water right is 63-11629. No other water rights were found to share this POD.

Injury to Other Water Rights: None anticipated. The point of diversion is not changing. Though the point of use will decrease by 18 acres due to construction of a new school and associated hard-scape. The flow rate currently authorized for irrigation of 60 acres will be consolidated to 42 acres, which will allow a shorter daily irrigation window. The right is a supplemental condition which will maintain that the surface water will be used first. The rights in this transfer will be conditioned with a special limit greater than 0.02 cfs per acre. (According to Application Processing Memo 60).

Enlargement of Use: None anticipated. Permit application 63-34571 requests an addition 0.84 cfs which brings the total diversion rate to 2.04 cfs. The headgate requirement is 4.5 ac-ft/ac for 42 acres or 189.0 ac-ft during the irrigation season. Though there is an increase in the rate per acre, it is not anticipated that the volume from the well will change. This is a rate of 0.049 cfs/acre. Application Processing Memo # 60, Irrigation Diversion Rate for Turf Grass in Public Areas, allows up to 0.06 cfs/acre for turf grass irrigation. A diversion rate of up to 0.06 cfs/acre is considered reasonable and necessary due to the operation time limitations of the system. This water right includes a condition which limits the annual volume of water diverted to 189.0 ac-ft.

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

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use 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 protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.



West Ada

SCHOOL DISTRICT

TO: Agencies having jurisdiction
FROM: Dr. Mary Ann Ranells, Superintendent
DATE: May 16, 2019
RE: Permit and application documents

Spencer Mclean, administrator of buildings and grounds, has been designated to sign any document for a permit or application for a project within Joint School District No. 2 (dba West Ada School District).

If there are questions regarding this designation, please contact our office at 208.855.4500.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Ranells".

Dr. Mary Ann Ranells

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0004000058	The following applications have been filed to appr	LEGAL NOTICE	\$168.20	1	104

Attention: Anna.Kaiser@idwr.idaho.gov

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

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

63-34496
JOE M BROWN
PAULA JO BROWN
5899 W HOLLILYNN DR
BOISE, ID 83709
Point of Diversion NESE S7
T02N R02E ADA County Source
GROUND WATER
Use: DOMESTIC01/01 to
12/310.04 CFS
Use: IRRIGATION03/01 to
11/150.14 CFS
Total Diversion:0.18 CFS
Date Filed: 1/25/2018
Place Of Use: IRRIGATION, DOMESTIC
T02N R02E S7NESE
Total Acres: 4.7
Water bearing zone to be appropriated is from 427 to 441 feet.

63-34571
WEST ADA SCHOOL DISTRICT
C/O SPENCER MCLEAN
1303 E CENTRAL DR
MERIDIAN, ID 83642-7991
Point of Diversion NWSE S32
T04N R01W ADA County Source
GROUND WATER
Use: IRRIGATION03/01 to
11/150.84 CFS
Total Diversion:0.84 CFS
Date Filed: 7/18/2018
Place Of Use: IRRIGATION
T04N R01W S32SWNE NWSE
SWSE
Total Acres: 78
Water bearing zone to be appropriated is from 75 to 205 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82478

WEST ADA SCHOOL DISTRICT, C/O SPENCER MCLEAN 1303 E CENTRAL DR, MERIDIAN, ID 83642-7991, has filed Application No. 82478 for changes to the following water rights within ADA County(s): Right No(s): 63-11629; 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 purpose of the transfer is to consolidate irrigated acreage and create a permissible place of use. The right will be limited to 42 acres of irrigation within a 78 acre area. Water will be used north of Ustick Road between McDermott Road and Star Road in Ada County.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Re-

, 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: 12/20/2018

Ending issue of: 12/27/2018

[Signature]
(Legals Clerk)

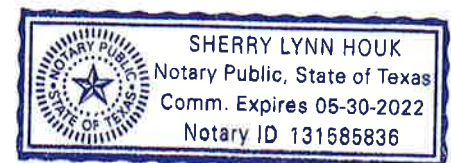
STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 28th day of December in the year of 2018 before me, a Notary Public, personally appeared before me 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.

[Signature]



RECEIVED

JAN 14 2019

WATER RESOURCES
WESTERN REGION

gion, 2735 W AIRPORT WAY,
BOISE ID 83705-5082 together
with a protest fee of \$25.00 for
each application on or before
1/7/2019. The protestant must
also send a copy of the protest
to the applicant.
GARY SPACKMAN, Director
Published on 12/20/2018 and
12/27/2018

0004000058-01