

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83192**

This is to certify that: IDAHO ARTS CHARTER
525 N BROADMORE WAY
NAMPA, ID 83687-5387

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>
63-34720	WR/DECREED	12/31/1949	0.130 cfs	29.3 af	N/A	6.5	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>
63-34720	NO	YES	NO	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>
63-34720	63-34720	0.130 cfs	29.3 af	N/A	6.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.130 cfs	29.3 af	N/A	6.5		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 8th day of May, 2019.


Chief, Water Allocation Bureau

WATER RIGHT NO. 63-34720

As Modified by Transfer No. 83192

In accordance with the approval of Transfer No. 83192, Water Right No. 63-34720 is now described as follows:

Right Holder: IDAHO ARTS CHARTER
525 N BROADMORE WAY
NAMPA, ID 83687-5387

Priority Date: 12/31/1949

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 11/01	0.130 cfs	29.3 af
			0.130 cfs	29.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESE Sec 16 Twp 03N Rge 02W CANYON 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	02W	16													3.5	3.0			6.5

POU Total Acres: 6.5

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. 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.
3. The period of use for the irrigation described in this approval may be extended to an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 11/01 is subordinate to all water rights having no subordinated late irrigation use and a priority date earlier than the date of this approval.
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.

Transfer No. 83192

WATER RIGHT NO. 63-34720

As Modified by Transfer No. 83192

CONDITIONS OF 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. 83192
Water Rights: 63-34720

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.



-  Point of Diversion
-  Place of Use
-  Township/Range
-  Sections
-  QQ



0 0.0475 0.095 Miles

APR 22 2019

WATER RESOURCES
WESTERN REGION

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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:

- ☐ Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change ☒ Ownership split
- ☐ Transfer is for changes pursuant to Idaho Code § 42-221, O.g. Attach an explanation and any supporting documentation.

1. APPLICANT(S) Idaho Arts Charter Phone 208-989-1513
2. MAILING ADDRESS 525 N. Broadmore Way City Nampa
State ID Zip 83687-5387 Email jackie.collins@idahoartscharter.org

State Idaho Zip 83401-2201 Email jackie.collins@kghoartscharter.org
☒ 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. *Ownership*

☒ 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) 63-27473 (to be split 7acres to applicant
and 42.5 to be left w/ prior owner - Ag Equity, LLC)

☐ 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 .14 cubic feet per second and/or _____ 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:

new well because prior well is on property we don't own.

- b. Who owns the property at the point(s) of diversion? we do (the applicant)
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.

Jakie Collins
Signature of applicant or authorized agent

Jakie Collins Ex-Director
Print name and title if applicable

4-19-19
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 AK

Date 4/22/2014

Fee paid 200.00

Date 4/22/19

Received by AK

Receipt # W047332

Preliminary review by CP

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 ☐

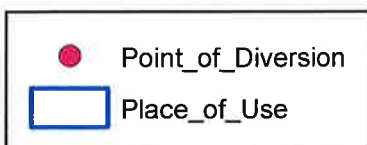
(Do NOT scan the W-9 – confidential information is held by fiscal only)

State of Idaho
Department of Water Resources
Idaho Arts Charter
Place of Use and Point of Diversion

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.



0 0.045 0.09 0.18 Miles

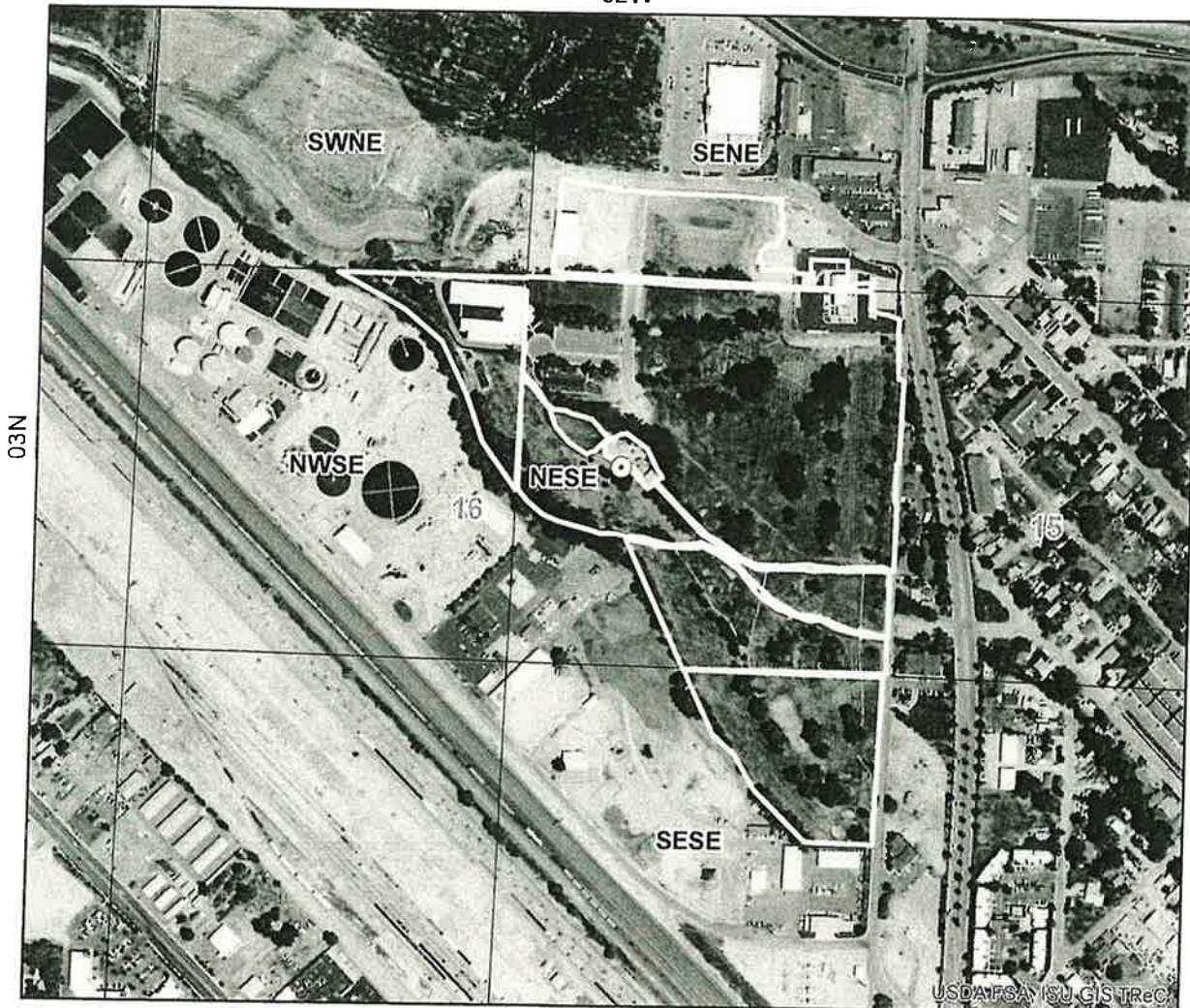


83192

State of Idaho
Department of Water Resources
Attachment to Water Right License
63-27473

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.

02W



- ⊙ Point of Diversion
- Place Of Use Boundary
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters

0 0.075 0.15 0.3 Miles



83192

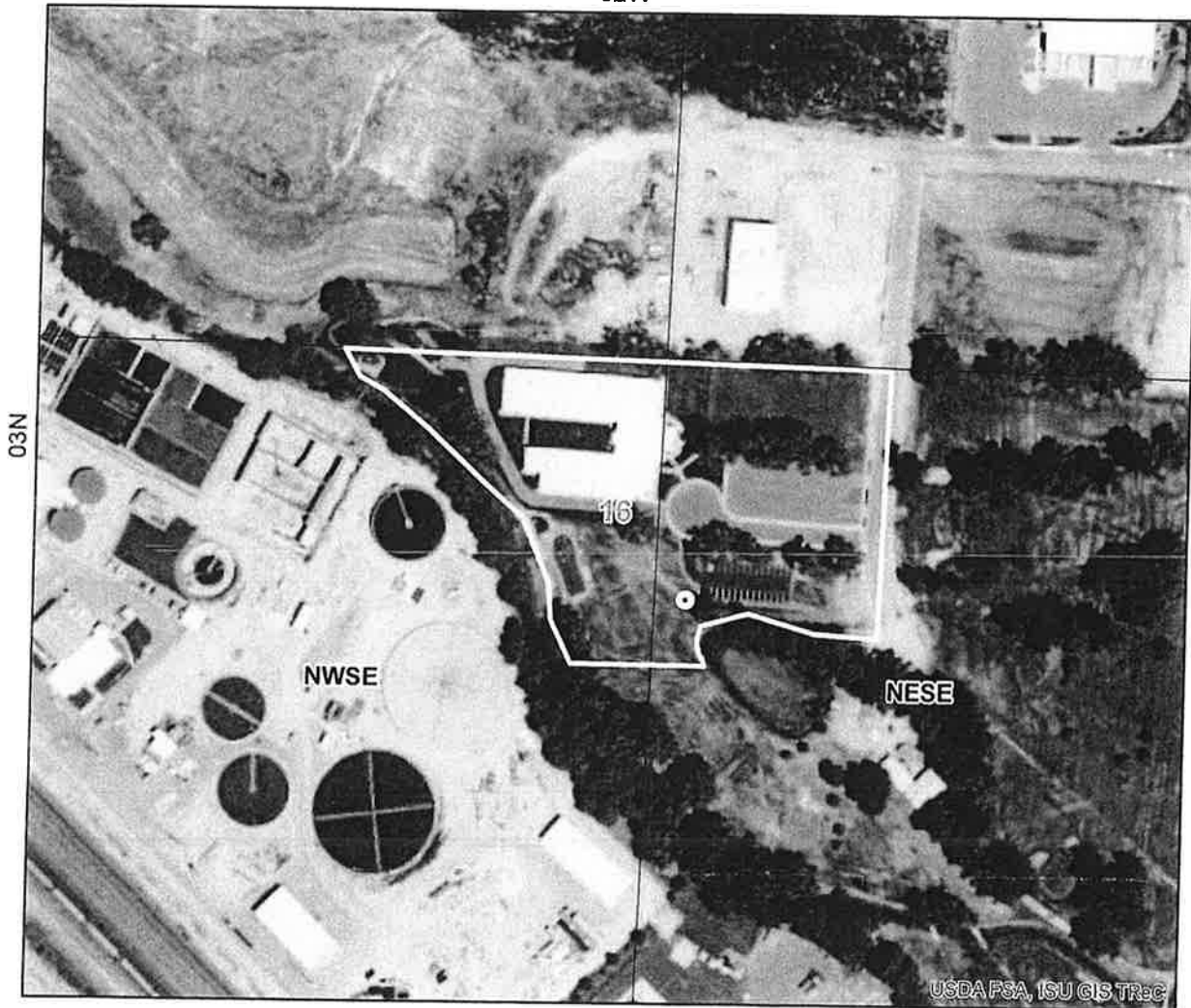
State of Idaho
Department of Water Resources

Proposed Place of Use and Point of Diversion

63-34679

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.

02W



- Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters

0 0.035 0.07 0.14 Miles



83192

4/4/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	AGEQUITY LLC PO BOX 265 GLENN'S FERRY, ID 83623 (208) 598-0355

Status: Active

Tributary

GROUND WATER NESE Sec. 16, Twp 03N, Rge 02W, CANYON County

			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	02W	16				5.7									33.0	4.2		6.6	49.5

POU Total Acres: 49.5

83192

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/4/2019

4. Vmusic 10/30/2006 AMENDED CLAIM
AMENDED TO ACCURATELY REFLECT ACRES HISTORICALLY IRRIGATED

Dates and Other Information

Decreed Date: 4/29/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



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 8, 2019

IDAHO ARTS CHARTER
525 N BROADMORE WAY
NAMPA, ID 83687-5387

Re: Transfer No.: 83192
Water Right Nos: 63-34720

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,

A handwritten signature in blue ink, appearing to read "Anna Kaiser".

Anna Kaiser

For

Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 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.: 83192
Water Right No(s): 63-34720

IDAHO ARTS CHARTER
525 N BROADMORE WAY
NAMPA ID 83687-5387



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: Water right 63-34720 file
FROM: Cody Parker
RE: Evaluation of the sufficiency of submitted information
DATE: April 29, 2019

This application proposes to change the point of diversion for a portion of water right 63-27473. The portion of the water right to be changed was claimed through an ownership change that was processed prior to transfer processing. The split portion is now numbered 63-34720. The changes will be applied to the new number. The applicant was not required to amend the transfer application.

The ownership change and transfer suggested that 7.0 total acres of irrigation were appurtenant to the land owned by the applicant. However, 0.5 acres of land in the SWNE of Sec 16, T03N, R02W were not part of the original place of use. Therefore only 6.5 acres were split in the ownership change. The transfer was applied to those 6.5 acres of irrigation with a total rate of 0.13 cfs.

Summary of Submitted Information

Authority to File:

The applicant is listed as the Idaho Arts Charter. The ownership change processed prior to transfer processing changed the owner of record to the same Idaho Arts Charter, affirming their ownership of the place of use. The new point to be constructed is located on the same property. The signature on the application was provided by Jackie Collins whose title is the Executive Director. The Idaho Secretary of State Annual Report Form confirms this title. The applicant has the authority to file the transfer.

Water Right Validity:

The parent water right (no. 63-27473) was decreed in 2009, and described 49.5 acres of irrigation from ground water. The split portion (63-34720) is for 6.5 acres of irrigation. Historical aerial imagery shows that the place of use was part of a golf course as late as 2015. The full place of use appears to have been irrigated at that time. Therefore, the right is presumed valid.

Injury to Other Water Rights:

According to the adjudication backfile for the parent right, the original point of diversion was an artesian well located in the same QQ as the proposed well. The backfile does not identify a specific well record. However, there is record of one artesian well drilled for Melvin Hansen in 1965 in this area. The well was completed to a depth of 73 feet.

The proposed well location is not located in any areas of concern, CGWAs, GWMA's, or in the Basin 63 Groundwater Restricted Area. The nearest existing wells to the proposed location are approximately 500 ft to the west. All of these appear to be monitoring wells.

Summary of Submitted Information

WRA Cody Parker

Page 2

Based on the information above it seems unlikely that any injury should result from the proposed change provided that no enlargement occurs.

Enlargement of Use:

None anticipated. Irrigated acreage, flow rate, and annual volume for this split portion was determined from the values of the original right. The transfer application does not propose any changes to any of these values.

Local Public Interest:

The transfer proposes to continue an irrigation use consistent with the 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.

Skye Root

From: Skinner, Aaron <Aaron.Skinner@idwr.idaho.gov>
Sent: Wednesday, April 17, 2019 11:18 AM
To: Skye Root
Subject: RE: Voicemail
Attachments: Idaho Arts Map.pdf; withdrawal-of-application-for-permit.pdf

Hi Skye,

Below reiterates our phone conversation. I've attached a map and a withdrawal form for your convenience. Please double check the map boundary for accuracy.

Ultimately, to keep the priority date a split (change of ownership) should be done. Simultaneously, a transfer can be submitted to add a point of diversion to authorize the new well. As a standard the split is weighted on ownership. This means 7 acres of the existing 49.5 acres on water right no. 63-27473 would be split to Idaho Charter Schools or 14% of the instantaneous rate. The rate on the existing right is 0.99 cubic foot per second (cfs). 14% of 0.99 is 0.14 cfs. Therefore, the split right would be 0.14 cfs for 7 acres of irrigation, which is also our department standard per acre (0.02 cfs/acre).

Please let me know if you have any questions.

Best,

Aaron Skinner
Idaho Department of Water Resources
Water Resource Agent, Sr.
Mobile: (208) 830-4686
Office: (208) 334-2190

From: Skye Root [mailto:skye@rootagadvisory.com]
Sent: Wednesday, April 17, 2019 10:41 AM
To: Skinner, Aaron <Aaron.Skinner@idwr.idaho.gov>
Subject: Voicemail

I realized after I just left you a voicemail that I didn't give you my phone number. See below. Thank you!

Skye



SKYE ROOT

CFA, AFM, AAC
Founder & Owner

■ 2854 S. Featherly Way Ste 104 ☎ 208-908-3848
Boise, ID 83709 ● 208-545-1016
■ skye@rootagadvisory.com ● rootagadvisory.com

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