

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

OCT 16 2018
WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) City of Boise, Department of Parks & Recreation Phone 208-608-7600
Name connector (check one): and or and/or
Mailing address 1104 Royal Blvd. City Boise
State ID ZIP 83706 Email jroldan@cityofboise.org

2. Name of representative, if any SPF Water Engineering Phone 208-383-4140
Mailing address 300 E. Mallard Dr., Ste. 350 City Boise
State ID ZIP 83706 Email lgraves@spfwater.com

- a. Send all correspondence for this application to the representative and not to the applicant OR
 Send original correspondence to the applicant and copies to the representative.
b. The representative may submit information for the applicant but is not authorized to sign for the applicant OR
 The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply Boise River which is a tributary of Snake River

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
3N	3E	30	8		SE	NE	Ada	Boise River	Existing Headgate

5. Water will be used for the following purposes:
Amount 0.02 for Irrigation purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 0.02 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source. Water diversion system licensed under water right 63-33341 for Marianne Williams Park
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? Yes No
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
d. Is ground water with a temperature of greater than 85°F being sought? Yes No
e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use
Received by AK Date 10/16/2018 Time 12:54pm Preliminary check by AS
Fee \$ 100.00 Received by AK Receipt No. W046863 Date 10-16-18

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - d. Domestic; show number of households _____
 - e. Other; describe fully. _____


9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	3E	19									0.8	2.8							3.6
											L3	L6							

Total number of acres to be irrigated: 1 irrigation within a 3.6-acre permissible place of use

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? POU: SUEZ municipal water available, POD: City of Boise license 63-33341 serving Marianne Williams Park and permit 63-34258 serving adjacent subdivision landscaping for the Barber Station development
11. a. Who owns the property at the point of diversion? City of Boise
- b. Who owns the land to be irrigated or place of use? City of Boise
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



 Signature of Applicant
Stephan Burgos

 Print Name (and title, if applicable)

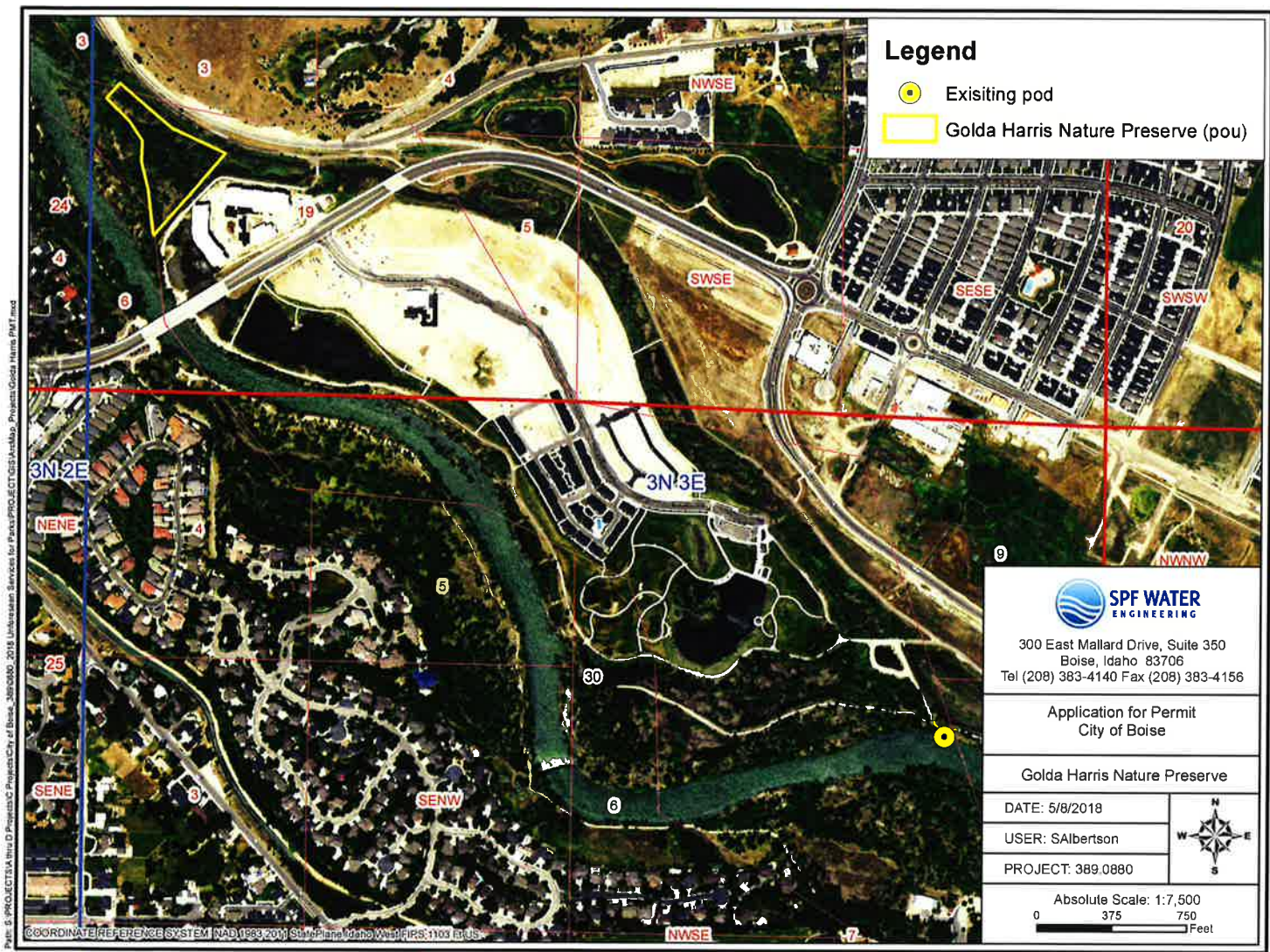
 Signature of Applicant

 Print Name (and title, if applicable)

APPLICATION NARRATIVE & PROPOSED MITIGATION

The City wishes to extend their existing irrigation system used for the Marianne Williams Park under water right 63-33341 to the adjacent Golda Harris Nature Preserve for irrigation of up to 1.0 acre within the nature preserve's 3.6-acre boundary.

The application requires an acceptable mitigation plan to allow out-of-priority diversion from the Boise River. As indicated in the attached Water Share and Water Supply Agreement between the City and South Boise Mutual Canal Co. (SBMCC), the City has previously secured 6 shares of SBMCC water for mitigation of 6 acres pond surface area for Marianne Williams Park under water right 63-33052, of which only five acres of pond surface area were developed and licensed. The City now wishes to apply their remaining mitigation share towards one acre of irrigation proposed for the nature preserve. Upon permit approval, the agreement with SBMCC will be clarified to indicate 5 shares have been acquired for mitigation of license 63-33052 and 1 share has been acquired for mitigation of irrigation proposed for the Golda Harris Nature Preserve.



Legend

- Existing pod
- Golda Harris Nature Preserve (pou)



300 East Mallard Drive, Suite 350
 Boise, Idaho 83706
 Tel (208) 383-4140 Fax (208) 383-4156

Application for Permit
 City of Boise

Golda Harris Nature Preserve

DATE: 5/8/2018
 USER: SAlbertson
 PROJECT: 389.0880



Absolute Scale: 1:7,500
 0 375 750
 Feet

Plan: S:\PROJECTS\A thru D\Projects\C Projects\City of Boise_3890880_2018\Information Services for Plans\PROJECT 052\planbook_Planbook_Golda Harris.pnt.mxd
 COORDINATE REFERENCE SYSTEM: NAD 1983 (2011) StatePlane Idaho West FIPS 1103 FIPS

03 - 34625



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Director

December 24, 2012

SOUTH BOISE MUTUAL IRRIGATION CO LTD
1120 CHAMERLAIN
BOISE ID 83706

Re: Ditch Company Shares for Mitigation

Dear Director/Board Members:

Your ditch company authorized shares to remain unused in the Boise River to mitigate new ponds that were proposed to cover 6 acres at Marianne Williams Parks. The ponds are identified under water right no. 63-33052. The amount of water dedicated to mitigation is identified under your water right no. 63-243G. In this case, you identified 6 shares totaling 6 inches or 0.12 cfs that would not be diverted from the Boise River to mitigate for the ponds.

A recent field exam of the pond system resulted in 63-33052 being licensed for ponds covering 5 acres. This means 1 leftover share is not mitigating anything. The extra share (1 inch or 0.02 cfs) could be used to mitigate some other project in your service area if necessary. Alternately, these shares could be used to mitigate something downstream from your service area if necessary. Either alternative would require some coordination with the Idaho Department of Water Resources to approve a change in the mitigation plan.

The share cannot mitigate anything upstream from your point of diversion at the river. This share might not be protected against forfeiture if left unused in the river but not mitigating anything. Another use of this single share would be to restore it to irrigation use so it can be delivered into your service area. This could be done by a letter from you requesting that single share be restored to irrigation use.

Please let me know at your earliest convenience how you want to deal with this matter. I will be glad to discuss it in more detail if that will help. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', written over a white background.

Steve Lester
Water Rights Supervisor

Cc: Rex Barrie, Boise River Watermaster

WATER SHARE AND WATER SUPPLY AGREEMENT

THIS WATER SHARE AND WATER SUPPLY AGREEMENT ("Agreement") is made and entered into this 3/5 day of March, 2011, between THE SOUTH BOISE MUTUAL IRRIGATION CO. LTD, an Idaho non-profit corporation ("SBMIC"), and the CITY OF BOISE CITY, an Idaho municipal corporation, by and through its Department of Parks & Recreation ("City"), and BARBER MILL INVESTMENTS, LLC, an Idaho limited liability company ("BMI").

RECITALS

A. SBMIC owns those certain Boise River water rights decreed in the Snake River Basin Adjudication as water right numbers 63-242B, 63-243F, 63-243G, 63-280, 63-281, 63-282, 63-283A, 63-284A and 63-2392E (the "SBMIC Water Rights"). SBMIC also holds contracts that entitle it to water stored in the Boise River reservoir system. SBMIC holds and delivers the Water Rights and storage water entitlements for the use and benefit of its shareholders.

B. SBMIC delivers water to its shareholders in accordance with the number of company shares ("Share(s)") held at the rate of one miner's inch per Share, subject to the company's rules and regulations.

C. The City owns a 77-acre park site known as Marianne Williams Park ("Park"), located on the north side of the Boise River adjacent to Harris Ranch in the Barber Valley of which approximately 27 acres will be irrigated and that will include ponds with a total water surface area of approximately 6 acres.

D. BMI owns a 54-acre site adjacent to the Park that BMI intends to develop for commercial, residential and other mixed uses, approximately 13 acres of which will be irrigated.

AGREEMENT - 1

This new development is called "Barber Station."

E. City and BMI desire to divert water from the Boise River through a diversion structure (herein called the "Walling Diversion") for irrigation at Marianne Williams Park and Barber Station. The City filed Application for Permit No. 63-33341 with the Idaho Department of Water Resources ("IDWR") to irrigate 40 acres in the Park and Barber Station with a diversion rate of 0.8 cfs. The City and BMI anticipate assigning a portion of the permit to BMI sufficient to allow the irrigation of 13 acres by BMI in Barber Station. In order for IDWR to process Application for Permit 63-33341, the City must submit a mitigation plan that identifies a portion of an existing, senior right(s) in the Boise River that will no longer be irrigated in lieu of the new use proposed in the Application.

F. The City filed Application for Permit No. 63-33052 with IDWR to divert shallow ground water into ponds in the Park that will intercept shallow ground water that is tributary to the Boise River. In order for IDWR to process Application for Permit 63-33052, the City must submit a mitigation plan that identifies a portion of an existing, senior right(s) in the Boise River that will no longer be irrigated in lieu of the new use proposed in the Application.

G. The City and BMI seek to obtain Shares and to use the water associated with those Shares as mitigation for the water rights to be obtained pursuant to Applications for Permit Nos. 63-33341 and 63-33052 by leaving the portion of SBMIC's water rights associated with the acquired Shares undiverted in the Boise River.

H. The City and BMI desire to obtain, and SBMIC desires to convey, a sufficient number Shares to allow the use of water under SBMIC's Water Rights for the mitigation use contemplated by the City and BMI at the Park and Barber Station.

AGREEMENT - 2

I. The parties enter this Agreement to establish terms and conditions to accomplish the following: (1) acquisition of Shares by the City and BMI; and (2) modification of SBMIC's Water Rights to state that the appropriate portion is assigned to mitigation for Applications for Permit Nos. 63-33341 and 63-33052.

NOW, THEREFORE, for and in consideration of the promises and of the covenants, agreements and conditions hereinafter set forth, the parties agree each with the other as follows:

A. ACQUISITION OF SBMIC SHARES

1. Acquisition of Shares. The City and BMI shall acquire from SBMIC, and SBMIC shall convey to the City and BMI, the number of Shares sufficient to mitigate for Applications for Permit Nos. 63-33341 and 63-33052. The parties anticipate, as indicated in the attached mitigation plans, that the City and BMI will acquire a total of 46 Shares: i) 40 Shares to mitigate the irrigation Permit No. 63-33341, 27 of which will be acquired by the City and 13 of which will be acquired by BMI; and ii) 6 Shares to be acquired by the City to mitigate the pond Permit No 63-33052. [The final number of Shares to be conveyed shall be reduced in the event IDWR issues a Final Approval (defined below in Section B.2.) of each of the permit applications that requires less mitigation than contemplated in the attached mitigation plans.] The conveyance of the Shares shall occur in two phases. In the first phase (the "Municipal Closing,") the City will acquire 6 Shares within 30 days of Final Approval (defined below in Section B.2.) of Application for Permit No. 63-33052. The second conveyance of Shares (the "Irrigation Closing") shall occur within 30 days of Final Approval (defined below in Section B.2.) of Application for Permit No. 63-33341.

2. SBMIC Articles, By-Laws, Proportionate Share of Water. The City and BMI agree to be bound by the Articles of Incorporation, By-Laws and policies and procedures of

SBMIC ("Rules"), as presently constituted and as may be modified or amended from time to time. The City and BMI acknowledge and accept that, as shareholders of SBMIC, they will be entitled to receive only their proportionate share of the water actually available to SBMIC shareholders at any particular point in time pursuant to SBMIC's natural flow rights and storage entitlements, and the City and BMI specifically recognize that SBMIC rights are subject to curtailments by the Boise River Watermaster. In order to ease its record-keeping burden, IDWR has requested that SBMIC identify only a single right out of its water right portfolio for mitigation. Accordingly, the parties agree that SBMIC right 63-243G will be designated for mitigation in IDWR's records. However, even though only the single right is identified in the database, the parties agree that the City and BMI actually share in the delivery of all of SBMIC's water rights and storage and will be treated in the same manner as all other shareholders in sharing the effects of cuts to the delivery of SBMIC's water rights. BMI and the City agree that following the acquisition of the Shares, they shall have an obligation under the Rules to pay annual assessments at the same rates as other shareholders in SBMIC even though SBMIC will not own, operate and maintain the diversion works and transmission facilities that carry water to the Park and Barber Station. BMI and the City further agree and acknowledge that pursuant to the Rules, Shares held for mitigation entitle to the holder to only ½ vote per Share.

3. Ownership, Control and Beneficial Use of Water Rights. SBMIC will continue to hold legal title to the Water Rights represented by the City's and BMI's shares in SBMIC. The City and BMI agree that this Agreement does not confer on them any right to modify or transfer the Water Rights except as provided in this Agreement.

4. Enforcement. The City and BMI agree that the billing address for the Shares held

by BMI will be the same address as the City, and SBMIC may send the bills for assessments associated with BMI's shares to the City. The City agrees that it will pay to SBMIC the assessments levied for the BMI Shares so that SBMIC may look only to the City to collect the assessments levied pursuant to this Agreement. The City and BMI will allocate the assessment amounts between them pursuant to a separate agreement. In the event the City does not pay the annual assessments levied pursuant to the Rules for the Shares conveyed to either the City or BMI pursuant to this Agreement, SBMIC has the right to curtail the diversions at the Walling Ditch contemplated in this Agreement through the following process: If the City and/or BMI has failed to pay its annual assessment within 45 days after the date the assessment is due, SBMIC may send the City and BMI notice of its intent to lock the headgate at the Walling Ditch (the "SBMIC Notice"). The SBMIC Notice must be sent to both the City and BMI. If within 30 days after receipt of the SBMIC Notice, the City and/or BMI continue to fail to pay the past due assessment(s), then SBMIC may, through an agent of its choice, lock the headgate at the Walling Ditch to prevent the diversions contemplated by this Agreement, and the City grants SBMIC a limited license to access the Walling Diversion for this purpose. SBMIC shall promptly remove the lock after the past due assessments are paid.

5. Termination of Mitigation. In the event the City and BMI fail to pay annual assessments for a period of 3 consecutive years, SBMIC shall have the right to cancel the Shares conveyed pursuant to this Agreement (the "Mitigation Shares") and terminate its mitigation obligation through the following process: If the City and BMI have failed to pay the annual assessments for a period of 3 consecutive years, SBMIC may send the City and BMI notice of its intent to cancel the Mitigation Shares (the "Cancellation Notice"). The Cancellation Notice must be sent to both the City and BMI. If within 30 days after receipt of the Cancellation

Notice, the City and/or BMI continue to fail to pay the past due assessment(s), then SBMIC may cancel the Mitigation Shares and record the cancellation in its books. If the Mitigation Shares are cancelled pursuant to the process described above, SBMIC's obligation to leave the portion of its Water Rights in the Boise River for mitigation as contemplated in this Agreement shall cease, and SBMIC may use that portion of its Water Rights dedicated to mitigation for other purposes as it sees fit.

B. WATER RIGHT APPLICATIONS

1. Filing and Prosecution of Applications for Permit. As noted above, the City has filed Applications for Permit Nos. 63-33341 and 63-33052 with IDWR. The City and BMI shall diligently prosecute the applications with IDWR. SBMIC shall execute any all other documents required by IDWR or other agencies or entities whose consent may be required to complete the processing of the Applications for Permit, including, without limit, mitigation plans for each of the two rights describing the mitigation contemplated in this Agreement. SBMIC also agrees to cooperate fully with and to aid the City and BMI in every necessary respect, including the supplying of information or documents presently possessed by or readily available to SBMIC, to complete the processing of the applications. The City and BMI shall keep SBMIC fully informed as to the status of the applications.

2. Approval of Applications for Permit. A "Final Approval" of Applications for Permit Nos. 63-33341 and 63-33052 shall occur upon receipt of a final, unappealable IDWR approval of each application with conditions of approval that are acceptable to the City and BMI and mitigation plans that are acceptable to SBMIC. If for any reason a Final Approval of either Application for Permit cannot be obtained, this Agreement may be terminated or modified.

C. DELIVERY SYSTEM. BMI and the City will own and be responsible for the

construction, maintenance and operation of the diversion and transmission facilities used to convey water to the Park and Barber Station.

D. FEES, COSTS AND EXPENSES

1. Preparation, Filing and Prosecution of Applications for Permit. Each party to this Agreement shall pay all attorney and engineering fees, and any other fees, costs, and other expenses incurred by them in preparing, reviewing, and filing the Applications for Permit or this Agreement.

2. Performance. The City and BMI have paid all costs, fees and other expenses involved in the design and construction of the diversion and delivery System to the properties described in the Applications for Permit, and SBMIC shall have no obligation or responsibility whatsoever for payment of any such costs or expenses.

3. Enforcement. Should either party incur costs or attorney fees in connection with efforts to enforce the provisions of this Agreement or any agreement executed pursuant hereto, whether by institution of suit or not, the party rightfully enforcing or rightfully resisting enforcement of such provisions, or the prevailing party in case suit is instituted, shall be entitled to reimbursement for its costs and reasonable attorney fees from the other party.

G. MISCELLANEOUS

1. No Claims Created. Nothing in this Agreement shall create or support a claim of estoppel, waiver, prescription or adverse possession by either party hereto or any third party against either party hereto.

2. Assignment. Neither this Agreement nor any agreement entered into pursuant to this Agreement may be assigned or transferred without the prior written approval of the Parties, which approval shall not be unreasonably withheld.

3. Amendment and Modification. Any amendment or modification of this Agreement must be in writing and signed by all parties to be enforceable.

4. Construction. This Agreement shall be construed and enforced in accordance with the laws of the State of Idaho. This Agreement is not intended for the benefit of any third party and is not enforceable by any third party. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or otherwise unenforceable, all remaining provisions of this Agreement shall remain in full force and effect. The parties represent and warrant to each other that they each have authority to enter this Agreement. The catchlines or section headings herein set forth are provided only for the convenience of the parties in locating provisions of the Agreement, and are not intended to be aids in interpretation of any provision of the agreement with respect to which the parties might disagree at some future time, and shall not be considered in any way in interpreting or construing any provision of the Agreement.

5. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and its respective successors, assigns, heirs, personal representatives, purchasers, or transferees of any kind. BMI agrees that its transferee and successor to this Agreement shall consist of a property owner's association constituted with the authority to comply with this Agreement and to perform and enforce compliance with SBMIC's regulations, policies and procedures. The association shall be entitled to organize its members, assess for costs, collect assessments and dues and deliver such funds to SBMIC for its ongoing financial obligations to SBMIC, and distribute SBMIC water to and within the subdivision boundary.

6. Notices. Any and all notices, demands, consents and approvals required pursuant to this Agreement shall be hand delivered, or if sent by mail shall be certified, postage prepaid, return receipt requested, addressed to the parties as follows, or to such other addresses as the

parties provide pursuant to the provisions of this paragraph:

The SBMIC Water Company
South Boise Mutual Irrigation Co., LTD
1120 Chamberlin Street
Boise, ID 83706

City of Boise
Attn. Director
Department of Parks & Recreation
1104 Royal Blvd
Boise, ID 83706

Barber Mill Investments, LLC
12601 W. Explorer Dr., #200
Boise, ID 83713

with a copy to:

City of Boise
Legal Department
Post Office Box 500
Boise, Idaho 83701

Notices shall be deemed to have been delivered upon hand deposit in the United States mail as provided above.

7. Recording. Notice of this Agreement shall be recorded on any plats, original, additions thereto, or resubdivisions of the property covered by this Agreement.

8. Counterparts. This Agreement may be executed and delivered in counterparts, each of which shall be deemed to be an original and all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, SBMIC has hereunto caused its corporate name to be subscribed by its officers first hereunto duly authorized by resolution of its Board of Directors, the City has hereunto caused its municipal name to be subscribed and its seal to be affixed by its officers first thereunto duly authorized by resolution of its City Council, and BMI has caused its corporate name to be subscribed by its duly authorized officers, all as of the day and year herein first above written.

THE SOUTH BOISE MUTUAL IRRIGATION CO. LTD

By: [Signature]
Its President

Date: 3/15/11

ATTEST:

By: [Signature]
Its Secretary

Date: 15 March 2011

THE CITY OF BOISE

By: [Signature]
David H. Bictor
Mayor

Date: March 23, 2011

ATTEST:

By: [Signature]
Craig Croner
Interim City Clerk

Date: March 23, 2011



BARBER MILL INVESTMENTS, LLC

By: [Signature]
David W. Turnbull, Manager

Date: March 31, 2011

**MITIGATION PLAN
APPLICATION FOR PERMIT 63-33052**

The City of Boise, Parks and Recreation Department ("Applicant") submits this plan to provide for the mitigation of the consumptive use of ground water that will occur as a result of the storage use proposed by the above referenced permit application. Mitigation is required because the proposed ponds, which will have a surface area of approximately 6 acres, will intercept and evaporate ground water that is tributary to a reach of the Boise River that is fully appropriated by senior rights except during times when upstream reservoirs are being emptied for flood control purposes.

This mitigation plan proposes to mitigate the depletive effects of the proposed ponds on the Boise River by ceasing the irrigation of six acres of irrigation under water right 63-243G, which is held in the name of the South Boise Mutual Irrigation Co., Ltd. ("SBMIC"). Applicant and SBMIC have an agreement whereby Applicant will acquire 6 SBMIC shares, each of which entitle the holder to the delivery of water sufficient to irrigate 1 acre at a rate of one-inch per acre. SBMIC agrees that the 6 acres associated with the 6 shares being acquired by Applicant will no longer be used for irrigation and instead will be used for mitigation of the permit 63-33052, and appropriate remarks on right 63-243G to this effect is authorized. SBMIC and the Applicant agree that the designation of a single water right held by SBMIC for mitigation under this Plan is for administrative convenience only, and that for purposes of actual water administration, Applicant's diversions made pursuant to 63-20041 are mitigated proportionally by all of SBMIC's water rights.

SBMIC has reviewed and approves this mitigation plan.

THE SOUTH BOISE MUTUAL IRRIGATION CO. LTD

By 
Its President

**MITIGATION PLAN
APPLICATION FOR PERMIT 63-33341**

The City of Boise, Parks and Recreation Department ("Applicant") submits this plan to provide for the mitigation of the consumptive use of water that will occur as a result of the irrigation use proposed by the Application for Permit no. 63-33341. Mitigation is required because the reach of the Boise River from which the Applicant proposes to divert under the permit application is fully appropriated by senior rights during the irrigation season except during times when the upstream reservoirs are being emptied for flood control purposes.

This mitigation plan proposes to mitigate the depletive effects on the Boise River of the proposed irrigation use of 40 acres by ceasing the irrigation of a corresponding number of acres of irrigation under water right 63-243G, which is held in the name of the South Boise Mutual Irrigation Co., Ltd. ("SBMIC"). Applicant and SBMIC (or assigns) have an agreement whereby Applicant will acquire 40 SBMIC shares, each of which entitle the holder to the delivery of water sufficient to irrigate 1 acre at a rate of one-inch per acre. SBMIC agrees that the 40 acres associated with the 40 shares being acquired by Applicant will no longer be used for irrigation and instead will be used for mitigation of the permit 63-33341, and appropriate remarks on right 63-243G to this effect is authorized. SBMIC and the Applicant agree that the designation of a single water right held by SBMIC for mitigation under this Plan is for administrative convenience only, and that for purposes of actual water administration, Applicant's diversions made pursuant to 63-33341 are mitigated proportionally by all of SBMIC's water rights.

SBMIC has reviewed and approves this mitigation plan.

THE SOUTH BOISE MUTUAL IRRIGATION CO. LTD

By _____
Its President



CITY OF BOISE

Resolution NO. RES-412-13

BY THE COUNCIL

CLEGG , JORDAN, LUDWIG, MCLEAN,
QUINTANA, AND THOMSON

A RESOLUTION CONFIRMING THE AUTHORITY OF THE PUBLIC WORKS DIRECTOR AND CITY LEGAL COUNSEL AND THEIR DESIGNEES AND AGENTS, INCLUDING THE ENVIRONMENTAL MANAGER AND WATER QUALITY MANAGER, TO SIGN APPLICATIONS FOR PERMIT FOR A WATER RIGHT ON BEHALF OF THE CITY OF BOISE; CONFIRMING AND AFFIRMING THAT ROBBIN FINCH WAS DULY AUTHORIZED TO SIGN AND FILE APPLICATION FOR PERMIT NO. 63-33467 FILED ON JANUARY 5, 2011; CONFIRMING AND AFFIRMING THAT CITY LEGAL COUNSEL WAS DULY AUTHORIZED TO SIGN AND FILE PERMIT APPLICATIONS AND OTHER DOCUMENTS AS NECESSARY FOR APPROVAL OF APPLICATION FOR PERMIT NO. 63-33467; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That the Public Works Director, Boise City Legal Counsel, and their designees and agents, including but not limited to the Environmental and Water Quality Managers, are and have been duly authorized to sign and submit water right permit applications and other filings with the Idaho Department of Water Resources on behalf of the City of Boise and/or the Public Works Department.

Section 2. That Robbin Finch was now, and at all times previously, duly authorized to sign and file Application for Permit No. 63-33467 filed on January 5, 2011.

Section 3. That Boise City Legal Counsel was now, and at all times previously, duly authorized to sign and file Application for Permit No. 63-33467, subsequent amendment(s), and any and all other documents necessary or desirable for approval of Application for Permit No. 63-33467.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

CITY OF BOISE

ADOPTED by the Council of Boise City, Idaho, on October 22, 2013.

APPROVED by the Mayor of the Boise City, Idaho, on October 22, 2013.

APPROVED:



David H. Bieter, Mayor



ATTEST:



Lynda Lowry, Ex-Officio City Clerk



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

February 28, 2019

SOUTH BOISE MUTUAL IRRIGATION CO LTD
1120 CHAMBERLAIN
BOISE ID 83706

Re: Application for Permit No. 63-34643

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Statesman* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **March 25, 2019**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

A handwritten signature in blue ink that reads "Anna Kaiser".

Anna Kaiser
Administrative Assistant
Western Regional Office

Enclosures

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, February 28, 2019 2:13 PM
To: 'Bosworth,Bill'
Subject: Application for Permit No: 63-34625
Attachments: IDFG Recommendation Form.docx; app 63-34625.pdf

February 28, 2019

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: BILL BOSWORTH
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Application for Permit No. 63-34625

Dear Mr. Bosworth:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendation(s) from your agency regarding the above referenced water right application(s). Copy(s) of the application(s) are enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of **March 25, 2019**.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, February 28, 2019 2:11 PM
To: 'waterdistrict63@qwestoffice.net'
Subject: Application for Permit No: 63-34625
Attachments: app 63-34625.pdf; Watermaster Recommendation Form.docx

February 28, 2019

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Application for Permit No. 63-34625

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the application are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **March 25, 2019**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



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

February 28, 2019

CITY OF BOISE DEPT OF PARKS & RECREATION
1104 ROYAL BVLD
BOISE, ID 83706

Application for Permit No. 63-34625 & 63-34626

Dear Applicant:

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding each application.

A legal notice of the applications has been prepared and is scheduled for publication in the IDAHO STATESMAN on 3/7/2019 and 3/14/2019. Protests to either application may be submitted for a period ending ten (10) days after the second publication.

If any application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, the Department will process your applications and notify you of any action taken on either application. If the applications are approved, the Department will send you a copy of the permits.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads "Anna Kaiser".

Anna Kaiser
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, February 28, 2019 8:38 AM
To: 'BOI Legals'
Subject: Ada Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

Please see the attached ad for publication on 3/7/2019 & 3/14/2019.

Please confirm these are okay to publish as shown.

Thank you,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

February 28, 2019

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit Nos: 63-34625, 63-34626, 63-34645, 63-34651
Transfer No. 82874, 82915, 82916,
Water Right Nos: 63-2768, 63-5325, 63-161G, 63-26699, 63-8775, 63-34433, 63-34434, 63-34435

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/25/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures

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 BVLD
BOISE, ID 83706

Point of Diversion L8(SENE) 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 BVLD
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 0.87 CFS

Total Diversion: 0.87 CFS

Date Filed: 12/17/2018

Place Of Use: IRRIGATION

T04N 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 W 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 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

Published on 3/7/2019 and 3/14/2019

MEMORANDUM

February 25, 2019

Application for Permit: 63-34625

Author: JShearer

Subject: PPU

This application proposes the irrigation of 1 acre within a 3.6 acre permissible place of use.



October 15, 2018

RECEIVED
OCT 16 2018
WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: City of Boise Applications for Permit (2)

Dear Angie,

Enclosed on behalf of the City of Boise Parks & Recreation Department, are (1) an Application for Permit proposing irrigation of 1.0 acre within Golda Harris Nature Preserve from the Boise River using an existing irrigation system that currently serves adjacent Marianne Williams Park, and (2) an Application for Permit proposing irrigation of 2 acres for a new park off of Pierce Park Lane in north Boise.

Check No. 013904 for \$200 is enclosed for the filing fees. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: John Roldan, Boise City Public Works Dept.
Dee Oldham, Boise City Parks & Rec Dept.

Enclosures

SPF file number: 389.0880

