

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82259**

This is to certify that: CITY OF MERIDIAN
33 E BROADWAY AVE
MERIDIAN, ID 83642

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>
63-11671	WR/LICENSE	2/18/1992	1.450 cfs	181.1 af	N/A	18.5	GROUND WATER
63-7307	WR/DECREED	3/10/1970	0.930 cfs	68.4 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-11671	NO	NO	YES	YES	YES	YES
63-7307	NO	NO	YES	YES	NO	YES

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>
63-11671	63-11671	1.450 cfs	51.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-7307	63-7307	0.930 cfs	18.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.380 cfs	70.1 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 26th day of December, 2018.



PAMELA S. SKAGGS, Water Rights Section Mgr.

WATER RIGHT NO. 63-7307

As Modified by Transfer No. 82259

In accordance with the approval of Transfer No. 82259, Water Right No. 63-7307 is now described as follows:

Right Holder: CITY OF MERIDIAN
33 E BROADWAY AVE
MERIDIAN, ID 83642

Priority Date: 3/10/1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	0.930 cfs	18.2 af
			0.930 cfs	18.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 18 Twp 03N Rge 01E	ADA County
GROUND WATER	L1 (NWNW)	Sec 18 Twp 03N Rge 01E	ADA County
GROUND WATER	NENW	Sec 19 Twp 03N Rge 01E	ADA County
GROUND WATER	NWSW	Sec 20 Twp 03N Rge 01E	ADA County
GROUND WATER	NWNW	Sec 21 Twp 03N Rge 01E	ADA County
GROUND WATER	NWNE	Sec 29 Twp 03N Rge 01E	ADA County
GROUND WATER	NWSE	Sec 30 Twp 03N Rge 01E	ADA County
GROUND WATER	SWNE	Sec 32 Twp 03N Rge 01E	ADA County
GROUND WATER	NWSE	Sec 6 Twp 03N Rge 01E	ADA County
GROUND WATER	NESW	Sec 7 Twp 03N Rge 01E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 03N Rge 01E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 03N Rge 01E	ADA County
GROUND WATER	SWNE	Sec 8 Twp 03N Rge 01E	ADA County
GROUND WATER	SWNE	Sec 8 Twp 03N Rge 01E	ADA County
GROUND WATER	SWNE	Sec 8 Twp 03N Rge 01E	ADA County
GROUND WATER	SESW	Sec 8 Twp 03N Rge 01E	ADA County
GROUND WATER	SWSE	Sec 1 Twp 03N Rge 01W	ADA County
GROUND WATER	SESE	Sec 10 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 11 Twp 03N Rge 01W	ADA County
GROUND WATER	NENW	Sec 12 Twp 03N Rge 01W	ADA County
GROUND WATER	SESE	Sec 12 Twp 03N Rge 01W	ADA County
GROUND WATER	SWSE	Sec 12 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 2 Twp 03N Rge 01W	ADA County
GROUND WATER	SWSW	Sec 2 Twp 03N Rge 01W	ADA County
GROUND WATER	SWNE	Sec 24 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 25 Twp 03N Rge 01W	ADA County
GROUND WATER	SENE	Sec 25 Twp 03N Rge 01W	ADA County
GROUND WATER	NENW	Sec 25 Twp 03N Rge 01W	ADA County
GROUND WATER	NWSE	Sec 25 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 3 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 30 Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 32 Twp 04N Rge 01E	ADA County
GROUND WATER	NWNW	Sec 33 Twp 04N Rge 01W	ADA County
GROUND WATER	SWNW	Sec 35 Twp 04N Rge 01W	ADA County
GROUND WATER	SESE	Sec 36 Twp 04N Rge 01W	ADA County
GROUND WATER	SESE	Sec 36 Twp 04N Rge 01W	ADA County

WATER RIGHT NO. 63-7307

As Modified by Transfer No. 82259

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Meridian municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
4. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 02-16-2007.
5. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-11671**As Modified by Transfer No. 82259**

In accordance with the approval of Transfer No. 82259, Water Right No. 63-11671 is now described as follows:

Right Holder: CITY OF MERIDIAN
33 E BROADWAY AVE
MERIDIAN, ID 83642

Priority Date: 2/18/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
FIRE PROTECTION	1/01	to 12/31	1.450 cfs	
MUNICIPAL	01/01	to 12/31	0.880 cfs	51.9 af
			1.450 cfs	51.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 18 Twp 03N Rge 01E	ADA County
GROUND WATER	L1 (NWNW)	Sec 18 Twp 03N Rge 01E	ADA County
GROUND WATER	NENW	Sec 19 Twp 03N Rge 01E	ADA County
GROUND WATER	NWSW	Sec 20 Twp 03N Rge 01E	ADA County
GROUND WATER	NWNW	Sec 21 Twp 03N Rge 01E	ADA County
GROUND WATER	NWNE	Sec 29 Twp 03N Rge 01E	ADA County
GROUND WATER	NWSE	Sec 30 Twp 03N Rge 01E	ADA County
GROUND WATER	SWNE	Sec 32 Twp 03N Rge 01E	ADA County
GROUND WATER	NWSE	Sec 6 Twp 03N Rge 01E	ADA County
GROUND WATER	NESW	Sec 7 Twp 03N Rge 01E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 03N Rge 01E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 03N Rge 01E	ADA County
GROUND WATER	SWNE	Sec 8 Twp 03N Rge 01E	ADA County
GROUND WATER	SWNE	Sec 8 Twp 03N Rge 01E	ADA County
GROUND WATER	SWNE	Sec 8 Twp 03N Rge 01E	ADA County
GROUND WATER	SESW	Sec 8 Twp 03N Rge 01E	ADA County
GROUND WATER	SWSE	Sec 1 Twp 03N Rge 01W	ADA County
GROUND WATER	SESE	Sec 10 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 11 Twp 03N Rge 01W	ADA County
GROUND WATER	NENW	Sec 12 Twp 03N Rge 01W	ADA County
GROUND WATER	SESE	Sec 12 Twp 03N Rge 01W	ADA County
GROUND WATER	SWSE	Sec 12 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 2 Twp 03N Rge 01W	ADA County
GROUND WATER	SWSW	Sec 2 Twp 03N Rge 01W	ADA County
GROUND WATER	SWNE	Sec 24 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 25 Twp 03N Rge 01W	ADA County
GROUND WATER	SENE	Sec 25 Twp 03N Rge 01W	ADA County
GROUND WATER	NENW	Sec 25 Twp 03N Rge 01W	ADA County
GROUND WATER	NWSE	Sec 25 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 3 Twp 03N Rge 01W	ADA County
GROUND WATER	NENE	Sec 30 Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 32 Twp 04N Rge 01E	ADA County
GROUND WATER	NWNW	Sec 33 Twp 04N Rge 01W	ADA County
GROUND WATER	SWNW	Sec 35 Twp 04N Rge 01W	ADA County
GROUND WATER	SESE	Sec 36 Twp 04N Rge 01W	ADA County
GROUND WATER	SESE	Sec 36 Twp 04N Rge 01W	ADA County

WATER RIGHT NO. 63-11671

As Modified by Transfer No. 82259

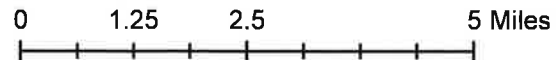
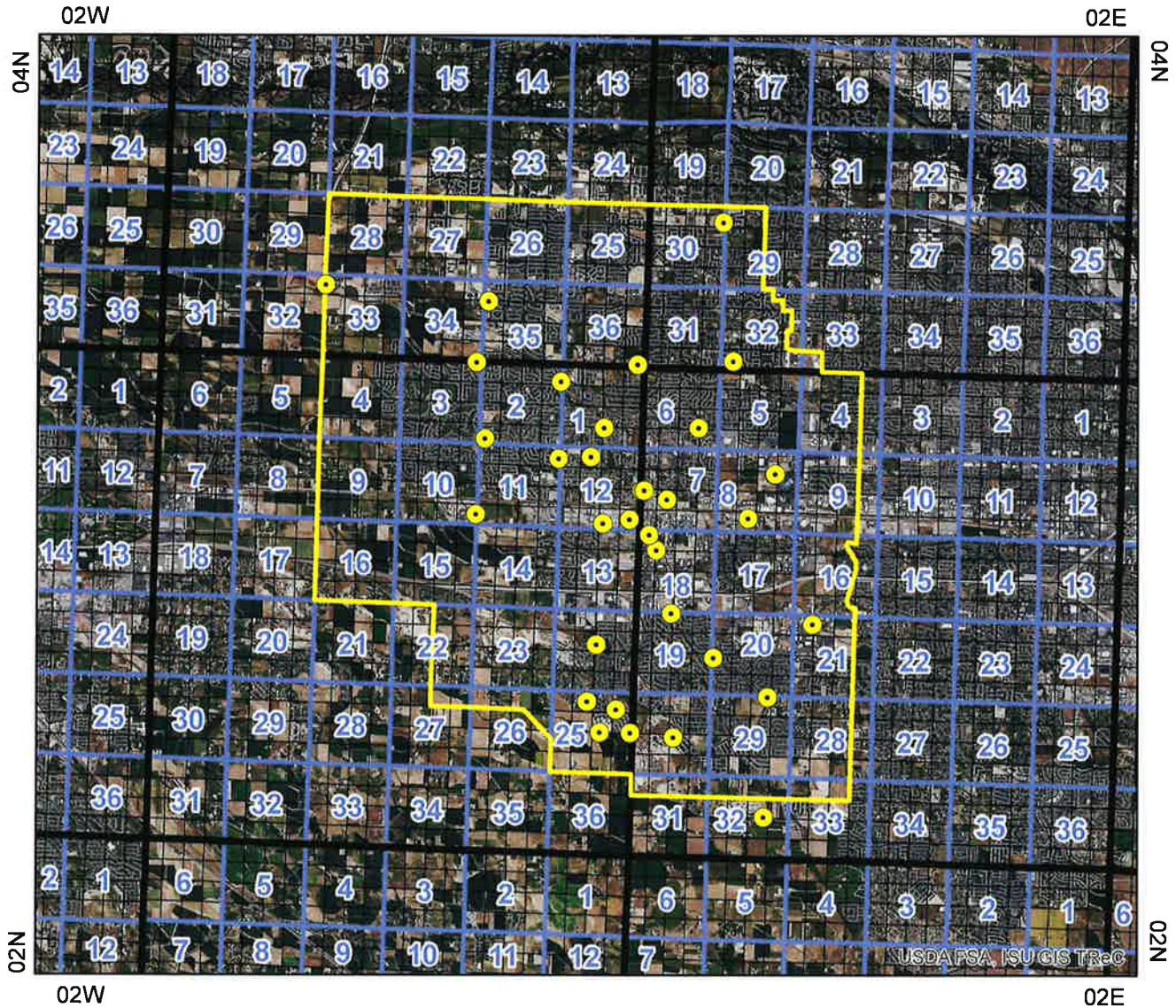
CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Meridian municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
4. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in Transfer 5271 dated 07-27-1998.
5. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire. Any amount of water used to fight a fire will not count against the annual volume limit for this right.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Attachment to Transfer 82259

63-11671 and 63-7307

This map depicts the MUNICIPAL place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Water Service Area Boundary
- Townships
- PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 27, 2018

CITY OF MERIDIAN
33 E BROADWAY AVE
MERIDIAN ID 83642-2619

Re: Transfer No: 82259
Water Right No(s): 63-7307, 63-11671

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right(s) 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) 287-4800.

Sincerely,



Pamela S. Skaggs, Manager
Water Rights Section

Enclosure(s)

c:

CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2018 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.: 82259
Water Right No(s): 63-7307, 63-11671

CITY OF MERIDIAN
33 E BROADWAY AVE
MERIDIAN ID 83642-2619

CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701



Darla Block
Technical Records Specialist

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.

Skaggs, Pam

From: Skaggs, Pam
Sent: Wednesday, December 26, 2018 9:29 AM
To: 'Charles Honsinger'; Keen, Shelley
Cc: Kyle Radek
Subject: RE: Transfer No. 82259

Charlie,

I was out on Monday and just read your request this morning. I will prepare a new transfer approval document the same as the September 27th approval. It will be in the mail shortly.

Thank you for the time you and your client spent resolving this matter.

Pam

Pamela S. Skaggs, Manager
Water Rights Section
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

From: Charles Honsinger [mailto:honsingerlaw@gmail.com]
Sent: Monday, December 24, 2018 8:59 AM
To: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>; Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Cc: Kyle Radek <kradek@meridiancity.org>
Subject: Transfer No. 82259

Pam and Shelley: Thank you once again for taking the time to address the City of Meridian's concerns with the above referenced Application for Transfer filed by the City. We appreciate the opportunity to discuss our concerns with both of you and with Deputy Director Matt Weaver.

After discussion and analysis, the City has determined that it will accept the transfer as it was originally approved when issued on September 27, 2018. That is, of the options we discussed with IDWR, the City would accept approval of the transfer with a 70.1 AFA volumetric limitation on the municipal purpose of use with the ability to divert from all of its PODs, and deliver to its entire POU.

If you need hard-copy correspondence from me clarifying the same, please let me know via reply e-mail.

Thanks, and please contact me with any further questions or concerns.

Charlie Honsinger

Charles L. Honsinger
Honsinger Law, PLLC
P.O. Box 517
Boise, ID 83701
Phone: (208)863-6106
Fax: (208)908-6085
honsingerlaw@gmail.com

Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106

RECEIVED
NOV 13 2018
DEPARTMENT OF
WATER RESOURCES

November 1, 2018

Mr. Shelley Keen
Ms. Pam Skaggs
Idaho Dept. of Water Resources
322 E. Front. St., Suite 648
Boise, ID 83702-7371

Re: Transfer Application No. 82259

Dear Mr. Keen and Ms. Skaggs:

Per the conversation between yourselves, myself and the City of Meridian's Assistant City Engineer Kyle Radek this past Friday, October 26, 2018, this correspondence contains the City's proposal to address the issue of the volume of water that can be transferred by the City to new points of diversion as currently proposed by the above referenced application.

The transfer application as it currently exists proposes: (1) the addition of all of the City's wells as points of diversion for the two water rights that are the subject of the application; (2) to change the nature of use of both water rights to Municipal from Domestic (in the case of water right no. 63-7307), or from Domestic, Fire Protection and Irrigation (in the case of water right no. 63-11671); (3) to change the place of use to the City's service area, and; (4) to change the season of use of the irrigation portion of water right no. 63-11671 to year 'round.

Because of the change in nature of use, IDWR has proposed to limit annual volumetric diversions under water right no. 63-11671 to 51.9 acre-feet, and under water right no. 63-7307 to 18.2 acre-feet. IDWR's proposed volumetric limitations reflect a calculation of the consumptive use of both water rights were they to be used solely for irrigation purposes.

Prior to the proposed imposition of these volumetric limitations, the City provided IDWR its water delivery records clearly establishing that it had delivered the following annual volumes to the current place of use of the subject water rights: 2015 - 96.4 acre-feet; 2016 - 94.9 acre-feet, and; 2017 84.6 acre-feet. As we discussed last Friday, the City is concerned that it could be limited to a lower proposed annual volume (70.1 acre-feet) under the transfer application than that which is necessary to continue to serve the original place of use under water right nos. 63-7307 and 63-11671. As Mr. Radek explained, it seems inequitable that the City's water rights should be diminished as a result of the proposed transfer, even though it will continue thereafter to serve the place of use with exactly the same volume of water as it had before the proposed transfer. It seemed to Mr. Radek and I that both of you agreed that there was at least some validity to the City's concerns.

One possible solution to the issue we discussed at our Friday meeting was the amendment

Shelley Keen
Pam Skaggs
November 1, 2018
Page 2

of the transfer application to remove the proposed change in nature of use and change of place of use. In other words, the transfer application as amended would simply seek to add the City's municipal supply wells as points of diversion to the water rights. IDWR's concern with such a proposed solution is that there is a possibility that the place of use of the water rights may change in character over time and result in a lower volume of water being used in that specific place of use - thereby permitting the City to distribute water being diverted under water right nos. 63-7307 and 63-11671 to unauthorized places of use. We believe this should not be a concern as the City has a municipal water rights portfolio to serve other uses in other areas. The City simply wants these water rights to continue to serve their intended purpose such that additional water deliveries are not required in order for the City to continue to serve the same area and customers in the exact same manner as it has for the past four years.

We believe that IDWR's concerns can be addressed by conditioning the transfer approval to provide that the City must monitor the volume of water diverted to the place of use under the water rights, and that in the event of a decrease of a certain volumetric percentage (i.e. 25%) over a period of five or more years (or a reasonable time period), the water rights will be subject to re-evaluation by IDWR to analyze whether the volumetric limitation should be reduced.

Accordingly, the City makes a proposal to IDWR that water right water right nos. 63-7307 and 63-11671 be limited to a combined annual volume of 96.4 acre-feet under Transfer Application No. 82259 after it is amended to propose only the addition of the City's municipal wells as points of diversion to both water rights. Both water rights should be conditioned to provide the following: (1) that the City shall keep records of water deliveries to the place of use, and report that information to IDWR upon request, and; (2) that in the event of combined diversion volume decrease in excess of 25% (or some other reasonable decrease as agreed upon by the City and IDWR) for a period of greater than five years, the combined annual diversion volume limitation will be subject to analysis and re-evaluation by IDWR.

We look forward to your reaction to this proposal. Both Mr. Radek and I are available for further discussion of this issue should either or both of you desire the same. Please feel free to contact me at any time. Thank you for the opportunity to explore this issue with you.

Sincerely,


Charles L. Honsinger

cc: City of Meridian

Skaggs, Pam

From: Charles Honsinger <honsingerlaw@gmail.com>
Sent: Thursday, November 01, 2018 2:39 PM
To: Keen, Shelley; Skaggs, Pam
Cc: Kyle Radek
Subject: Proposal to address diversion volumes under Transfer No. 82259
Attachments: Keen.Skaggs.It.11-1-18.pdf

Shelley and Pam: Please see attached letter dated 11/1/2018. Original to follow by U.S. Mail.

Please contact me with any concerns, questions, or simply for further discussion. Thanks again for agreeing to take a second look at this.

Charlie

Charles L. Honsinger
Honsinger Law, PLLC
P.O. Box 517
Boise, ID 83701
Phone: (208)863-6106
Fax: (208)908-6085
honsingerlaw@gmail.com