

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WITHDRAWN

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
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)

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

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
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 September, 2018.



PAMELA S. SKAGGS, Water Rights Section Mgr.

Transfer No. 82259

SCANNED

SEP 27 2018

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	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

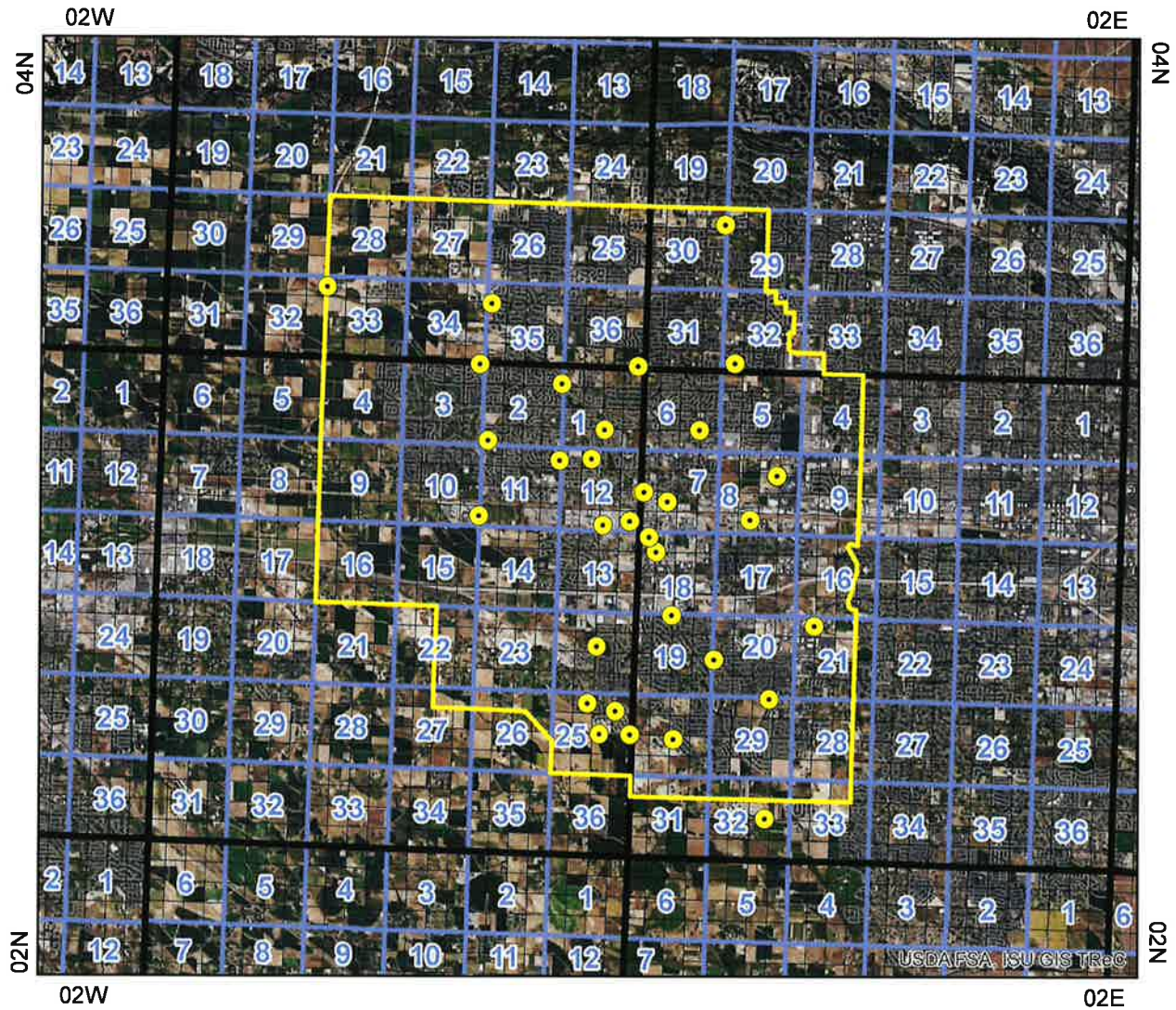
1. Place of use is within the service area of the City of Meridian municipal water supply system as provided for under Idaho Law.
2. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
3. The right holder 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.

City Of Meridian

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 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 27, 2018

CITY OF MERIDIAN
33 E BROADWAY AVE
MERIDIAN ID 83642

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

c:

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

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 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**

**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.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
321081	0003833337	LEGAL NOTICE NOTICE OF PROPOSED CHAN	City Meridian	\$274.48	2	87

Attention: JEAN HERSLEY

IDAHO DEPT OF WATER RESOURCES - STATE OFFICE
PO BOX 83720
BOISE, ID 837200098

LEGAL NOTICE

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82259**

CITY OF MERIDIAN, 33 E BROADWAY AVE, MERIDIAN, ID 83642; has filed Application No. 82259 for changes to the following water rights within ADA County(s): Right No(s): 63-11671, 63-7307. The purpose of the transfer is to change a portion of the above rights as follows:

change the place of use, add points of diversion, change nature & period of use under rights historically used for domestic & irrigation uses in the Meridian Heights Subdivisions to municipal use within the City of Meridian's municipal water supply system.

TRANSFER NO. 82549

STAR SEWER & WATER DISTRICT, PO BOX 400, STAR, ID 83669; has filed Application No. 82549 for changes to the following water rights within ADA County(s): Right No(s): 63-12100, 63-12370, 63-31511, 63-31969. The purpose of the transfer is to change a portion of the above rights as follows:

add 1 new well & 4 existing wells to the Star Sewer & Water District rights as authorized points of diversion as an integrated delivery system. The proposed new well is located in SWSW, S32, T5N, R1W, north of the intersection of W Beacon Light Rd & N Hammett Ln, north of Star, Idaho in Ada County.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see

<http://www.idwr.idaho.gov/water-rights/transfers/search.html>

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 9/24/2018. The protestant must also send a copy of the protest to the applicant.

The following application(s) have been filed to amend Permit to Appropriate Water:

63-32644

STAR SEWER & WATER DISTRICT

PO BOX 400

STAR, ID 83669

Point of Diversion SWNW SESW S8 T04N R01W ADA County

Point of Diversion NWNW S16 T04N R01W ADA County

Point of Diversion SESW S5 T04N R01W ADA County

Point of Diversion SWNW S11 T04N R02W CANYON County

Point of Diversion SWSW S32 T05N R01W ADA County

Source: GROUND WATER

Use: MUNICIPAL

01/01 to 12/31

7.31 CFS

Total Diversion:

7.31 CFS

Date Filed: 7/19/2018

The purpose of this amendment is to add one (1) new well to the five (5) existing wells listed as points of diversion for this permit as an authorized point of diversion in an integrated delivery system. The proposed new well is located in SWSW, S32, T5N, R1W, north of the intersection of W Beacon Light Rd & N Hammett Ln, north of Star, Idaho in Ada County.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 9/24/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Sept. 6, 13, 2018

0003833337-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 09/06/2018

Ending issue of: 09/13/2018

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 13th day of September in the year of 2018 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Heather Harradine
Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires: 2/14/2020