

State of Idaho  
Department of Water Resources  
**AMENDED Water Right License AMENDED**  
WATER RIGHT NO. 63-33692

PRIORITY: August 21, 2012

Maximum Diversion Rate: 0.08 CFS

It is hereby certified that:

CITY OF BOISE DEPT OF PARKS &amp; RECREATION 1104 ROYAL BLVD BOISE ID 83706-2898

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 21, 2012, and has submitted Proof of Beneficial Use on July 03, 2017. An examination confirms water is diverted from:

**SOURCE:**  
GROUND WATER

and a water right has been established as follows:

|                              |                             |                              |
|------------------------------|-----------------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> |
| MUNICIPAL                    | 03/15 to 11/15              | 0.08 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER L1 (NE¼NE¼) Sec. 3, Twp 03N, Rge 01E, B.M. ADA County

**PLACE OF USE:** MUNICIPAL

| Twp | Rge | Sec | NE       |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE       | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N | 01E | 3   | X<br>L 1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

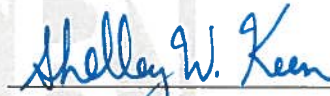
1. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Section 42-222, Idaho Code, or other Department approval.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for the irrigation component of the municipal water use.
3. To prevent injury to prior water rights appropriating water from the underlying shallow aquifer, the well used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.

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4. 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.
5. Water bearing zone to be appropriated is 219 to 240 feet.
6. Municipal use is for the supplemental irrigation and to provide water for a spray park at Comba Neighborhood Park.
7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 22<sup>nd</sup> day of December, 2017.



SHELLEY W. KEEN  
Water Rights Section Manager



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 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 22, 2017

CITY OF BOISE  
DEPT OF PARKS & RECREATION  
1104 ROYAL BLVD  
BOISE ID 83706-2898

RE: License Nos. 63-32210 & 63-33692

**Issuance of Amended Licenses**

Dear Water Right Holder(s):

The Department of Water Resources has enclosed the Amended Water Right Licenses issued in connection with the October 19, 2017 Orders Granting Petitions for Reconsideration and Modifying Preliminary Orders, which have become final. Please be sure to thoroughly review the conditions of approval and remarks listed on your amended licenses.

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 208-287-4951.

Sincerely,

For Pamela Skaggs  
Water Rights Supervisor

Enclosure(s)

c: SPF WATER ENGINEERING LLC C/O TERRY SCANLAN

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2017, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (**Approved Amended Licenses**) to the person(s) listed below:

**RE: WATER RIGHT NOS.**

**63-32210 & 63-33692**

**CITY OF BOISE  
DEPT OF PARKS & RECREATION  
1104 ROYAL BLVD  
BOISE ID 83706-2898**

**SPF WATER ENGINEERING LLC  
C/O TERRY SCANLAN  
300 E MALLARD DR STE 350  
BOISE ID 83706-6660**



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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.