

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 22 2017

WATER RESOURCES
WESTERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-29435	Yes ☒	Yes ☐	→ 43-31138	Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Boise City Independent School District
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Boise, Department of Parks and Recreation
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- | | | | |
|-----------------------------|--------------|-----------|--------------|
| <u>1104 Royal Boulevard</u> | <u>Boise</u> | <u>ID</u> | <u>83706</u> |
| Mailing address | City | State | ZIP |
| <u>208-608-7600</u> | | | |
| Telephone | Email | | |
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 2014, 2016
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - ☒ Filing fee (see instructions for further explanation):
 - ☐ \$25 per *undivided* water right.
 - ☐ \$100 per *split* water right.
 - ☐ No fee is required for pending adjudication claims.
 - ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
 - ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Public Works Director 6/15/17
 Signature of new owner/claimant Title, if applicable Date

Signature: _____ _____ _____
 Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by AS Date 8/22/17 Receipt No. WB45607 Receipt Amt. \$100.00

In the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒

W-9 X Approved by PH Processed by PH Date 9-18-17

RECEIVED
AUG 23 2017
WATER RESOURCES
DIVISION

Water Right 63-29435 Ownership Change Analysis and Explanation:

In 1993, Boise School District filed the attached SRBA claim 63-29435 for 3 acres supplemental ground water irrigation for the Franklin School site, which was demolished in 2009-2010. The place of use for the 3 acres was decreed within the school's 7.8-acre property boundary located on the SW corner of the Franklin/Orchard Road intersection. As shown in the photos below (taken 6/2/2017), the historical irrigation system consists of a well located in the SE corner of the property that directly discharged supplemental ground water into a ditch shared with NMID. The ditch borders the south end of the property to gravity irrigate the 3 acres of turf grass on the southern half of the school site.



Water Right 63-29435 Ownership Change Analysis and Explanation:

In 1993, Boise School District filed the attached SRBA claim 63-29435 for 3 acres supplemental ground water irrigation for the Franklin School site, which was demolished in 2009-2010. The place of use for the 3 acres was decreed within the school's 7.8-acre property boundary located on the SW corner of the Franklin/Orchard Road intersection. As shown in the photos below (taken 6/2/2017), the historical irrigation system consists of a well located in the SE corner of the property that directly discharged supplemental ground water into a ditch shared with NMID. The ditch borders the south end of the property to gravity irrigate the 3 acres of turf grass on the southern half of the school site.





The School District has since sold the property. Now Maverick Inc. owns 4.73 acres and the City of Boise owns 3.04 acres of the original school site. A 1987 NAPP photo that was used for the Department's SRBA recommendation for water right 63-29435 is shown in Figure 1 below. The area north of the ditch and south of the school building(s)/parking area, where water from the gravity flood irrigation system could physically reach, calculates to approximately 3 acres, of which the City of Boise owns 2.5 acres and Maverick Inc. owns 0.5 acre. The irrigated strip north and east of the school building(s)/parking area of the property was irrigated with pressurized municipal water. SPF Water Engineering validated the past irrigation practices with Boise School District's Irrigation Specialist, Gale Davis. Gale confirmed the school used "City" water via an irrigation clock and pressurized sprinklers for irrigation of the north and east strips. He said the field area north of the ditch and south of the school used well water and a gravity irrigation ditch system which the well supplemented. SPF visited the site June 20, 2017, and found the gravity irrigation facilities largely intact for irrigation of the field area as verified by Mr. Davis. The irrigation ditch consisted of small concrete structures where a slide gate could be inserted to flood the area upstream by moving a slide gate from structure to structure.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-29435
Date Received: 10/1/1993 02/15/199
Receipt No: W017182
Received By: MM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: INDEPENDENT SCHOOL DISTRICT BOISE CITY 208-338-3420
Address: C/O ROGER CARLSON
405 COLLINS RD
BOISE ID 83702-4587

2. Date of Priority: DEC 31, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	02E	17	SE	NE	NW		ADA

5. Description of diverting works:
58' DEEP, 15 HP PUMP, PIPED TO THE PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		12.00

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) 12.00 A.F.A.

8. Total consumptive use is 10.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	02E	17	NE	NW		IRR	3.0

MICROFILMED
AUG 03 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

NAMPA AND MERIDIAN IRRIGATION DISTRICT

14. Remarks:

THIS IS FOR FRANKLIN ELEMENTARY SCHOOL IRRIGATION

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Maintenance & Operations Supervisor of
The Independent School District of Boise City Title

Organization, that I have signed the foregoing

document in the space below as Maintenance & Operations Supervisor of
The Independent School District of Boise City Title

Organization and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Maintenance & Operations Supervisor
The Independent School District of Boise City
Title and Organization

October 28, 1993

Date

MICROFILMED

AUG 03 1994

Idaho Department of Water Resources

63-29435

T03N R02E S17

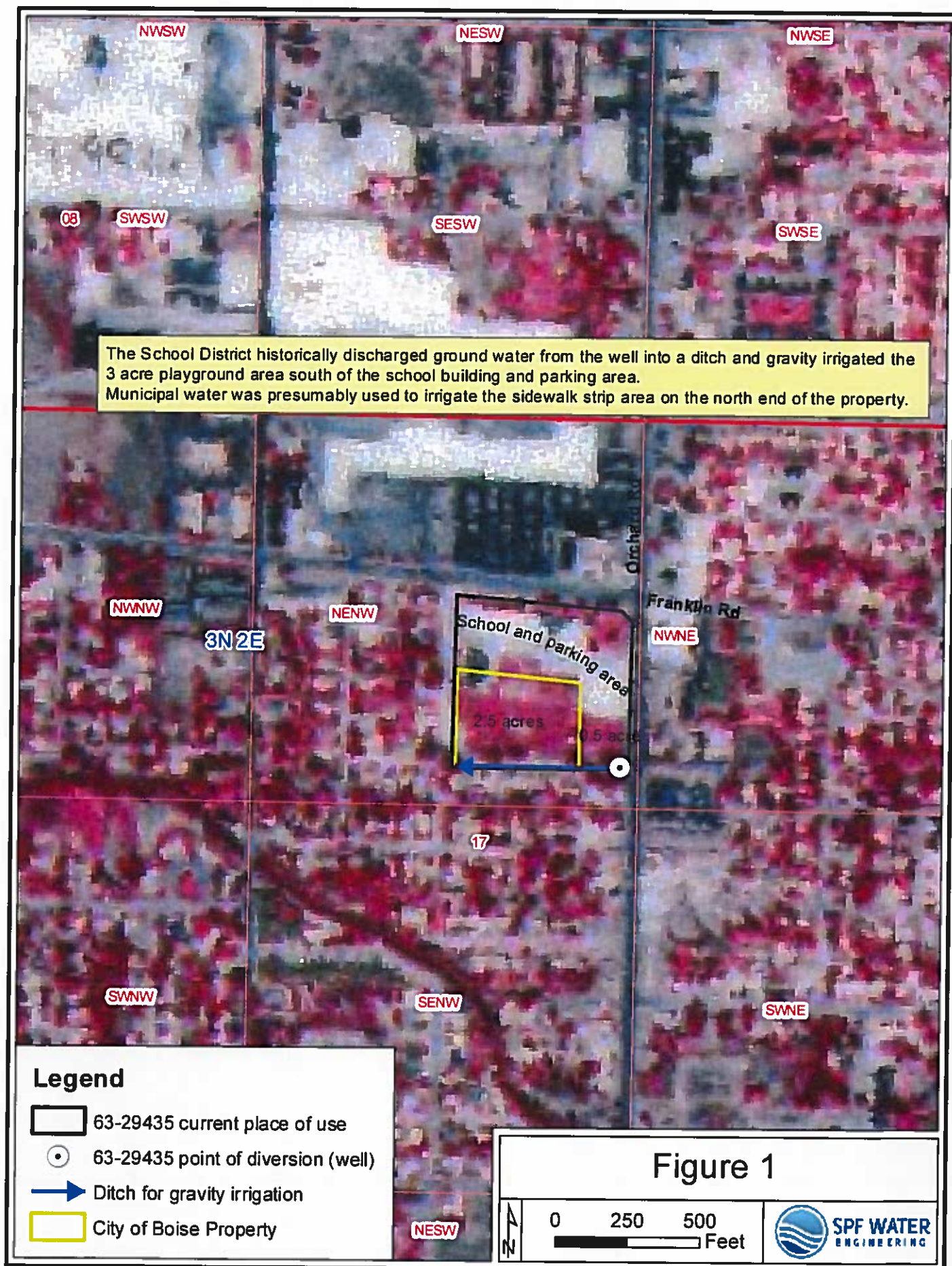


- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



IDWR
Prepared by: Sandy Egbert
Date: 5-13-05
1987 NAPP Photography

600 0 600 1200 1800 2400 Feet



Split Analysis

Water Right Number: 63-29435
 Diversion Rate: 0.1 CFS
 Reviewer Name: _____
 Date: _____

Acreage Analysis

[illegible]

Water Right Number: 63-29435
 Diversion Rate: 0.1 CFS
 Reviewer Name: _____
 Date: _____

Split Tree

[illegible]

Summary

[illegible]

63-29435

(3.0 ac & 0.10 cfs)

When recorded, please return to:

City of Boise
Legal Department
Attn: J. Patrick Riceci
Post Office Box 500
Boise, Idaho 83701

WARRANTY DEED

FOR VALUE RECEIVED, the Independent School District of Boise City #1, a separately chartered district of the State of Idaho, the Grantor, does hereby grant, bargain sell and convey unto the City of Boise, an Idaho municipal corporation, the Grantee, whose current address is 500 South Capitol Boulevard, Boise, Idaho 83702 the following described premises, in Ada County, Idaho, TO WIT:

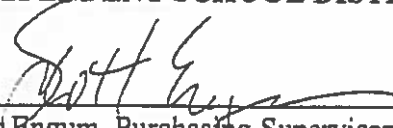
See Exhibit A attached hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT FOR: (i) all existing patent reservations, easements, right(s) of way, restrictive covenants, and all matters of record or shown on the recorded plat, if any; (ii) zoning ordinances, and applicable building codes, laws and regulations, and (iii) general taxes and assessments, for the current year, which are not yet due and payable, (collectively the "Permitted Exceptions"), and that Grantor will warrant and defend the same from all lawful claims whatsoever other than the "Permitted Exceptions".

IN WITNESS WHEREOF, Grantor has caused its name to be hereunto subscribed this 21st day of January, 2014.

GRANTOR:

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY



Scott Engum, Purchasing Supervisor

When recorded, please return to:

City of Boise
Legal Department
Attn: J. Patrick Riceci
Post Office Box 500
Boise, Idaho 83701

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

WARRANTY DEED



FOR VALUE RECEIVED, the Independent School District of Boise City ~~#1~~, a separately chartered district of the State of Idaho, the Grantor, does hereby grant, bargain sell and convey unto the City of Boise, an Idaho municipal corporation, the Grantee, whose current address is 500 South Capitol Boulevard, Boise, Idaho 83702 the following described premises, in Ada County, Idaho, TO WIT:

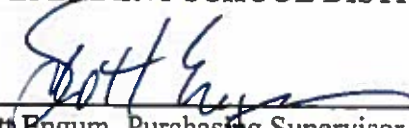
See Exhibit A attached hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT FOR: (i) all existing patent reservations, easements, right(s) of way, restrictive covenants, and all matters of record or shown on the recorded plat, if any; (ii) zoning ordinances, and applicable building codes, laws and regulations, and (iii) general taxes and assessments, for the current year, which are not yet due and payable, (collectively the "Permitted Exceptions"), and that Grantor will warrant and defend the same from all lawful claims whatsoever other than the "Permitted Exceptions".

IN WITNESS WHEREOF, Grantor has caused its name to be hereunto subscribed this 21st day of January, 2014.

GRANTOR:

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY



Scott Engum, Purchasing Supervisor

State of Idaho)
) ss.
County of Ada)

On this 21st day January, 2014, before me, a Notary Public in and for said State, personally appeared Scott Engum, known or identified to me to be the Purchasing Supervisor of the Independent School District of Boise City who executed the within instrument and acknowledged to me that he executed the same on behalf of the Independent School District of Boise City.





Notary Public for Idaho
Residing at: _____ **RESIDING: BOISE, ID**
My Commission expires: _____ **COMMISSION EXPIRES: 11-30-16**

EXHIBIT A

A portion of Lot 1, Gibberds Subdivision, as same is recorded in Book 4 of Plats at Page 153, Records of Ada County, Idaho, located within a portion of the Northeast 1/4 of the Northwest 1/4 of Section 17, Township 3 North, Range 2 East, Boise Meridian, Boise City, Ada County, Idaho being more particularly described as follows:

Commencing at a brass cap monument marking the North 1/4 corner of said Section 17 from which an aluminum cap monument marking the Center 1/4 corner of said Section 17 bears South 00°58'33" West, 2646.95 feet; Thence along the North-South Mid-Section line of said Section 17 South 00°58'33" West, 689.83 feet; Thence departing said North-South Mid-Section line North 89°01'27" West, 40.00 feet to the intersection with the westerly right-of-way line of South Orchard Street; Thence along said westerly right-of-way line South 00°58'33" West, 505.37 feet to the intersection with the North boundary line of Dunne Subdivision as same is recorded in Book 11 of Plats at Page 647, Records of Ada County, Idaho; Thence departing said westerly right-of-way line and along said North boundary line North 89°18'16" West, 186.17 feet to the **REAL POINT OF BEGINNING**;

Thence continuing North 89°18'16" West, 414.40 feet to the intersection with the West boundary line of Lot 1 of said Gibberds Subdivision;

Thence departing said North boundary line and along said West boundary line North 00°58'33" East, 374.84 feet;

Thence departing said West boundary line South 84°37'46" East, 329.46 feet;

Thence South 05°22'14" West, 174.02 feet;

Thence South 84°37'46" East, 105.02 feet;

Thence South 05°22'14" West, 77.00 feet;

Thence South 00°41'44" West, 89.24 feet to the **REAL POINT OF BEGINNING**.



ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=2 BONNIE OBERBILLIG
TITLEONE BOISE

2016-050750
06/10/2016 02:39 PM
\$13.00

Order Number: 16268948 JG/SD

WARRANTY DEED

For Value Received,

Maverik, Inc., a Wyoming corporation, the Grantor, does hereby grant, bargain sell and convey unto, The City of Boise City, an Idaho municipal corporation, whose current address is PO Box 500, Boise, ID 83701, the Grantee, the following described premises, in Ada County, Idaho, To Wit:

A parcel of land being a portion of Lot 1 of Gibberds Subdivision, recorded in Book 4 of Plats at Page 153, records of Ada County, Idaho, being located within a part of the Northwest quarter of Section 17, Township 3 North, Range 2 East, Boise Meridian, U.S. Survey described as follows:

Beginning at a point, said point being North 89°15'41" West along the section line, 319.34 feet and South 00°44'18" West 891.86 feet from the North quarter corner of said Section 17; thence South 84°37'46" East 98.19 feet; thence South 00°41'44" West 295.37 feet; thence North 89°18'16" West 10.00 feet; thence North 00°41'44" East 89.24 feet; thence North 05°22'14" East 77.00 feet; thence North 84°37'46" West 105.02 feet; thence North 05°22'14" East 129.26 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: 6/8/2016

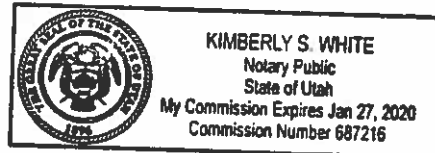
Maverik, Inc., a Wyoming corporation

By: Tom Welch
Name: Tom Welch
Its: President

State of Utah, County of Salt Lake, ss.

On this 8 day of June in the year of 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Tom Welch known or identified to me to be the CEO of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Kimberly S. White
Notary Public
Residing In:
My Commission Expires:
(seal)





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
DAVID R. TUTHILL, JR., Director

Monday, September 18, 2017

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
8169 W VICTORY RD
BOISE, ID 83709

Re: Notice of Change in Water Right Ownership No: 63-29435

<i>Original Water Right Number:</i>	<i>Split into Water Right Numbers:</i>
63-29435	63-34438 and 63-29435

Dear Water Right Holders:

We have received and processed a Change of Ownership for a portion of the original Water Right as referenced above. This required a split of the original water right.

When a portion of the original water right has been conveyed to another, a new water right number is created to represent the portion obtained by the new owners. For your records a poof report and map depicting the place of use (POU) and the point of diversion (POD) for 63-29435 are enclosed. Please refer to your new water right numbers when corresponding with our office.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Your portion of these water rights has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under these rights, including adding a new point of diversion, then an Application for Transfer on your portion of these rights is required. It is possible you may need a transfer for your point of diversion. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water rights, then no further action is required at this time.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning the enclosed information or this letter, please feel free to contact this office at (208) 334-2190.

Sincerely,

Brenda Serrano
Technical Records Specialist I
Western Regional Office



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
DAVID R. TUTHILL, JR., Director

Monday, September 18, 2017

CITY OF BOISE
150 N CAPITAL BLVD
PO BOX 500
BOISE, ID 83701

Re: Notice of Change in Water Right Ownership No: 63-29435

<i>Original Water Right Number:</i>	<i>Split into Water Right Numbers:</i>
63-29435	63-29435 and 63-34438

Dear Water Right Holders:

We have received and processed a Change of Ownership for a portion of the original Water Right as referenced above. This required a split of the original water right.

When a portion of the original water right has been conveyed to another, a new water right number is created to represent the portion obtained by the new owners. For your records a poof report and map depicting the place of use (POU) and the point of diversion (POD) for **63-34438** is enclosed. Please refer to your new water right numbers when corresponding with our office. Ridiculous

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Your portion of these water rights has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under these rights, including adding a new point of diversion, then an Application for Transfer on your portion of these rights is required. It is possible you may need a transfer for your point of diversion. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water rights, then no further action is required at this time.

Thank you for your patience, as we have had several water right changes to process. If you have any questions concerning the enclosed information or this letter, please feel free to contact this office at (208) 334-2190.

Sincerely,

Brenda Serrano
Technical Records Specialist I
Western Regional Office

MEMORANDUM

Date: 09/05/2017
To: Water Right File No. 63-29435
From: Phill Hummer
Re: Ownership Change Processed Prior to Transfer No. 81879

Ownership change (including applicable fee) requested with transfer filing. A separate Notice of Ownership Change form was received. Ownership change processed prior to transfer City of Boise Department of Parks and Recreation is claiming 2.5 acres of the water right based on property ownership.

WR 63-29435 to:

63-34438 City of Boise Department of Parks and Recreation

63-29435 Boise City Independent School District

Transfer no. 81879 will affect Water Right NO. 63-34438. The transfer applicant was not required to amend the transfer application form.



SPF WATER
ENGINEERING

August 18, 2017

RECEIVED
AUG 22 2017
WATER RESOURCES
WESTERN REGION

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

Subject: *Application for Transfer and Associated Change in Water Right Ownership Notice*

Dear Angie,

Enclosed on behalf of the City of Boise Department of Parks and Recreation, is an *Application for Transfer* proposing a new well on City property to provide water for the City's portion of water right 63-29435. A *Notice of Change in Water Right Ownership* is also enclosed indicating the portion of the water right the City now owns.

Since the proposed point of diversion will remain in the same authorized 40-acre tract, it appears processing without advertising is appropriate and would be greatly appreciated. This would allow the well to be drilled in time for irrigation of fresh sod the City plans to establish this fall for a new park aka Franklin Park.

Check No. 011468 for \$300 is enclosed for the filing fee, including \$200 for the transfer application and \$100 to split the water right. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Toby Norton, City of Boise Parks & Recreation Dept.

Enclosures

SPF file number: 389.0840