

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81879**

This is to certify that: CITY OF BOISE DEPT OF PARKS & RECREATION
1104 ROYAL BLVD

BOISE, ID 83706

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>
63-34438	WR/DECREED	12/31/1951	0.080 cfs	11.3 af	N/A	2.5	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>
63-34438	NO	YES	NO	NO	NO	NO

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>
63-34438	63-34438	0.080 cfs	11.3 af	N/A	2.5	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.080 cfs	11.3 af	N/A	2.5		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 9th day of November, 2017



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-34438
As Modified by Transfer No. 81879

In accordance with the approval of Transfer No. 81879, Water Right No. 63-34438 is now described as follows:

Right Holder: CITY OF BOISE DEPT OF PARKS & RECREATION
1104 ROYAL BVLD

BOISE, ID 83706

Priority Date: 12/31/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 11/15	0.080 cfs	11.3 af
			0.080 cfs	11.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENW Sec 17 Twp 03N Rge 02E ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	17					2.5												2.5

POU Total Acres: 2.5

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 11.3 af at the field headgate for the place of use.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
3. 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.

Transfer No. 81879

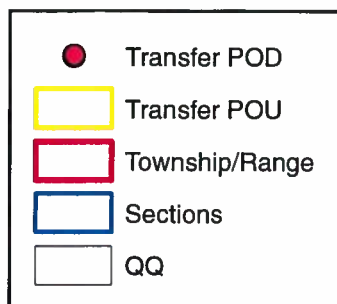
WATER RIGHT NO. 63-34438
As Modified by Transfer No. 81879

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Place of use is also known as Franklin Park.
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.

State of Idaho
Department of Water Resources
Attachment to Transfer No. 81879
Water Right(s): 63-34438

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



0 0.02 0.04 0.08 Miles





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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 9, 2017

CITY OF BOISE DEPT OF PARKS & RECREATION
1104 ROYAL BVLD

BOISE ID 83706

Re: Transfer No: 81879
Water Right No(s): 63-34438

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) 334-2190.

Sincerely,

A handwritten signature in black ink that reads "Abdul Neely for." The signature is written in a cursive, flowing style.

Nick Miller
Regional Manager

Enclosure

CC:

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

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2017 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.: 81879
Water Right No(s): 63-34438**

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

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



**Rachel Neely
Administrative Assistant**

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
263978	0003288610	The following applications have been filed to appr	RiverstoneLLC	\$604.10	3	132

Attention: RACHEL NEELY

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

RECEIVED

OCT 02 2017

WATER RESOURCES
WESTERN REGION

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34219

RIVER STONE LLC

1500 W BANNOCK

BOISE, ID 83702

HERON LAKES DEVELOPMENT INC

2970 E RIVERNEST CT

BOISE, ID 83706

HERON RIVER HOMEOWNERS ASSOCIATION, INC.

9601 W STATE ST STE 203

BOISE, ID 83714

Points of Diversion SENW 12(NWSE) NENE S17 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

(3)Points of Diversion SENE S17 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

(2)Points of Diversion NWNW S16 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion SWNW S16 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 625 AF

Total Diversion: 625 AF

Date Filed: 4/19/2016

Place of Use: AESTHETIC STORAGE

T04N R01W S16 NWNW SWNW

T04N R01W S17 NENE SWNE SENE L3(NESW) L2(NWSE)

Water bearing zone to be appropriated is from 0 to 35 feet.

✓ OK RN 10/10/17

63-34220

RIVER STONE LLC

1500 W BANNOCK

BOISE, ID 83702

HERON LAKES DEVELOPMENT INC

2970 E RIVERNEST CT

BOISE, ID 83706

HERON RIVER HOMEOWNERS ASSOCIATION, INC.

9601 W STATE ST STE 203

BOISE, ID 83714

(2)Points of Diversion NWNW S16 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC 11/01 to 03/31 0.5 CFS

Total Diversion: 0.5 CFS

Date Filed: 4/19/2016

Place of Use: AESTHETIC

T04N R01W S16 NWNW

Water bearing zone to be appropriated is from 0 to 200 feet.

✓ OK RN 10/10/17

63-34275

RIVER STONE LLC

1500 W BANNOCK

BOISE, ID 83702

HERON LAKES DEVELOPMENT INC

2970 E RIVERNEST CT

BOISE, ID 83706

Point of Diversion SENE S17 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC 01/01 to 12/31 0.5 CFS

Total Diversion: 0.5 CFS

Date Filed: 9/16/2016

Place of Use: AESTHETIC

T04N R01W S16 SWNW

Water bearing zone to be appropriated is from 0 to 200 feet.

✓ OK RN 10/10/17

63-34364

C15 LLC

4824 W FAIRVIEW AVE

BOISE, ID 83706

Point of Diversion SWSE S32 T03N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/30 0.22 CFS

Total Diversion: 0.22 CFS

Date Filed: 4/27/2017

Place of Use: IRRIGATION

T03N R01E S32 SWSE

Water bearing zone to be appropriated is from 0 to 200 feet.

✓ OK RN 10/10/17

63-34421

AMELIA WHELAN

WILLIAM WHELAN

3949 N FALCON RIDGE LN

EAGLE, ID 83616

Point of Diversion SWNE S32 T05N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.14 CFS

Total Diversion: 0.14 CFS

✓ OK RN 10/10/17

no WRBZ, fatal error

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: 09/21/2017

Ending issue of: 09/28/2017

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

..SS

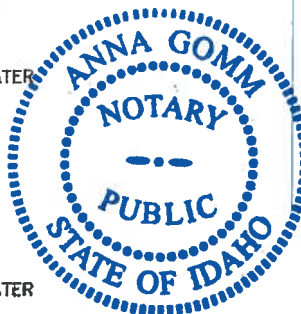
COUNTY OF ADA)

On this 29th day of September in the year of 2017 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.

Anna Gomm
Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires: 08/17/2022



Date Filed: 7/25/2017
Place of Use: IRRIGATION
T05N R01E S32 SWNE
Total Acres: 4.5
Water bearing zone to be appropriated is from 200 to 300 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81879

CITY OF BOISE, DEPT OF PARKS & RECREATION 1104 ROYAL BLVD, BOISE, ID 83706-2898; has filed Application No. 81879 for changes to the following water rights within ADA County(s): Right No(s). 63-34438. This transfer proposes to add a second point of diversion to the water right to be located in the same lot as the original point of diversion. The City plans to divert water from a depth of 100 to 150 feet in the new well. The site is located on the southwest side of the intersection between W Franklin Rd and S Orchard St in Boise Idaho.

Vok RN
10/10/17

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81213

PIONEER DITCH CO LTD, PO BOX 70, STAR, ID 83669; has filed Application No. 81213 for changes to the following water rights within ADA County(s): Right No(s). 63-183. The purpose of the transfer is to change the nature of use from irrigation to aesthetic storage by retiring 36 acres. This action will provide the required mitigation for consumptive losses associated with Application for Permit 63-34219. Aesthetic storage water will be used within the current Pioneer Ditch Company place of use boundary, 0.75 miles SE of Star.

Vok RN
10/10/17

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 10/10/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Sept. 21, 28, 2017

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