

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-34025

PRIORITY: July 06, 2015

Maximum Diversion Rate: 0.23 CFS

Maximum Diversion Volume: 42.0 AF

It is hereby certified that:

CITY OF BOISE DEPT OF PARKS & 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 October 20, 2016, and has submitted Proof of Beneficial Use on May 31, 2017. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

TRIBUTARY:
BOISE RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
MUNICIPAL STORAGE	01/01 to 12/31		42.0 AF
MUNICIPAL FROM STORAGE	03/01 to 11/15		22.9 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.23 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SW¼ Sec. 13, Twp 04N, Rge 01E, B.M. ADA County

GROUND WATER NW¼SW¼ Sec. 13, Twp 04N, Rge 01E, B.M. ADA County

PLACE OF USE: MUNICIPAL FROM STORAGE AND MUNICIPAL STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	13										X							

CONDITIONS OF APPROVAL

1. The pond established by the storage of water under this right shall not exceed a total capacity of 6.0 acre-feet or a total surface area of 0.8 acre(s).
2. Right 63-34025 authorizes the storage of an annual total of 42.0 acre-feet; 6.0 acre-feet to be used for the initial filling or carryover storage of the pond, 13.1 acre-feet for the replacement of losses due to seepage and evaporation, and up to 22.9 acre-feet for additional refills for municipal from storage use.
3. Municipal from Storage use is for supplemental irrigation of 6.2 acres within the authorized place of use in a single irrigation season.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-34025

4. 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 use water from storage 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 use water from storage 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.
5. 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.
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. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
63-280	Irrigation	0.14	31.5	7.0

The land that will no longer be irrigated under this right is located within the service area of South Boise Mutual Irrigation Company LTD.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

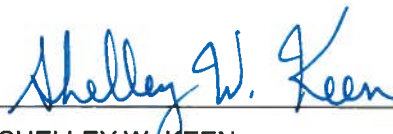
8. This right may be subject to cancellation or revocation if the Department is notified by South Boise Mutual Irrigation Company LTD that right 63-280 can no longer be used for mitigation.
9. Water bearing zone to be appropriated is 0 to 30 feet.
10. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
11. Point of diversion is located within Parcel number 0600 Lot 3 of Caswell & Sloan Subdivision.
12. Place of use is known as Magnolia Park located within Parcel numbers 0600 and 0604 Lot 3 of Caswell & Sloan Subdivision.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-34025

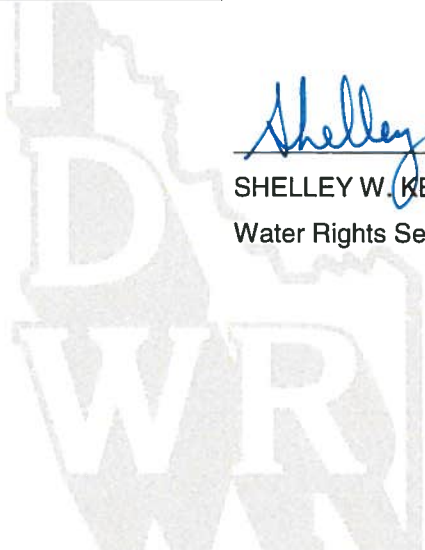
13. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this 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 19th day of October, 2017.



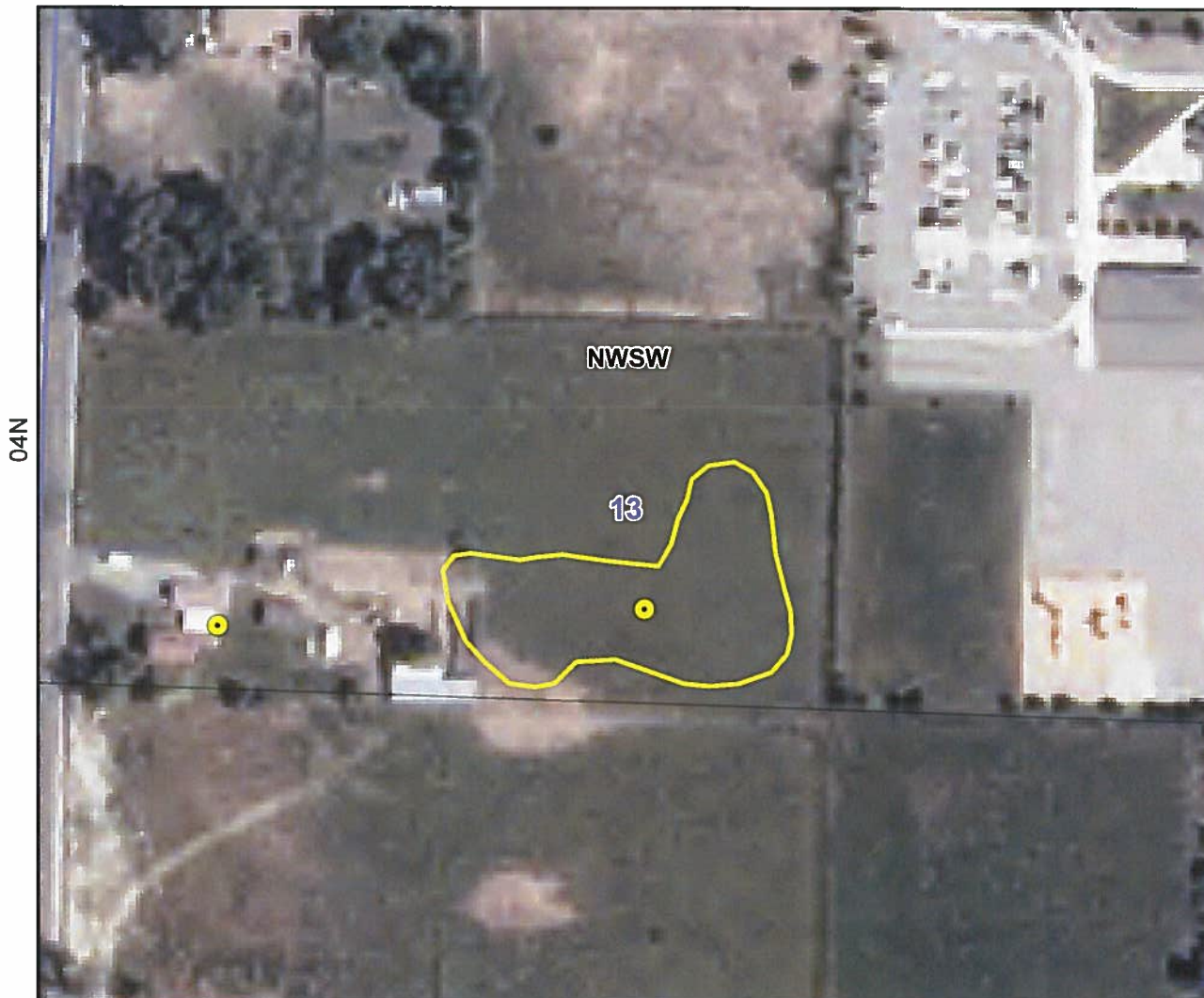
SHELLEY W. KEEN
Water Rights Section Manager



State of Idaho
Department of Water Resources
Attachment to Water Right License
63-34025

This map depicts the MUNICIPAL STORAGE 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.

01E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.0175 0.035 0.07 Miles



State of Idaho
Department of Water Resources
Attachment to Water Right License
63-34025

This map depicts the MUNICIPAL FROM STORAGE 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.

01E



0 0.0175 0.035 0.07 Miles

-  Point of Diversion
-  Place Of Use 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

October 20, 2017

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

RE: License No. 63-34025

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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 a party 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.

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,

A handwritten signature in cursive script that reads "Pamela Skaggs".

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

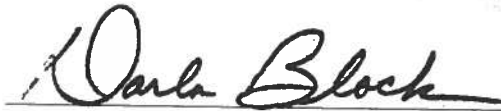
I hereby certify that on October 23, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**Approved License**) to the person(s) listed below:

RE: WATER RIGHT NO.

63-34025

**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**

A handwritten signature in black ink, reading "Darla Block", is written over a horizontal line.

**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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-34025

RECEIVED

OCT 12 2017

DEPARTMENT OF
WATER RESOURCES

PRIORITY: July 06, 2015

Maximum Diversion Rate: 0.23 CFS
Maximum Diversion Volume: 42.0 AF

Comes now

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

and represents to the Idaho Department of Water Resources that they are the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-34025, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

TRIBUTARY:
BOISE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
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LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SW¼ Sec. 13, Twp 04N, Rge 01E, B.M. ADA County

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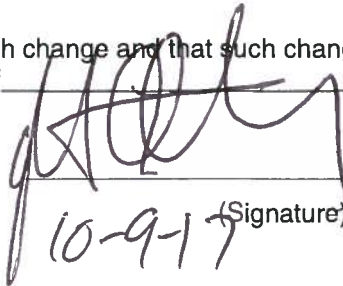
PLACE OF USE: MUNICIPAL FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	13										X							

PLACE OF USE: MUNICIPAL STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	13										X							

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this _____ day of _____, 2017.


10-9-17 (Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-34025

FOR DEPARTMENT USE ONLY

Preliminary check by TK Fee = 100.00 Received by TK # 0104216 Date 10/12/2017

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-34025 with the following:

CONDITIONS OF APPROVAL

1. The pond established by the storage of water under this right shall not exceed a total capacity of 6.0 acre-feet or a total surface area of 0.8 acre(s).
2. Right 63-34025 authorizes the storage of an annual total of 42.0 acre-feet; 6.0 acre-feet to be used for the initial filling or carryover storage of the pond, 13.1 acre-feet for the replacement of losses due to seepage and evaporation, and up to 22.9 acre-feet for additional refills for municipal from storage use.
3. Municipal from Storage use is for supplemental irrigation of 6.2 acres within the authorized place of use in a single irrigation season.
4. 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 use water from storage 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 use water from storage 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.
5. 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.
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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-34025

7. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
63-280	Irrigation	0.14	31.5	7.0

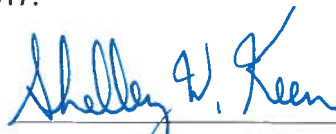
The land that will no longer be irrigated under this right is located within the service area of South Boise Mutual Irrigation Company LTD.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

8. This right may be subject to cancellation or revocation if the Department is notified by South Boise Mutual Irrigation Company LTD that right 63-280 can no longer be used for mitigation.
9. Water bearing zone to be appropriated is 0 to 30 feet.
10. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
11. Point of diversion is located within Parcel number 0600 Lot 3 of Caswell & Sloan Subdivision.
12. Place of use is known as Magnolia Park located within Parcel numbers 0600 and 0604 Lot 3 of Caswell & Sloan Subdivision.
13. 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 amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 19th day of October, 2017.



SHELLEY W. KEEN
Water Rights Section Manager



SPF WATER
ENGINEERING

October 10, 2017

RECEIVED

OCT 12 2017

DEPARTMENT OF
WATER RESOURCES

Clay Webster
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Licensing Amendment for Permit 63-34025*

Dear Clay,

Per your request, enclosed is a signed licensing amendment for the City of Boise's permit 63-34025 that adds the Magnolia Park pond as a second point of diversion.

Check No. 011621 is enclosed for the \$100 filing fee.

Please let me know if there are any questions. Thanks Clay.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: City of Boise c/o Dee Oldham

Enclosures

SPF file number: 389.0790