

State of Idaho
Department of Water Resources
Water Right License
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 & 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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
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 L1																

CONDITIONS OF APPROVAL

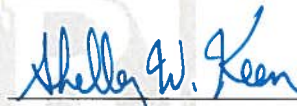
1. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface 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 not exceed a combined annual maximum diversion volume of 9 af at the field headgate for irrigation at the place of 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 25th day of September, 2017.



SHELLEY W. KEEN
Water Rights Section Manager

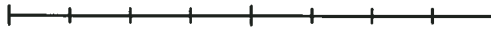
State of Idaho
Department of Water Resources
Attachment to Water Right License
63-33692

This map depicts the MUNICIPAL 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.



-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles





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 26, 2017

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

RE: License Nos. 63-32146, 63-32210 & 63-33692

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses.

The license are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become 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,

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

c: WATER DISTRICT #63
SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (**Approved Licenses**) to the person(s) listed below:

RE: WATER RIGHT NOS.

63-32146, 63-32210 & 63-33692

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

**WATER DISTRICT #63
REX BARRIE
PO BOX 767
STAR ID 83669-0767**

**SPF WATER ENGINEERING LLC
C/O TERRY SCANLAN
300 E MALLARD DR STE350
BOISE ID 83706-6660**



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.

MEMORANDUM

TO: Water Right File 63-33692

FROM: Daniel Nelson – Analyst 3

DATE: September 18, 2017

SUBJECT: Licensing Review of Water Right 63-33692

This field exam was performed by Certified Field Examiner Terry Scanlan of SPF Water Engineering. Mr. Scanlan submitted several similar field exams for the same client, but this field exam is the only one for this specific park. Mr. Scanlan reported that 0.08 cfs and 10.7 af for municipal use. The municipal use is for the supplemental irrigation of 2.0 acre and a spray park (fountain type area). There are a couple of issues that need to be addressed. Each will be addressed below:

Points of Diversion:

Mr. Scanlan located the point of diversion on an aerial photo. The point of diversion appears to match the point of diversion in the application for permit and permit maps and the GPS downloaded point in the well drilling database. There doesn't appear to be an issue with the location of the point of diversion.

Place of Use:

Mr. Scanlan separated out the places of use for the irrigation use and the spray park. I tried to recreate the irrigation place of use, and I came up with slightly more acres than Mr. Scanlan, but I was working with an aerial photo that only showed the park partially completed. Once the sidewalks and walkways are removed, I believe the 2 acres of irrigation Mr. Scanlan represented was reasonably close. Since the use for this permit is for a municipal use, I am going to use the tax parcel boundary, since it will include all of the area where the municipal use will be used.

Diversion Rate:

Mr. Scanlan measured the system at 0.08 cfs, and also provided a pump curve and theoretical calculation. I believe Mr. Scanlan's calculations are accurate and I am recommending a diversion rate of 0.08 cfs.

Diversion Volume:

Mr. Scanlan recommended a diversion volume of 10.7 af. Mr/ Scanlan's calculations appear to be accurate, but this is a municipal water right. No volume is required to license this right.

Overlap:

Nampa Meridian Irrigation District (NMID) rights overlap the place of use, and are used for irrigation of the park. The system is set up to use both the NMID and irrigation well for irrigation. Suez United Water also overlaps the place of use, and I am assuming this water is used for the restrooms.

Conditions:

Conditions 1 (165) should be changed to the new standard. Conditions 2 (26A), 5 (004), and 7 (046) should be removed at licensing. Condition 3 should be altered to state the following:

Municipal use is for the supplemental irrigation and to provide water for a spray park at Comba Neighborhood Park.

Condition 4 (121) should be changed to condition 103 as is standard. Conditions 6 (01M) should be carried forward to licensing. Condition 8 (104) and Condition 9 (065) should be changed to the new condition 943. Condition 10 (R65) should be changed to condition WB7 with the needed edits. Condition 11 should be changed to the standard condition 930, and edited to reflect the well log.

Permit 63-33692 – Licensing Review Map



The image above is the 2017 Google Earth aerial imagery, and the image below is the 2015 aerial imagery available to the Department. The yellow borders below is my interpretation of the irrigated acres (2.2 acres), but the imagery isn't good enough to dispute the 2 acres found by the certified examiner.



The image below is the tax lot, which I feel should be shape for the municipal use, since the spray park is included as a water use for this permit.

