

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-33454

Priority: November 22, 2010

Maximum Diversion Rate: 0.15 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 November 22, 2010; and has submitted Proof of Beneficial Use on August 26, 2011. An examination confirms that water is diverted from:

SOURCE

GROUND WATER

Tributary: BOISE RIVER

and a water right has been established as follows:

BENEFICIAL USE

MUNICIPAL

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼NE¼ Sec. 16, Twp 03N, Rge 02E, 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	02E	15						X											
								L3											
03N	02E	16	X																

CONDITIONS OF APPROVAL

1. Place of use is the Platt Gardens and Boise Depot. Municipal use under this right includes landscape irrigation and maintenance and the filling and maintaining of several small ponds. Pond capacity and pond maintenance volume shall not exceed 0.3 AF.
2. Upon specific notification by the Department, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
4. Water bearing zone to be appropriated is 130 to 140 feet.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-33454

3. 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.

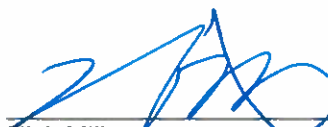
Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
63-283A	Irrigation	0.10	22.5	5.0

The land that will no longer be irrigated under this right is located within the authorized boundary of the 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.

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.

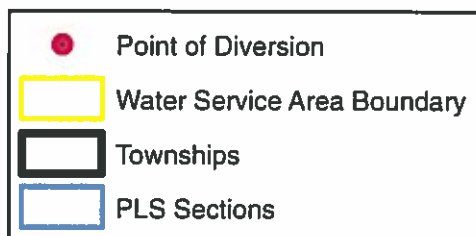
Signed this 31st day of August, 2017.



Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources
Attachment to Water Right License
63-33454

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.



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-33454

RECEIVED
FEB 27 2017
WATER RESOURCES
WESTERN REGION

PRIORITY: November 22, 2010

Maximum Diversion Rate: 0.15 CFS

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 he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-33454, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

TRIBUTARY:
BOISE RIVER

BENEFICIAL USE
MUNICIPAL

PERIOD OF USE **DIVERSION RATE**
01/01 to 12/31 0.15 CFS

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, Twp 03N, Rge 02E, 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	02E	15						X											
03N	02E	16	X					L 3											

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 24th day of February, 2017.

(Signature)



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 23, 2016

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

RECEIVED

DEC 27 2016

BPR ADMIN.

RE: Water Right Permit No. 63-33454

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

☒ Point(s) of Diversion
☐ Place(s) of Use
☐ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-334-2190.

Sincerely,


Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

Enclosure(s): Application for Amendment
 Copy of license for water right no. 63-33454

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-33454

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100⁰⁰ Received by CS # W044993 Date 2/27/17

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-33454 with the following:

CONDITIONS OF APPROVAL

1. Place of use is the Platt Gardens and Boise Depot. Municipal use under this right includes landscape irrigation and maintenance and the filling and maintaining of several small ponds. Pond capacity and pond maintenance volume shall not exceed .3 AF.
2. Upon specific notification by the Department, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
3. 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
63-283A	Irrigation	0.10	22.5	5.0

The land that will no longer be irrigated under this right is located within the authorized boundary of the 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.

4. Water bearing zone to be appropriated is 130 to 140 feet.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 30th day of August, 2018.



NICK MILLER
Western Regional Manager

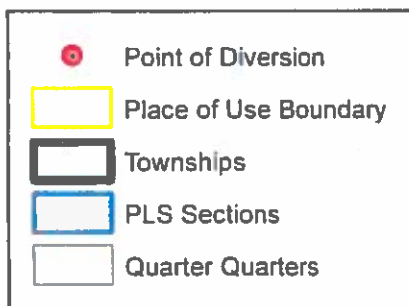
State of Idaho
Department of Water Resources

Attachment to An Amendment of Water Right License

No. 63-33454

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.

02E



0 0.035 0.07 0.14 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

August 31, 2017

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

RE: License No. 63-33454

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.

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)334-2190.

Sincerely,

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 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.

63-33454

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

**SOUTH BOISE MUTUAL IRRIGATION CO LTD
1120 CHAMBERLAIN
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.

MEMORANDUM

Date: August 12, 2016
To: Water Right File 63-33454
From: Angie Grimm
Re: Verification of Mitigation and Update to Mitigating Right Conditions

On 10/23/2015 Phill Hummer emailed Rex Berrie, WD 63 Watermaster, to verify 0.10 cfs of South Boise Mutual Irrigation Company right 63-283A is being left un-diverted in the Boise River to accomplish mitigation for this right, 63-33454. After received no response, Phill Hummer attempted to reach the watermaster via phone. As of 8/12/2016, IDWR has received no response from the watermaster on this matter. IDWR practice regarding requesting watermaster comments is to not require a response when there is no watermaster concern regarding the project. Therefore, given sufficient time has elapsed, no response indicating an issue from the watermaster, and existing conditions on the right requiring the right holder to reduce use if mitigation is not occurring, licensing of this right will proceed. A portion of right 63-263A serves as mitigation for right 63-33454.

The record of 63-263A was changed during permitting of 63-33454 based on Department policy at the time. Issuance of the license for 63-33454 allows for the opportunity to update the record of right 63-263A to illustrate current Department policy that the mitigation of this nature should be described as Mitigation by Non-Use. Mitigation use will be changed to Mitigation by Non-Use and the condition describing the number of acres authorized will be modified to include a brief comment stating 5.0 acres has been dedicated to mitigation right no. 63-33454 on the record of 63-263A. A copy of the license for 63-33454 and updated record of 63-263A will be sent to South Boise Mutual Irrigation Company Ltd at time of licensing.



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 23, 2016

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

RE: Water Right Permit No. 63-33454

Dear Permit Holder(s):

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☐ Place(s) of Use
☐ Other

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If you have any questions, please call me at 208-334-2190.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

Enclosure(s): Application for Amendment
 Copy of license for water right no. 63-33454