

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 81189

This is to certify that: CITY OF MERIDIAN  
33 E BROADWAY STE 206  
MERIDIAN, ID 83642

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 63-34034           | WR/LICENSE          | 1/29/2015            | 0.770 cfs             | 61.7 af                 | N/A               | 13.5               | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-34034              | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-34034              | 63-34034                         | 0.770 cfs            | 61.7 af                | N/A               | 13.5               | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| COMBINED TOTALS       |                                  | 0.770 cfs            | 61.7 af                | N/A               | 13.5               |                                    | 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 25<sup>th</sup> day of July, 2017.

  
\_\_\_\_\_  
for Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-34034**  
**As Modified by Transfer No. 81189**

In accordance with the approval of Transfer No. 81189, Water Right No. 63-34034 is now described as follows:

**Right Holder:** CITY OF MERIDIAN  
 33 E BROADWAY STE 206  
 MERIDIAN, ID 83642

**Priority Date:** 1/29/2015

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| INDUSTRIAL            | 03/01       | to 11/15  | 0.120 cfs             | 0.7 af                  |
| IRRIGATION            | 03/01       | to 11/15  | 0.770 cfs             | 61.0 af                 |
|                       |             |           | 0.770 cfs             | 61.7 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      NENW                      Sec 18 Twp 03N Rge 01E ADA County

**PLACE OF USE: INDUSTRIAL**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N | 01E | 18  |    |    |    |    | X  |    |    | X  |    |    |    |    |    |    |    |    |        |

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW  |     |    |     | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|-----|----|-----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE  | NW  | SW | SE  | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N | 01E | 18  |    |    |    |    | 9.7 | 3.1 |    | 0.7 |    |    |    |    |    |    |    |    | 13.5   |
|     |     |     |    |    |    |    |     | L 1 |    |     |    |    |    |    |    |    |    |    |        |

POU Total Acres: 13.5

**CONDITIONS OF APPROVAL**

1. The irrigation portion of this right when combined with all other rights shall not exceed a combined annual maximum diversion volume of 61.0 af at the field headgate for the place of use.
2. The irrigation portion of 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.

Transfer No. 81189

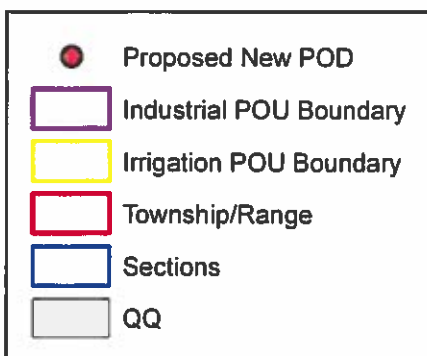
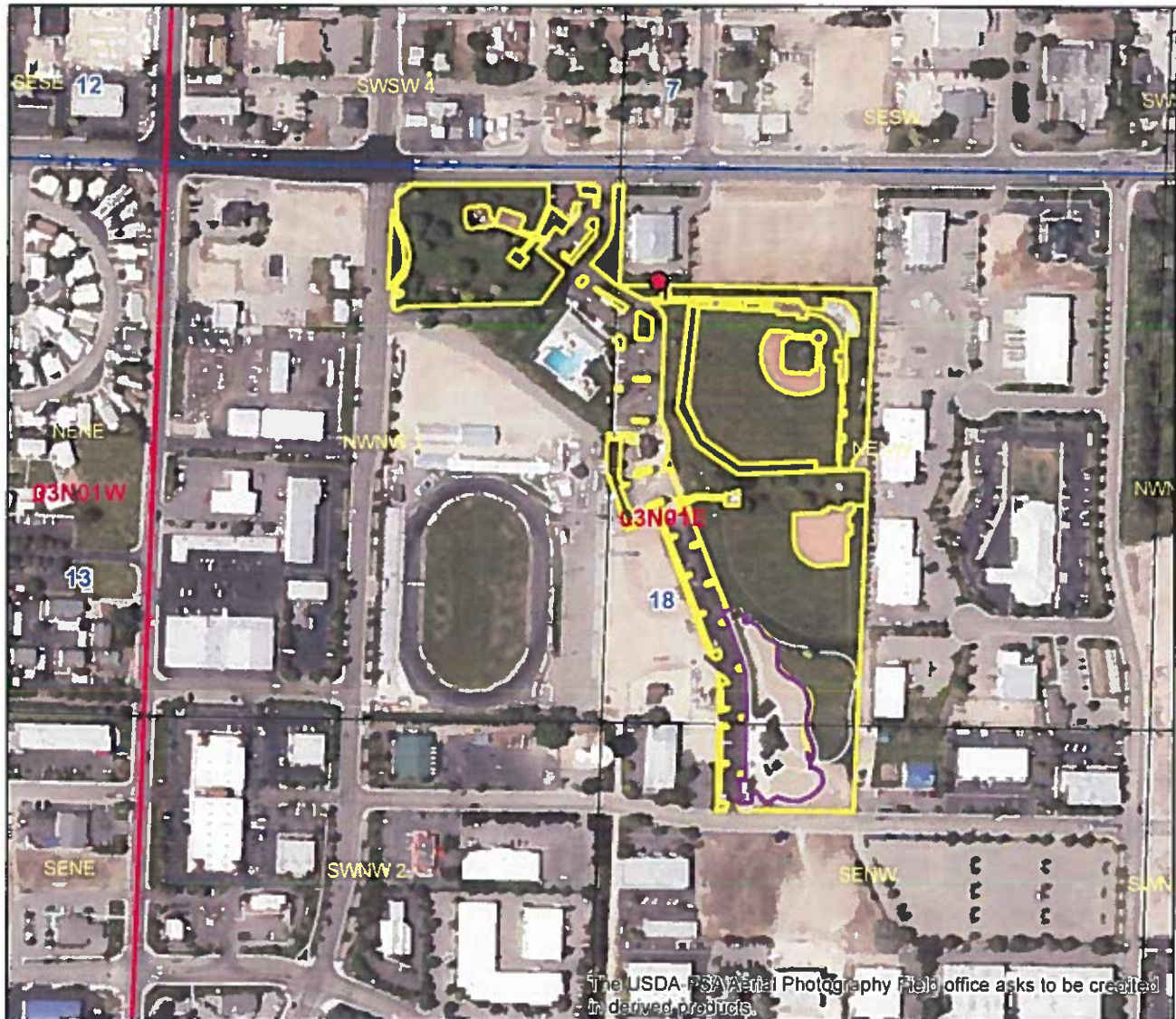
**WATER RIGHT NO. 63-34034**  
**As Modified by Transfer No. 81189**

**CONDITIONS OF APPROVAL**

3. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
4. If the surface water right(s) appurtenant to the place of use is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), this right to divert ground water shall not be used for irrigation purposes on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. 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.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. This right does not grant any right-of-way or easement across the land of another.
8. The primary surface irrigation water for the place of use authorized under this right is delivered by Nampa & Meridian Irrigation District.
9. The industrial use for this right is for cleanup of a dog park.
10. The ground water diversion rate for this right shall not exceed 0.77 cfs. Provided, further, the irrigation portion of this right when combined with all other rights shall provide no more than one (1) inch, 0.02 cfs, per acre when averaged over a twenty-four hour period based upon the amount of water applied over such twenty-four hour period. However, should the lands authorized to be irrigated under this right ever cease to be a school, park, cemetery, or golf course recognized by the Department as allowing more than one (1) inch per acre, then this right when combined with all other rights shall provide no more than one (1) inch, 0.02 cfs, per acre at the field headgate for irrigation of the place of use.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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.

State of Idaho  
Department of Water Resources  
**Attachment to Transfer No. 81189**  
Water Right(s): 63-34034

This map depicts the IRRIGATION AND INDUSTRIAL 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 0.05 0.1 0.2 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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

July 7, 2017

CITY OF MERIDIAN  
33 E BROADWAY STE 206  
MERIDIAN ID 83642

Re: Transfer No: 81189  
Water Right No(s): 63-34034

### 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,

 Rachel Neely For.

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 July 7, 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.: 81189  
Water Right No(s): 63-34034**

**CITY OF MERIDIAN  
33 E BROADWAY STE 206  
MERIDIAN ID 83642**

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



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**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

TO: Transfer No. 81189

FROM: Phill Hummer

DATE: 06/26/2017

RE: Evaluation of Application

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The City of Meridian proposes to change the point of diversion on this water right to allow them to divert water from a new well to be constructed within Storey Park. The water right authorizes the use of water for irrigation and industrial purposes within the park which is located near the intersection of S Main St and E Franklin Rd in Meridian ID.

Contact person for the applicant is Lori Graves with SPF Water Engineering, she is authorized to submit information but not to sign documents on behalf of the applicant.

### **Summary of Information Submitted**

#### **Authority to File:**

The applicant is the current owner of the water right. The application is signed by Mike Barton who is listed on the City's webpage as the current Parks Superintendent. He has the authority to sign and submit this applicant.

#### **Water Right Validity:**

Right presumed to be valid based on license issued within the past five year period. SRBA is not applicable to this right developed after 1987.

#### **Injury to Other Water Rights:**

Since the proposed well is within the proposed West Ada Area of Drilling Concern (WAADC) it is likely the new well will be drilled much deeper than the current well. Since it has been shown the aquifers in this area are separated by clay layers it is likely the deeper well allow the diversion of water from a different aquifer. However, the diversion of groundwater under this right is supplemental to the use of surface water supplied by Nampa Meridian Irrigation District.

#### **Enlargement of Use:**

To avoid an enlargement the well currently used as the point of diversion should be abandoned (which will likely be a condition of the drilling permit for the new well). Changing the diversion of this water right from one well to another would not create an enlargement because the total amount of water diverted annually is not increasing.

#### **Local Public Interest:**

The application proposes to utilize a new well that will likely be designed and constructed to better standards than the previous well. Additionally, the new well will be on City property which will improve the City's ability to maintain the park. For these reasons this change to the water right will benefit the local public interest.

**Beneficial Use/Conservation of Water Resources:**

The application proposes beneficial use consistent with conservation of water resources in Idaho.

**The application is consistent with criteria of I. C. § 42-222 and should be processed.**

**Summary**

Other important comments requested include comments from Nampa Meridian Irrigation District because they protested the original application. The protest was settled when the applicant agreed to some changes and conditions related to the supply of surface water.

Data entry affected the correct record, right ID 675924 for water right no. 63-34034

**Overlapping Rights:**

According to department records there are no other water rights that share the current well as a point of diversion and the applicant proposes to drill a new well to be used as the point of diversion exclusively for this water right so there are no overlapping POD issues. The only water rights with overlapping places of use for irrigation are either surface water rights or groundwater rights that authorize water for an irrigation company. There are no overlap issues with the industrial portion of the water right.

**Conditions:**

If approved these changes should be made to the conditions of water right no. 63-34034.

- Add 046 since the applicant proposes to drill a new well.
- Add standard transfer conditions T07 and T08.
- Change the order of the existing conditions to match the current supervisor preference.
- Text conditions are on the right as a result of a resolved protest and should stay on the right.

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

## LEGAL PROOF OF PUBLICATION

| Account # | Ad Number  | Identification                               | PO           | Amount   | Cols | Lines |
|-----------|------------|----------------------------------------------|--------------|----------|------|-------|
| 283978    | 0002948325 | LEGAL NOTICE The following applications have | H&B Crushing | \$207.20 | 2    | 64    |

Attention: RACHEL NEELY

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

RECEIVED

MAR 13 2017

### LEGAL NOTICE

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

63-34332  
H & B CRUSHING LLC  
PO BOX 117  
KUNA, ID 83634  
Point of Diversion NENE S15 T02N R01E ADA County Source  
GROUND WATER  
Use: AESTHETIC STORAGE 01/01 to 12/31 35.2 AF  
Total Diversion: 35.2 AF Date Filed: 1/17/2017  
Place of Use: AESTHETIC STORAGE  
T02N R01E S15 NENE  
Water bearing zone to be appropriated is from 0 to 15 feet.

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81189

CITY OF MERIDIAN, 33 E BROADWAY STE 206, MERIDIAN, ID 83642; has filed Application No. 81189 for changes to the following water rights within ADA County(s): Right No(s). 63-34034; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfer.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfer.aspx). The City of Meridian proposes to change the point of diversion on this water right to allow them to divert water from a new well to be constructed within Storey Park. The water right authorizes the use of water for irrigation and industrial purposes within the park which is located near the intersection of S Main St and E Franklin Rd in Meridian ID.

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81280

NICHOLSON PROPERTIES LP, 18106 S CLOVERDALE, KUNA, ID 83634; has filed Application No. 81280 for changes to the following water rights within ADA County(s): Right No(s). 63-7756; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfer.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfer.aspx). The applicant proposes to change the place of use for a portion of the water right to reflect the change in property ownership and irrigation practices. The new place of use is located southeast of Kuna ID near the intersection of S Cloverdale RD and Chiefs Farm Ln.

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](http://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 3/20/2017. The protestant must also send a copy of the protest to the applicant.  
GARY SPACKMAN, Director

Pub. Mar. 2, 9, 2017

0002948325-01

WATER RESOURCES  
WESTERN REGION

✓ OK RN 3/21/17

✓ OK RN 3/21/17

✓ OK RN 3/21/17

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: 03/02/2017

Ending issue of: 03/09/2017

*Janice Hildreth*  
(Legal Clerk)

STATE OF IDAHO )

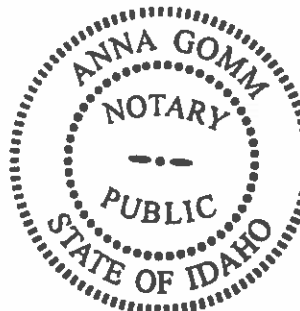
.SS

COUNTY OF ADA )

On this 9th day of March 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



## Neely, Rachel

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**From:** Rex Barrie <waterdistrict63@qwestoffice.net>  
**Sent:** Tuesday, March 07, 2017 7:16 AM  
**To:** Neely, Rachel  
**Subject:** RE: Application for Permit No. 63-34247 & Application for Transfer No. 81189

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

No concerns as long as standard watermaster rules apply.

Rex R. Barrie  
Boise River Watermaster

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**From:** Neely, Rachel [mailto:Rachel.Neely@idwr.idaho.gov]  
**Sent:** Friday, February 24, 2017 8:54 AM  
**To:** Rex Barrie  
**Subject:** Application for Permit No. 63-34247 & Application for Transfer No. 81189

February 24, 2017

REX BARRIE  
WATER DISTRICT #63  
PO BOX 767  
10769 W STATE ST  
STAR ID 83669-0767

**RE: Application for Permit No. 63-34247 & Application for Transfer No. 81189**

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the application are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by March 20, 2017.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,