

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34298

Priority: October 20, 2016

Maximum Diversion Rate: 0.60 CFS

This is to certify, that INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
8169 W VICTORY RD
BOISE ID 83709

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW ¼ NW ¼ Sec. 11, Twp 03N, Rge 02E, B.M. ADA County

PLACE OF USE: IRRIGATION

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 2											1.0						1.0
03N 02E 10	1.0																1.0
03N 02E 11							15.0										15.0

Total Acres: 17.0

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2022**.
2. Subject to all prior water rights.
3. This right is limited to the irrigation of 10 acres within the authorized place of use in a single irrigation season.
4. The diversion rate for this right shall not exceed 0.60 cfs. Provided, further, this right when combined with all other rights shall provide no more than 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 inch per acre, then this right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
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.

State of Idaho
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NO. 63-34298

6. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area. The well driller shall monitor water temperatures while drilling the well. If water with a temperature greater than 85 degrees Fahrenheit is encountered by the driller, drilling must immediately cease, and the Department must be notified. Drilling shall not resume until the Department has reviewed the drilling conditions, and established standards for construction with the driller.
7. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
8. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, 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.
9. Water bearing zone to be appropriated is 200 to 400 feet.
10. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11. 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.
12. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
13. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 21st day of March, 2017.



Nick Miller

Manager, IDWR Western Region

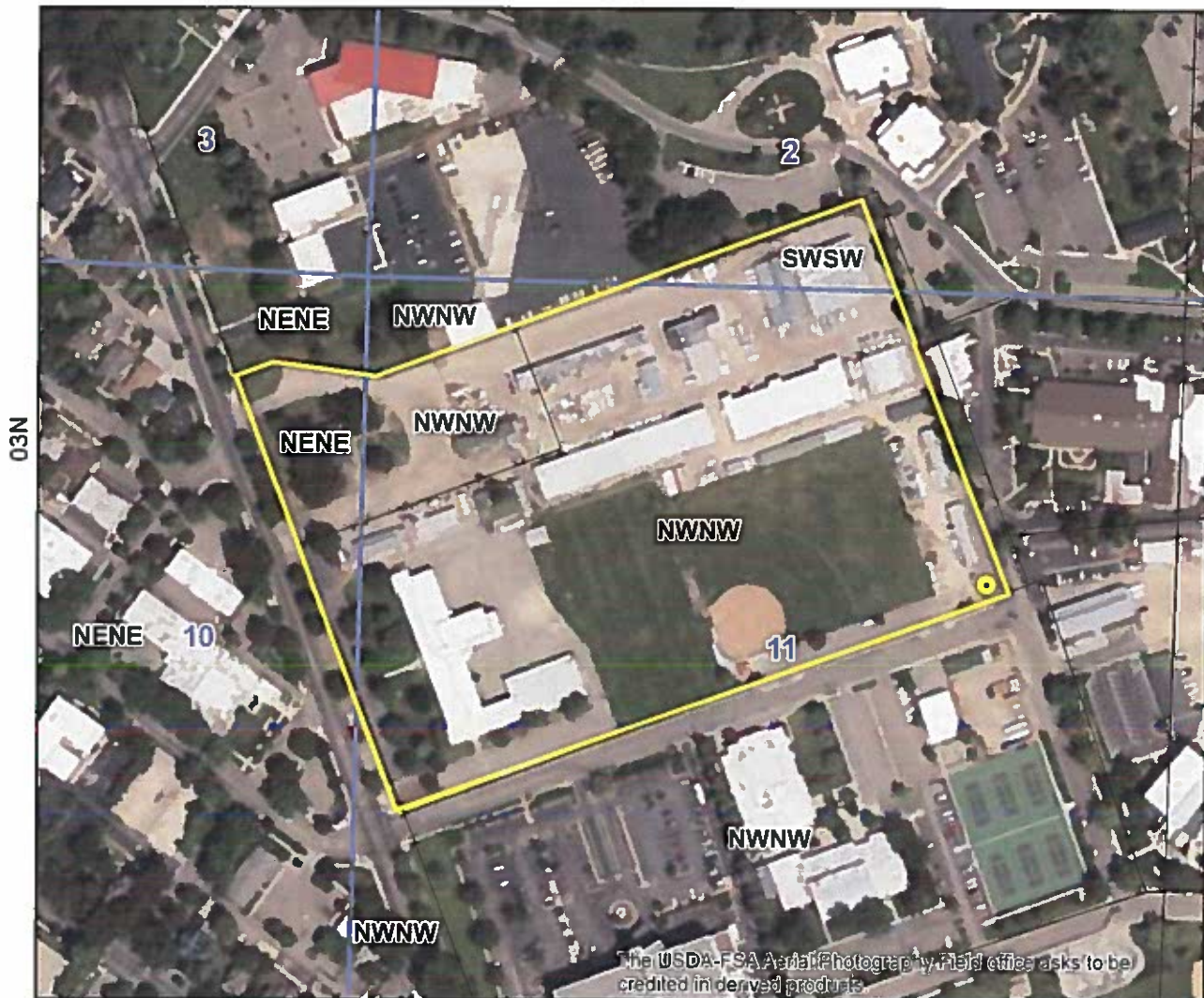
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34298

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.

02E



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

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 • Web Site: www.idwr.idaho.gov

March 21, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
8169 W VICTORY RD
BOISE ID 83709

RE: Permit No. 63-34298

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, 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, appearing to read "Rachel Neely for". The signature is written in a cursive, flowing style.

Nick Miller
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 63-34298

**INDEPENDENT SCHOOL DISTRICT OF BOISE CITY
8169 W VICTORY RD
BOISE ID 83709**

**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.

Shearer, Justin

From: Miller, Nick
Sent: Monday, March 13, 2017 1:29 PM
To: Bob Hardgrove
Cc: Terry Scanlan; Grimm, Angie; Hornbaker, Sonny; Lori Graves; Roxanne Brown; Shearer, Justin; Tom Willis
Subject: RE: Fort Boise Drilling

Bob,

I got your message from Friday and your voicemail this morning. I took some time this weekend to look at the background of the GWMA and the proposed construction of a sounding tube. My conclusion that the GWMA includes cold water below 300 feet remains unchanged, but at this time I no longer see a need for a sounding tube in the Boise School well.

The June 1987 order creating BFGWMA clearly states in the last paragraph that the "Resource of concern is the ground water greater than 85 of and/or the ground water at a depth of 300 feet or more below land surface." The extent of protection we are supposed to provide to non-LTG water deeper than 300 feet is unclear. When I was presented with the application for permit to utilize that 300' water and told that the well permit had already been issued and the drilling had begun, I wanted to make sure we didn't miss the opportunity to act in the event that we had some responsibility to monitor. It seemed remote that it would be an issue, but the window of opportunity was short because the well was being drilled. So I decided a low-cost sounding tube was a good middle ground that would be protective of the resource with minimal impact on the School District. As it turns out, you were far enough along with the well construction/purchasing that the sounding tube isn't quite so easy to accommodate and we were able to slow the process enough to come to a better level of comfort with the situation.

Please be aware that it was your choice to pursue the drilling permit and begin construction of the well in advance of obtaining a water right permit, and in doing so you accepted the risk that a permit might not be issued or would be issued with conditions that could affect the design of the well. While the risk may have seemed small, it is there. Be aware also that the close of the protest period without a protest does not equate to a decision by the department that a permit will be approved. Also, that we have never required a certain thing in the past does not mean we will not require it if we find it to be the proper thing to do. I do not know why you, your staff, and apparently many folks in the department have all read the order creating the GWMA and we all seem to have overlooked the clear statement that the GWMA includes all water deeper than 300 feet. But knowing that it is there, you cannot fault us for taking a step back and trying to understand it and react to it.

Given how things have progressed and given the low risk of not providing an avenue for future monitoring in this situation, I do not see a benefit to the district or the resource to redesign the well to incorporate a tube within the casing. The proposal to put a tube outside the casing appears to have the potential to cause problems in the future should it become deformed or plugged as there is not a good way to repair it. Therefore, it seems that the best approach to keep this moving forward is to back off on a requirement to require a sounding tube at all and recognize that the district would have to pull the pump to monitor bottom hole temperature if the need arises.

I hope this helps provide some context and a way forward.

Nick.

From: Bob Hardgrove [mailto:BHardgrove@spfwater.com]
Sent: Friday, March 10, 2017 2:34 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>



ATTORNEYS AND COUNSELORS

Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
208.344.6000
www.hawleytroxell.com

DANA L. HOFSTETTER
MAIL: DHOFSTETTER@HAWLEYTROXELL.COM
DIRECT DIAL: 208-388-4867
DIRECT FAX: 208-954-4867

February 3, 2017

RECEIVED
FEB 06 2017
WATER RESOURCES
WESTERN REGION

VIA U.S. MAIL AND FACSIMILE (208-334-2348)

Director
c/o Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Application for Permit No. 63-34298*

Dear Mr. Miller:

On behalf of Edwards Family LLC, I hereby submit the following comments in lieu of a formal Protest regarding Application for Permit No. 63-34298 (the "Application"). The Application proposes the diversion of ground water within the boundaries of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area. If a permit is issued for the Application, it should be conditioned to prevent the diversion of geothermal water and any well construction authorization should be conditioned to assure that only cold water is diverted and to require monitoring to assure no geothermal water is diverted. Please contact me if you have any further questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Dana L. Hofstetter

DH:tas

cc: Independent School District of Boise City
SPF Water Engineering

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0002877933	LEGAL NOTICE The following applications have	Krueger	\$740.48	4	114

Attention: RACHEL NEELYIDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

63-34299
SUNROC CORPORATION ✓ OK RW 2/11/17
 730 N 1500 W
 OREM, UT 84057
 Point of Diversion NWSW S21 T02N R02E ADA County Source
 GROUND WATER
 Use: COMMERCIAL 01/01 to 12/31 2.23 CFS
 Total Diversion: 2.23 CFS
 Date Filed: 10/19/2016
 Place of Use: COMMERCIAL
 T02N R02E S20 NESW NWSW NESE NWSE
 T02N R02E S21 NWSW SWNE NW(ALL) NWSW
 Water bearing zone to be appropriated is from 540 to 800 feet.

63-34301
DAVID BENSINGER
DEBORAH BENSINGER ✓ OK RN 2/11/17
 7258 N SPRINGCREST PL
 MERIDIAN, ID 83646
 Points of Diversion SE(ALL)S9 T05N R01W ADA County Source
 GROUND WATER
 Use: IRRIGATION 03/01 to 11/15 2.2 CFS
 Use: STOCKWATER 01/01 to 12/31 0.03 CFS
 Total Diversion: 2.23 CFS
 Date Filed: 10/28/2016
 Places of Use: IRRIGATION, STOCKWATER
 T05N R01W S9 SE(ALL)
 Total Acres: 152
 Water bearing zone to be appropriated is from 300 - 1000 feet.

63-34322
JON SCOTT ✓ OK RW 2/11/17
 3353 HOLL DR
 EAGLE, ID 83616
 Point of Diversion NESE S33 T05N R01E ADA County Source
 GROUND WATER
 Use: AESTHETIC STORAGE 01/01 to 12/31 0.8 AF
 Use: DIVERSION TO STORAGE 01/01 to 12/31 0.15 CFS
 Total Diversion: 0.15 CFS 0.8 AF
 Date Filed: 11/25/2016
 Place of Use: AESTHETIC STORAGE
 T05N R01E S33 NESE
 Water bearing zone to be appropriated is from 200 to 400 feet.

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), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. 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 2/6/2017. The protestant must also send a copy of the protest to the applicant.
 GARY SPACKMAN, Director

Pub. Jan. 19, 26, 2017

0002877933-01

RECEIVED**JAN 27 2017****WATER RESOURCES
WESTERN REGION**

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 uninterrupted 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 InsertionsBeginning issue of: 01/19/2017Ending issue of: 01/26/2017

Janice Hildreth
 (Legals Clerk)

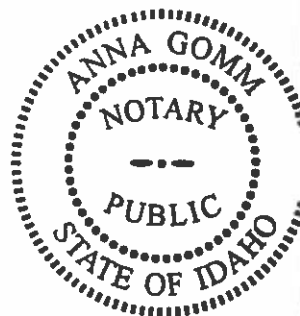
STATE OF IDAHO)

..SS

COUNTY OF ADA)

On this 26th day of January 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

LEGAL NOTICE

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

63-34260

PHILIP M KRUEGER

1311 E WARM SPRINGS AVE

BOISE, ID 83712

Point of Diversion NESW S2 T02N R03E ADA County Source

GROUND WATER Tributary BOISE RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 8/9/2016

Place of Use: DOMESTIC

T02N R03E S11 L1(NWNE) L2(NENW)

Water bearing zone to be appropriated is from 28 to 488 feet.

✓ OK RN 2/11/17

63-34266

DON DEWEY

1400 FALCON DR.

ONTARIO, OR 97914

PAUL D AND RAE LEVIE TRUST

PO BOX 350

CHINO VALLEY, AZ 86323

Points of Diversion NWSW NESW S3 T01N R03E ADA County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 1.6 CFS

Total Diversion: 1.6 CFS

Date Filed: 9/7/2016

Place of Use: IRRIGATION

T01N R03E S3 NESW NWSW

Total Acres: 80

Water bearing zone to be appropriated is from 100 to 900 feet.

✓ OK RN 2/11/17

63-34279

BRIARHILL HOA

C/O SENTRY MANAGEMENT INC

6149 N MEEKER PL STE 150

BOISE, ID 83713

Point of Diversion NESESW S20 T04N R02E ADA County Source

SPRING Tributary SINKS

Use: IRRIGATION 03/01 to 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 9/19/2016

Place of Use: IRRIGATION

T04N R02E S20 NESW SESW

Total Acres: 0.5

✓ OK RN 2/11/17

63-34298

INDEPENDENT SCHOOL DISTRICT OF BOISE CITY

8169 W VICTORY RD

BOISE, ID 83709

Point of Diversion NWNW S11 T03N R02E ADA County Source

GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.6 CFS

Total Diversion: 0.6 CFS

Date Filed: 10/20/2016

Place of Use: IRRIGATION

T03N R02E S2 SWSW

T03N R02E S10 NENE

T03N R02E S11 NWNW

Total Acres: 17

Water bearing zone to be appropriated is from 200 to 400 feet.

Applicant proposes irrigation of 10 acres within a 17-acre permissible place of use.

✓ OK RN 2/11/17

63-34314

GARY W HEIKES

LINDA HEIKES

KOZETTE HOLLEY

4305N WILLOW CREEK RD

EAGLE, ID 83616

Point of Diversion NWNE S32 T05N R01E ADA County Source

GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.1 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.16 CFS

Date Filed: 11/8/2016

Places of Use: IRRIGATION, STOCKWATER, DOMESTIC

T05N R01E S32 NWNE

Total Acres: 5

Water bearing zone to be appropriated is from 200 to 400 feet.

✓ OK RN 2/11/17

63-34315

GARY W HEIKES

LINDA HEIKES

KOZETTE HOLLEY

4305 N WILLOW CREEK RD

EAGLE, ID 83616

Point of Diversion NENW S32 T05N R01E ADA County Source

GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.1 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.16 CFS

Date Filed: 11/8/2016

Places of Use: IRRIGATION, STOCKWATER, DOMESTIC

T05N R01E S32 NENW

Total Acres: 5

Water bearing zone to be appropriated is from 200 to 400 feet.

✓ OK RN 2/11/17

63-34316

GARY W HEIKES

LINDA HEIKES

KOZETTE HOLLEY

4305N WILLOW CREEK RD

EAGLE, ID 83616

Point of Diversion NENW S32 T05N R01E ADA County Source

GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.1 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.16 CFS

Date Filed: 11/8/2016

Places of Use: IRRIGATION, STOCKWATER, DOMESTIC

T05N R01E S32 NENW

Total Acres: 5

Water bearing zone to be appropriated is from 200 to 400 feet.

✓ OK RN 2/11/17

63-34317

GARY W HEIKES

LINDA HEIKES

KOZETTE HOLLEY

4305 N WILLOW CREEK RD

EAGLE, ID 83616

Point of Diversion NENW S32 T05N R01E ADA County Source

GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 03/01 to 11/15 0.1 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.16 CFS

Date Filed: 11/8/2016

Places of Use: IRRIGATION, STOCKWATER, DOMESTIC

T05N R01E S32 NENW

Total Acres: 5

Water bearing zone to be appropriated is from 200 to 400 feet.

✓ OK RN 2/11/17