

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 63-33451

**PRIORITY:** November 19, 2010

Maximum Diversion Rate: 0.94 CFS

It is hereby certified that:

VALLIVUE SCHOOL DISTRICT #139 5207 S MONTANA AVE CALDWELL ID 83607

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 19, 2010, and has submitted Proof of Beneficial Use on May 26, 2016. An examination confirms water is diverted from:

**SOURCE:**  
GROUND WATER

and a water right has been established as follows:

|                              |                             |                              |
|------------------------------|-----------------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> |
| IRRIGATION                   | 03/01 to 11/15              | 0.94 CFS                     |

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

GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 34, Twp 04N, Rge 02W, B.M. CANYON 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 |        |
| 04N | 02W | 34  |    | 11.0 | 22.0 |    |    |    |    |    |    |    |    |    |    |    |    |    | 33.0   |

Total Acres: 33

**CONDITIONS OF APPROVAL**

1. This right when combined with all other rights shall provide no more than a combined annual maximum diversion volume of 148.5 af at the field headgate for the place of use.
2. 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.
3. The right holder shall make full beneficial use of all surface water 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 for this right 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), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

State of Idaho  
Department of Water Resources  
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WATER RIGHT NO. 63-33451

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. 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 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 29<sup>th</sup> day of September, 2016.



SHELLEY W. KEEN  
Water Rights Section Manager

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
63-33451

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.



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

0 0.05 0.1 0.2 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 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 30, 2016

VALLIVUE SCHOOL DISTRICT #139  
5207 S MONTANA AVE  
CALDWELL ID 83607

RE: License No. 63-33451

### 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,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2016, 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.**

**63-33451**

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

**VALLIVUE SCHOOL DISTRICT #139  
5207 S MONTANA AVE  
CALDWELL ID 83607**



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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. 63-33451**

**RECEIVED****SEP 26 2016****DEPARTMENT OF  
WATER RESOURCES****PRIORITY:** November 19, 2010

Maximum Diversion Rate: 0.94 CFS

Comes now

VALLIVUE SCHOOL DISTRICT #139 5207 S MONTANA AVE CALDWELL ID 83607

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. 63-33451, and requests that the permit be changed as follows:

**SOURCE:**  
GROUND WATER

**TRIBUTARY:**

**BENEFICIAL USE**  
IRRIGATION

**PERIOD OF USE**    **DIVERSION RATE**  
03/01 to 11/15        0.94 CFS

**LOCATION OF POINT(S) OF DIVERSION:**GROUND WATER SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 34, Twp 04N, Rge 02W, B.M. CANYON 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 |        |
| 04N | 02W | 34  |    | 11.0 | 22.0 |    |    |    |    |    |    |    |    |    |    |    |    |    | 33.0   |

Total Acres: 33

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 21<sup>st</sup> day of September, 2016.

*Pat Charlton*

Pat Charlton, Superintendent

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 63-33451**

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$100 Received by AO # C102530 Date 9-26-16

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

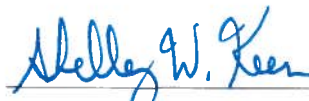
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 63-33451 with the following:

**CONDITIONS OF APPROVAL**

1. This right when combined with all other rights shall provide no more than a combined annual maximum diversion volume of 148.5 af at the field headgate for the place of use.
2. 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.
3. The right holder shall make full beneficial use of all surface water 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 for this right 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), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights 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. 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 amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 29<sup>th</sup> day of September, 2016.

  
SHELLEY W. KEEN  
Water Rights Section Manager

State of Idaho  
Department of Water Resources

# Attachment to Water Right Amendment

63-33451

This map depicts the IRRIGATION place of use boundary for this water right at the time of this amendment and is attached to the amendment document solely for illustrative purposes.



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

0 0.05 0.1 0.2 Miles





September 26, 2016

RECEIVED

SEP 26 2016

DEPARTMENT OF  
WATER RESOURCES

Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

Attn: Clay Webster

*Subject: Vallivue School District No. 139  
Permit No. 63-33451  
Beneficial Use Field Report*

Dear Mr. Webster,

Enclosed on behalf of Vallivue School District No. 139 is a signed Application for Amendment and a \$100 filing fee for the above-referenced permit. Please let me know if you need anything else to facilitate issuance of the license, or if you have any questions regarding this document.

Sincerely,

A handwritten signature in black ink that reads "Marci S. Pape". The signature is written in a cursive, flowing style.

Marci S. Pape, P.E.  
Project Engineer  
CWRE No. 142

Enclosures

cc: Pat Charlton, Vallivue School District No. 139

File: 1108.0040