

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34025

Priority: July 06, 2015

Maximum Diversion Rate: 0.30 CFS
Maximum Diversion Volume: 42.0 AF

This is to certify, that CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE ID 83706-2898

has applied for a permit to appropriate water from:

Source: GROUND WATER

Tributary: BOISE RIVER

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>	<u>ANNUAL VOLUME</u>
MUNICIPAL STORAGE	01/01 to 12/31		42.0 AF
MUNICIPAL FROM STORAGE	03/01 to 11/15		42.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.30 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼SW¼ Sec. 13, Twp 04N, Rge 01E, B.M. ADA County

PLACE OF USE: MUNICIPAL STORAGE

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 01E 13										X							

PLACE OF USE: MUNICIPAL FROM STORAGE

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 01E 13										X							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2017**.
2. Subject to all prior water rights.
3. 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.
4. The pond established by the storage of water under this right shall not exceed a total capacity of 12.0 acre-feet or a total surface area of 0.8 acre(s).
5. Right 63-34025 authorizes the storage of an annual total of 42.0 acre-feet; 12.0 acre-feet to be used for the initial filling or carryover storage of the pond, 5.0 acre-feet for the replacement of losses due to seepage and evaporation, and up to 25.0 acre-feet for additional refills for municipal from storage use.

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6. Municipal from Storage use is for supplemental irrigation of 6.5 acres within the authorized place of use in a single irrigation season.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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
63-280	Irrigation	0.14	31.5	7.0

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

12. This right may be subject to cancellation or revocation if the Department is notified by South Boise Mutual Irrigation Company LTD that right 63-280 can no longer be used for mitigation.
13. Water bearing zone to be appropriated is 130 to 190 feet.
14. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.

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15. 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.
16. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
17. 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.
18. Point of diversion is located within Lot 3 of Caswell & Sloan Subdivision.
19. Place of use is known as Magnolia Park, located within Lot 3 of Caswell & Sloan Subdivision.

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

Signed this 26th day of May, 2016.


Nick Miller,
Manager, IDWR Western Region

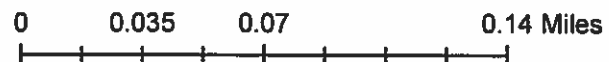
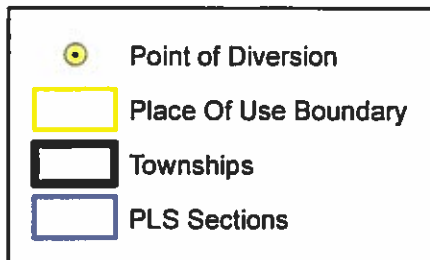
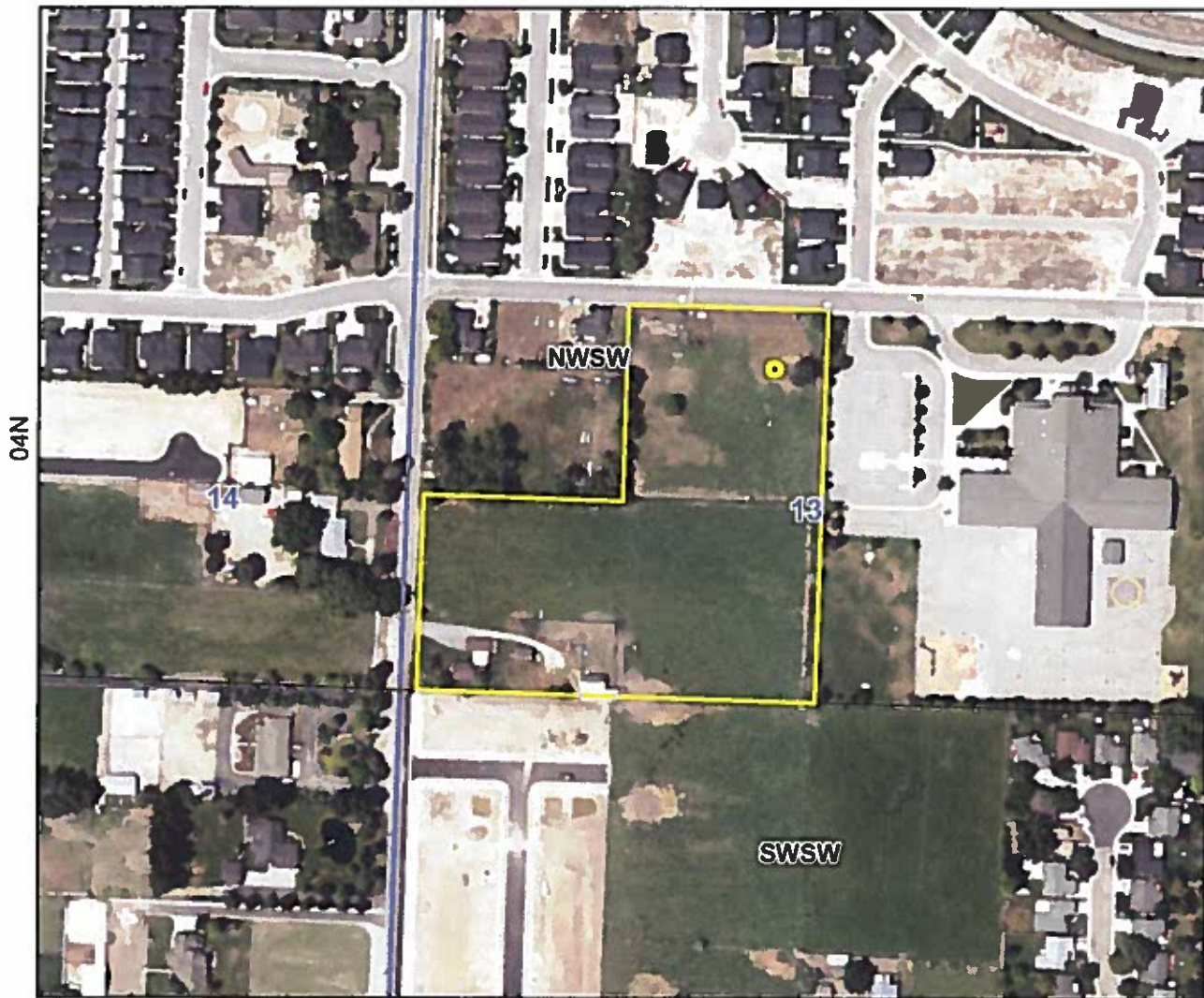
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34025

This map depicts the MUNICIPAL STORAGE and MUNICIPAL FROM STORAGE 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.

01E





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

May 26, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

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

RE: Permit No.63-34025

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 "Nick Miller". The signature is stylized with a large, sweeping initial "N" and "M".

Nick Miller

Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2016 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.

63-34025

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

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**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.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0002369217	LEGAL NOTICE The following applications	Home Capital Resources	\$724.00	5	88

Attention: RACHEL NEELY

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

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: 04/07/2016

Ending issue of: 04/14/2016

(Legals Clerk)

STATE OF IDAHO)
) ss

COUNTY OF ADA)

On this 14th day of April in the year of 2016 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.

Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 7/23/2021

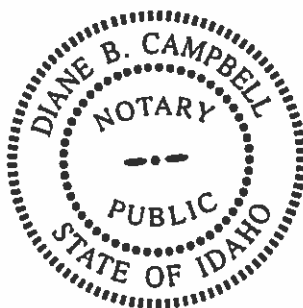
RECEIVED

APR 18 2016

WATER
WESTERN RECORD

RECEIVED

APR 18 2016

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-34017
HOME CAPITAL RESOURCES
 PO BOX 832
 BOISE, ID 83701
 Point of Diversion SWSE S11 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
 Point of Diversion L2(NWNE) S14 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
 Use: AESTHETIC STORAGE 01/01 to 12/31 8 AF
 Total Diversion: 8 AF
 Date Filed: 11/24/2014
 Place of Use: AESTHETIC STORAGE
 T04N R01W S11 SWSE
 T04N R01W S14 L2(NWNE)
 Water bearing zone to be appropriated is from 0 to 20 feet. Mitigation is proposed for consumptive use via Transfer No. 79691.

✓ OK RN 4/26/16

63-34025
CITY OF BOISE
DEPT OF PARKS & RECREATION
 1104 ROYAL BLVD
 BOISE, ID 83706-2898
 Point of Diversion NWSW S13 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER
 Use: DIVERSION TO STORAGE 01/01 to 12/31 0.3 CFS
 Use: MUNICIPAL FROM STORAGE 03/01 to 11/15 42 AF
 Use: MUNICIPAL STORAGE 01/01 to 12/31 42 AF
 Total Diversion: 0.3 CFS 42 AF
 Date Filed: 12/23/2014
 Places of Use: MUNICIPAL STORAGE, MUNICIPAL FROM STORAGE
 T04N R01E S13 NWSW
 Water bearing zone to be appropriated is from 200 to 500 feet.
 Mitigation is proposed for consumptive use.
 Municipal from storage use is for supplemental irrigation of 6.5 acres within Magnolia Park.
 Water bearing zone to be appropriated is from 130 to 190 feet.

✓ OK RN 4/26/16

63-34134
AMERICA FIRST FEDERAL CREDIT UNION
 4646 S 1500 W STE 130
 RIVERDALE, UT 84405
 Point of Diversion SESE S15 T05N R01E ADA County Source GROUND WATER
 Point of Diversion SWNW S22 T05N R01E ADA County Source GROUND WATER
 Use: IRRIGATION 03/01 to 11/15 4.8 CFS
 Total Diversion: 4.8 CFS
 Date Filed: 8/21/2015
 Place of Use: IRRIGATION
 T05N R01E S15 SWSE SESE
 T05N R01E S21 SENE NESW SWSW SESW NESE NWSE
 T05N R01E S22 NENE NWNE NENW SWNW SENW NWSW
 T05N R01E S28 NENW NWNW
 Total Acres: 237
 Water bearing zone to be appropriated is from 50 to 300 feet.

✓ OK RN 4/26/16

63-34180
AMERICA FIRST FEDERAL CREDIT UNION
 4646 S 1500 W STE 130
 RIVERDALE, UT 84405
 Point of Diversion SESE S15 T05N R01E ADA County Source GROUND WATER
 Use: DIVERSION TO STORAGE 01/01 to 12/31 0.67 CFS
 Use: STOCKWATER STORAGE 01/01 to 12/31 13.7 AF
 Total Diversion: 0.67 CFS
 Date Filed: 12/18/2015
 Place of Use: STOCKWATER STORAGE
 T05N R01E S14 SWSW
 T05N R01E S22 NWNE
 Water bearing zone to be appropriated is from 175 to 246 feet.

✓ OK RN 4/26/16

63-34182
AMERICA FIRST FEDERAL CREDIT UNION
 4646 S 1500 W STE 130
 RIVERDALE, UT 84405
 (3) Points of Diversion SWSW S14 T05N R01E ADA County Source SPRING Tributary SINKS
 Point of Diversion SESE S15 T05N R01E ADA County Source SPRING Tributary SINKS
 Use: STOCKWATER 01/01 to 12/31 0.09 CFS
 Total Diversion: 0.09 CFS
 Date Filed: 12/18/2015
 Place of Use: STOCKWATER
 T05N R01E S14 SWSW
 T05N R01E S15 SESE

✓ OK RN 4/26/16

63-34183
BEL AIR EAGLE LLC
 2500 N DALLAS PKWY
 STE 424
 PLANO, TX 75093
 Point of Diversion L1(NENE) S14 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
 Use: AESTHETIC STORAGE 01/01 to 12/31 20 AF
 Total Diversion: 20 AF
 Date Filed: 12/23/2015
 Place of Use: AESTHETIC STORAGE
 T04N R01W S14 L1(NENE)
 Water bearing zone to be appropriated is from 0 to 30 feet. Mitigation is proposed for consumptive losses.

✓ OK RN 4/26/16

63-34208
CITY OF BOISE
PUBLIC WORKS DEPT
 150 N CAPITOL BLVD
 PO BOX 500
 BOISE, ID 83701-0500
 Point of Diversion SWSW S22 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER
 Use: INDUSTRIAL 01/01 to 12/31 0.67 CFS
 Total Diversion: 0.67 CFS
 Date Filed: 3/16/2016
 Place of Use: INDUSTRIAL
 T04N R01E S22 NESW NWSW
 Water bearing zone to be appropriated is from 50 to 150 feet.
 Industrial use proposed to be non-consumptive.

✓ OK RN 4/26/16

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

TRANSFER NO. 79691
MIDDLETON MILL DITCH CO. PO BOX 848, MIDDLETON, ID 83644; has filed Application No. 79691 for changes to the following water rights within ADA County(s): Right No(s) 63-125G; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Transfer 79691 proposes to change the nature of use of a portion of water right 63-125G to provide mitigation for evaporative losses associated with excavated ponds within the Middleton Mill Ditch Company service area. The transfer is being processed concurrently with Application for Permit 63-34017. The aesthetic storage pond site is located 0.25 miles west of intersection Linder Rd. and W State St., immediately north of Eagle Island and the Boise River.

✓ OK RN 4/26/16

TRANSFER NO. 80028
M & C STANLEY LLC, 2224 N RAM AVE, EAGLE, ID 83616; has filed Application No. 80028 for changes to the following water rights within ADA County(s): Right No(s) 63-33243, 63-33246, 63-9003; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfer.aspx. The purpose of the transfer is to change the Place Of Use and Points Of Diversion for 63-33243 and 63-33246 from Echanove Ranch Subdivision irrigation system to the applicant's property. Transfer will also split right 63-9003 to separate irrigation and domestic rights. The irrigation use will move to the applicant's property and will add two new groundwater diversion points. The domestic use will stay at the original location with the two original PODs. The site of the proposed 5.2 acre POU and PODs is immediately north of Dry Creek on the west side of Highway 55.

✓ OK RN 4/26/16

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/WaterManagement/WaterRights. 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 4/25/2016. The protestant must also send a copy of the protest to the applicant.
 GARY SPACKMAN, Director

Pub. Apr. 7, 14, 2016

0002369217-01

Neely, Rachel

From: Rex Barrie [waterdistrict63@qwestoffice.net]
Sent: Thursday, April 07, 2016 8:10 AM
To: Neely, Rachel
Subject: RE: Applications for Permits, & Applications for Transfers

Rachel,

I have reviewed these and have no objections as long as standard watermaster rules apply.

Rex R. Barrie
Boise River Watermaster

From: Neely, Rachel [<mailto:Rachel.Neely@idwr.idaho.gov>]
Sent: Friday, April 01, 2016 9:34 AM
To: waterdistrict63@qwestoffice.net
Subject: Applications for Permits, & Applications for Transfers

April 1, 2016

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

RE: Applications for Permit No's. 63-34017, 63-34025, 63-34148, 63-34182, & 63-34208
Applications for Transfer No's. 79391 & 80028

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 applications are enclosed with this email for your reference. Please review the applications, complete a recommendation form for each, and submit your reply, if any, to this office by April 25, 2016.

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,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov