

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 63-12211

PRIORITY: May 11, 1995

Maximum Diversion Rate: 1.41 CFS

It is hereby certified that:

KUNA JOINT DISTRICT #3 711 E PORTER ST KUNA ID 83634

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 11, 1995, and has submitted Proof of Beneficial Use on . An examination confirms water is diverted from:

SOURCE: GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION**PERIOD OF USE**
03/01 to 11/15**DIVERSION RATE**
1.41 CFS**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE¼SE¼ Sec. 19, Twp 02N, Rge 01E, 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	
02N	01E	19												33.0			32.0	19.0	84.0

Total Acres: 84

CONDITIONS OF APPROVAL

1. The right holder shall make full beneficial use of Boise Kuna Irrigation District 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 to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
2. If the Boise Kuna Irrigation District water rights 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 378 af at the field headgate for the lands above.
4. 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 lands above.

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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. 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.

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 16th day of May, 2016.

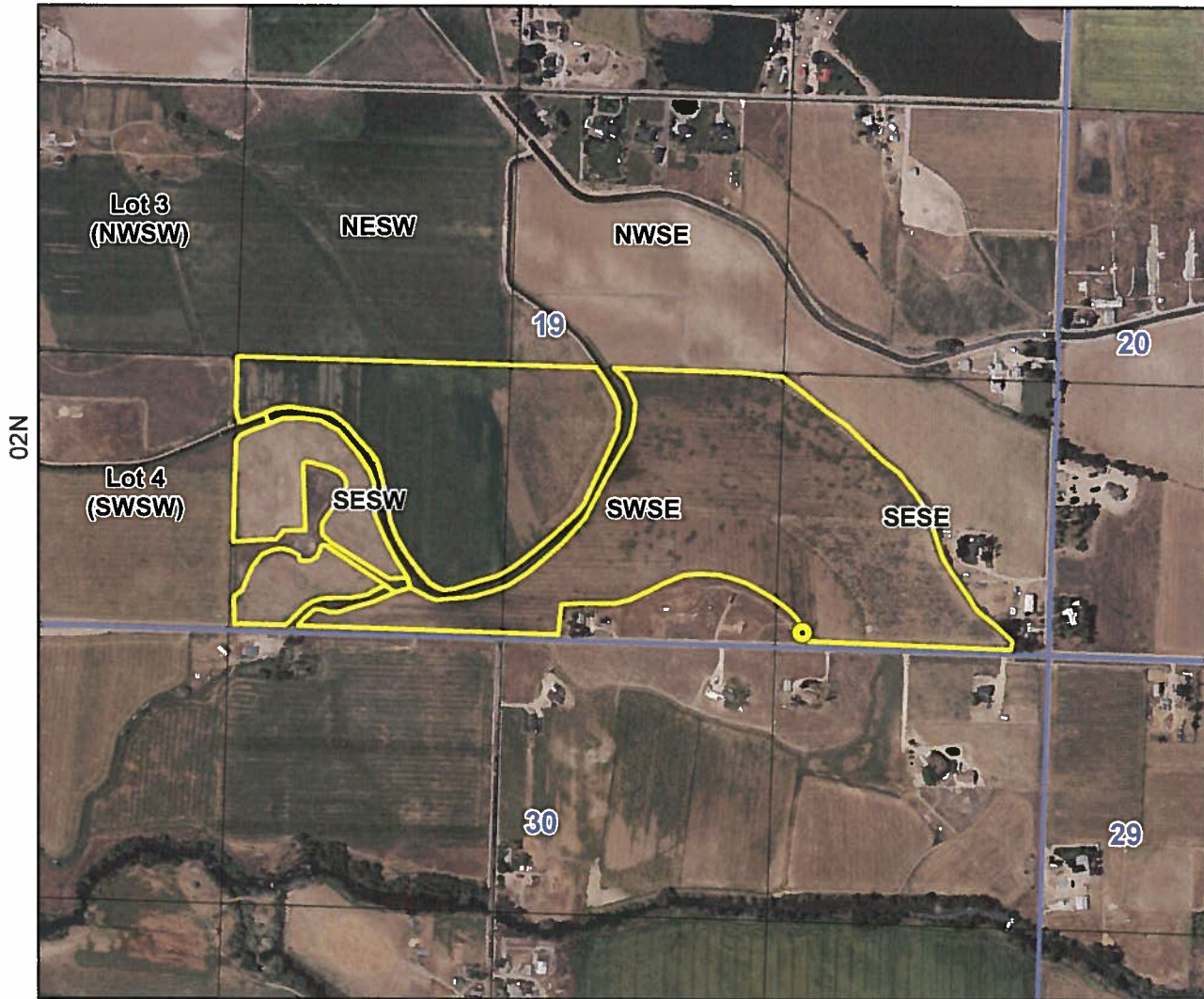


SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
63-12211

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.

01E



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

0 0.1 0.2 0.4 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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 16, 2016

KUNA JOINT DISTRICT #3
711 E PORTER ST
KUNA ID 83634

RE: License No. 63-12211

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 17, 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.

63-12211

**KUNA JOINT DISTRICT #3
711 E PORTER ST
KUNA ID 83634**



**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.

MEMORANDUM

TO: Water Right Files 63-12211

FROM: Daniel Nelson – Staff Hydrologist

DATE: May13, 2016

SUBJECT: Licensing Review of Water Rights 63-1221163-32226 and 63-32608

These field exams were performed by Certified Field Examiner Scott King of SPF Water Engineering. Mr. King reported that 1.41cfs and 378 af of ground water is diverted from a well in the SE1/4 of the SE1/4 of Section 19, Township 2 North, Range 1 East in Ada County. The water is used to supplement Boise Kuna Irrigation District to irrigate 84 acres in the SE1/4 SW1/4, SW1/4 SE1/4, SE1/4 SE1/4 of Section 19, Township 2 North, Range 1 East in Ada County.

History:

When this permit was filed, there was a temporary processing hold on processing new applications. The hold was lifted in May of 2008, and a letter was sent to the permit holder, Lavar Thornton, to determine if he was still interested in pursuing this permit and several others he had filed. The Thornton stated that he was interested in pursuing all of his permits and processing resumed. The Department's water right file is somewhat confusing during this period due to the numerous permits Thornton had filed, and some of the information on the other permits were included in this file. The information in this file speaking to the transfer applications and adjudication claims were for water rights in other legal descriptions and they are not relevant to this permit.

This permit was reviewed and subsequently approved in 2008 with standard conditions for this area. Please see the overlap review in this memorandum for discussions on actual overlapping water rights for this permit.

The property associated with this permit was going to a potential site for a sewer plant for the City of Kuna, but litigation ensued and the property was released for development of this permit in April of 2013. The City of Kuna no longer has any ties to this property, and the water rights have been assigned to the new owner of the permit, Kuna Joint School District No. 3.

Points of Diversion:

Mr. King placed the point of diversion on his maps using aerial photography. The point placed on the maps supplied by Mr. King match the GPS location downloaded by the Department's well drilling staff, so I am going to use the well drilling point of diversion for the point of diversion.

Place of Use:

Mr. King provided an excellent map of the place of use. When I first tried to recreate the place of use shape file, I came up with 82 acres compared to the 84 acres the field examiner determined. I believed that this was a very small difference for this size of place of use, so I reworked my shape file using various year aerial photos, and by tweaking a couple of the lines, I easily came up the 84 acres the field examiner showed. I feel allowing 84 acres of irrigation is reasonable, since the fields shapes and irrigation changes from year to year. I recommend this permit be licensed for 84 acres. The particular acres per 40 acre tract may vary a bit from the field exam, but that shouldn't be an issue.

Diversion Rate:

Mr. King measured the water diverted from the well using a Panametric flow meter. The flow measured was 635 gpm or 1.41 cfs. The well is an open discharge well, so there is very little pressure against the pump. The lift from the well log shows approximately 110 foot pumping level. The pump is a 30 Hp pump. Therefore to attain a diversion rate of 635 gpm, the pressure against the well would be approximately 9 psi. This is reasonable for an open discharge system. Therefore, I believe Mr. King's measurement is reasonable. The permit allows a diversion rate of 1.80 cfs, and at 0.02 cfs per acre for 84 acres, the maximum allowable diversion rate would be 1.68 cfs. Therefore, this permit should be licensed based on the capacity of the pump or 1.41 cfs.

Diversion Volume:

Mr. King recommended a diversion volume of 378 af. This is the standard headgate requirement for this area, and is less than the capacity of the system. Therefore, I concur with Mr. King's recommendation of 378 af.

Overlap:

This permit was filed as a supplemental water right to Boise Kuna Irrigation District. This ground is covered by multiple water rights for Boise Kuna Irrigation District, Bureau of Reclamation, and the Boise Project Board of Control, all of which are administrated by Boise Kuna Irrigation District and distributed by Boise Project Board of Control.

The only other significant overlapping water right is the domestic and stockwater right for the home, 63-12389. This right is not part of the same system, so there should be no issues with this permit.

City of Kuna has included this ground as part of their service area, so all of the City of Kuna water rights overlap this place of use. However, there is no City of Kuna water currently on the property. The permit has been assigned to Kuna Joint School District, so the City of Kuna may extend a line out to this area in the future to supply water to the school district.

Water right permits 63-32185, 63-12389, 63-12240, and 63-32185 all show up in ArcMap as overlapping water rights. However, an error occurred when updating the shape files to workflow on these permits. All of these permits were part of the same processing hold, and were processed together. It appears as though all of the shape files for these properties are attached to each permit in Workflow. This will be corrected when the permits are licensed.

Ownership:

Permit 63-12211 is currently in the name of Lavar Thornton. An assignment of permit has been submitted with the certified field exam to change the ownership of the permit to Kuna Joint School District No. 3. This will be done prior to licensing.

Conditions:

Conditions 1 (26A), 2 (046), and 5(004) will be removed at licensing, because they no longer apply. Conditions 3(01M) and 7(R61) will be carried forward to licensing. Condition 4(065) will be carried forward to licensing but will be altered to name the canal company. Condition 105 will be added and altered to include the name of the canal company. Condition 6(WB7) will be carried forward to licensing, but will be altered to reflect the reduced number of acres. Condition 8(121) will be changed to condition 103 at licensing.