

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-34208

Priority: March 16, 2016

Maximum Diversion Rate: 0.67 CFS

This is to certify, that CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE ID 83701-0500

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:

BENEFICIAL USE

INDUSTRIAL

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.67 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW¼SW¼ Sec. 22, Twp 04N, Rge 01E, B.M. ADA County

PLACE OF USE: INDUSTRIAL

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	22										X	X						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2021**.
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. Use of water under this right shall be non-consumptive.
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. Industrial use is for an educational water exhibit for Boise WaterShed complex at the City's West Boise Wastewater Treatment Plant.

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

Signed this 9th day of May, 2016.


Nick Miller

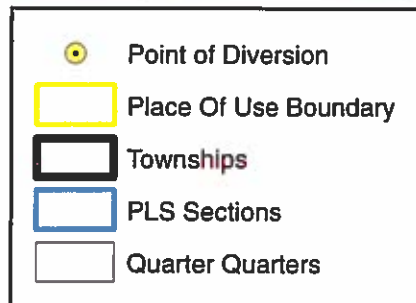
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

63-34208

This map depicts the 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 0.035 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

May 11, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE ID 83701-0500

RE: Permit No.63-34208

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.

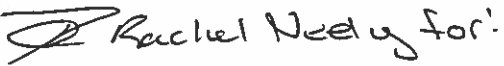
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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". The signature is fluid and cursive, with a large initial "R".

Nick Miller
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 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.

63-34208

**CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE ID 83701-0500**

**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.

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 NENE 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 512 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