

RECEIVED
MAR 29 2016
WATER RESOURCES
WESTERN REGION

AMENDED

Ident. No. 63-34025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) City of Boise, Department of Parks & Recreation Phone 208.608.7614
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 1104 Royal Blvd City Boise
State ID Zip 83706 Email bpr@cityofboise.org
2. Source of water supply Ground water which is a tributary of Boise River
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	1E	13			NW	SW	Ada	Ground water	

4. Water will be used for the following purposes:
- Amount .30 for Div to Municipal Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 42.0 for Municipal Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 42.0 for Municipal from Storage purposes from 3/1 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) .30 cubic feet per second (cfs) and/or (b) 42 acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Eight (8) inch well to pond to pressurized irrigation system.
- b. Height of storage dam N/A feet; active reservoir capacity 10.0 acre-feet; total reservoir capacity 12.0 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is 8 inches; proposed depth of well is 190 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? Test hole; drilling firm Stevens and Sons Sept. 2015; well was drilled for (well owner) City of Boise; Drilling Permit No. _____
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households N/A
- e. Other; describe fully. Municipal at City Park. Park name is Magnolia Park.

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	13										M							

Total number of acres to be irrigated: 7.0

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

Boise Valley Irrigation District, Lateral 23. 6.5 shares

10. a. Who owns the property at the point of diversion? City of Boise
- b. Who owns the land to be irrigated or place of use? City of Boise
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

This application is for a well to supplement the existing Boise Valley Irrigation District water. A high rate of diversion is required because the park is irrigated in the short window between sunset and sunrise.

The City of Boise's water rights and permits have been submitted under a separate cover.

The use of ground water will be mitigated by the purchase of shares from South Boise Mutual Irrigation Company LTD. The agreement between the City and SBMIC has been submitted under a separate cover.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

Received by

Date

For Department Use:

Time

Preliminary check by

* Fee \$

Received by

Receipt No.

Date

* FILING FEES = W042709 \$100 12/23/2014 SUBMITTED WITH PREVIOUS VERSIONS OF APPLICATION 2
W043177 \$150 6/8/2015 -44

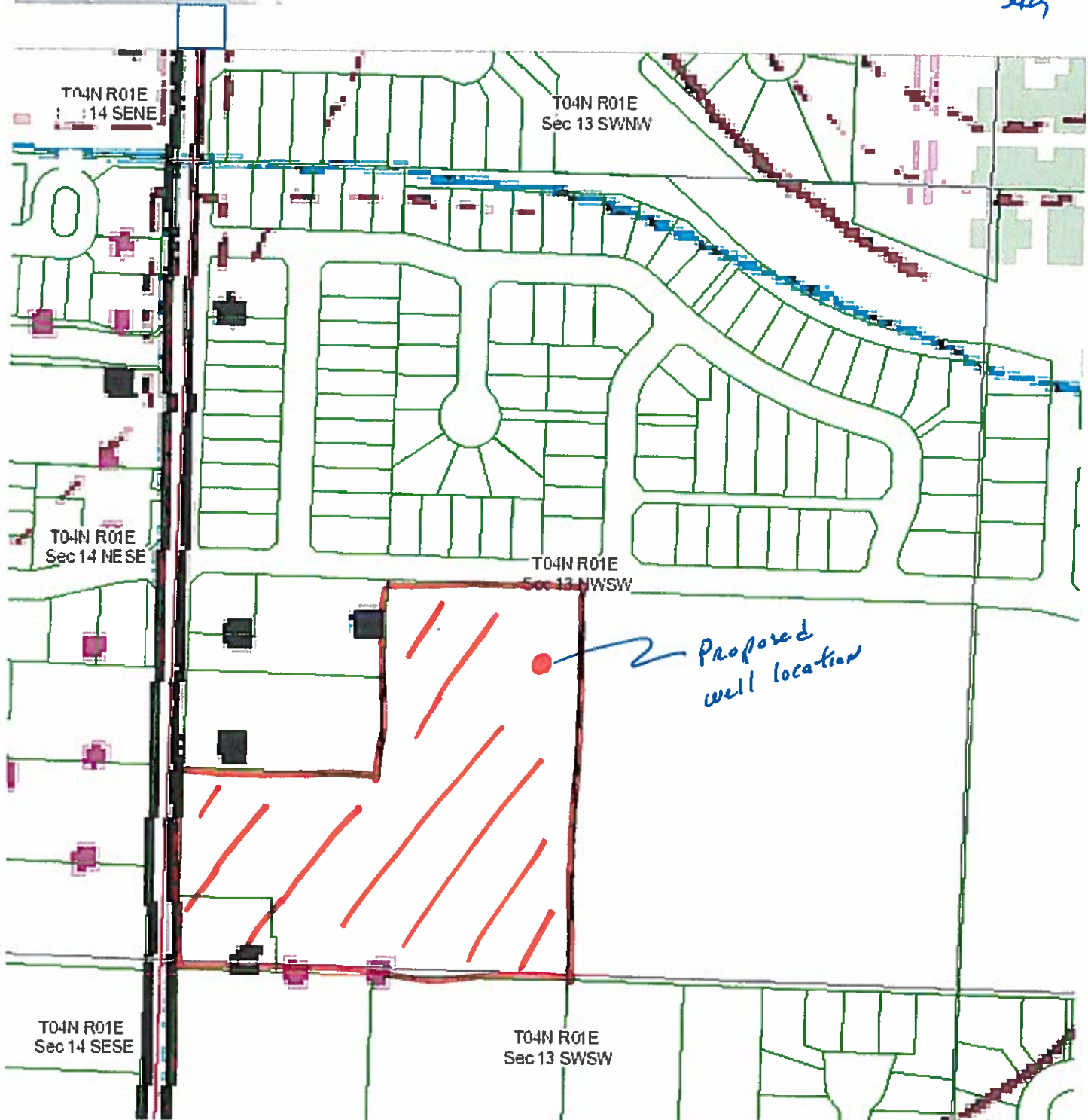
IDAHO

Department of
Water Resources

Transfer Application Internet Mapping

COPY

=> ATTACHED TO AMENDED
APP RECEIVED 3/29/16
TO COMPLETE APP.
-AA



[Help](#) [Other Maps](#) [Water Resources Home](#) [Idaho.gov](#)

SCANNED

JUL 09 2015

63-34025



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 1, 2016

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

Application for Permit No. 63-34025

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 4/7/2016 and 4/14/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

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

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Friday, April 01, 2016 9:25 AM
To: 'BOI Legals'
Subject: Ada Legal Ads
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 4/7/2016 & 4/14/2016.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

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

April 1, 2016

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-34017
 Application for Permit No. 63-34025
 Application for Permit No. 63-34134
 Application for Permit No. 63-34180
 Application for Permit No. 63-34182
 Application for Permit No. 63-34183
 Application for Permit No. 63-34208
 Application for Transfer No. 79691,
 Water Right No(s): 63-125G
 Application for Transfer No. 80028,
 Water Right No(s): 63-33243, 63-33246, 63-9003

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/25/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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.

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.

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 NENEW NWNW

Total Acres: 237

Water bearing zone to be appropriated is from 50 to 300 feet.

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.

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

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.

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.

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.

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/QueryNewTransfers.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.

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

Published on 4/7/2016 and 4/14/2016

Neely, Rachel

From: Neely, Rachel
Sent: Friday, April 01, 2016 9:33 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: Applications for Permits, & Applications for Transfers
Attachments: Application for Permit No. 63-34017.pdf; Application for Permit No. 63-34025.pdf; Application for Permit No. 63-34148.pdf; Application for Permit No. 63-34180.pdf; Application for Permit No. 63-34182.pdf; Application for Transfer No. 79691.pdf; Application for Transfer No. 80028.pdf; Watermaster Recommendation Form.docx

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

Grimm, Angie

From: Maria Minicucci [MMinicucci@cityofboise.org]
Sent: Tuesday, March 29, 2016 11:29 AM
To: Grimm, Angie
Cc: Wendy Larimore
Subject: RE: Permit Application 63-34025 - Amended Application and Additional Information Request
Attachments: RE: Permit Application 63-34025 - Amended Application and Additional Information Request

Angie,

Thanks for following up with us so quickly. With the help of our engineering consultant we have identified a water bearing zone of 130 -190 feet.

Maria Minicucci

Department of Parks & Recreation

mminicucci@cityofboise.org

208.608.7614

Grimm, Angie

From: Grimm, Angie [Angie.Grimm@idwr.idaho.gov]
Sent: Tuesday, March 29, 2016 11:23 AM
To: Maria Minicucci
Subject: RE: Permit Application 63-34025 - Amended Application and Additional Information Request

Maria,

Good morning! I received the City of Boise's amended application 63-34025 along with the \$50 re-publication fee in today's mail. Thank you for your response to my request. One final thing to wrap up before the amended application can be published... Will you please confirm the water bearing zone? My email below includes my interpretation of existing information in the file indicating a water bearing zone of 130 to 190 ft. Would you please confirm this is the water bearing zone the City of Boise proposes for appropriation? Considering the zone will be a condition on any permit approval issued in this area, I want to make sure we do not limit the zone to something the applicant does not consent to. If I can get confirmation of this final piece of information, I should be able to get the file in for the next round of publications during the first two weeks in April. I appreciate your attention to this matter and look forward to your response.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Grimm, Angie
Sent: Tuesday, March 15, 2016 8:43 AM
To: mminicucci@cityofboise.org
Cc: Miller, Nick
Subject: Permit Application 63-34025 - Amended Application and Additional Information Request

Maria,

Good afternoon! Nick Van Dyke is out of the office for a bit, so I am looking into wrapping up permit application 63-34025 for the City of Boise's planned Magnolia Park site. It looks like the last correspondence in the file for this permit application is an email you sent to Nick Van Dyke with a mitigation plan attached proposing use of South Boise Mutual Irrigation Company water rights to mitigate the consumptive use of shallow ground water tributary to the Boise River upstream of Star Bridge. I've reviewed the entire file and it appears the following steps need to take place before a final determination regarding the permit application can be made:

1. The water bearing zone for this application will likely be above 200 ft, based on a test well drilled by Stevens and Sons (metal tag D0070197) for this site. An email from Terry Scanlan (SPF Water Engineering) to Sonny Hornbaker (Western Region Well Construction staff) dated 9/11/15 describes an anticipated completion design for the test well to be used as a production well. The proposed water bearing zone, based on interpretation of the information in that email, would likely be 130 to 190 ft. Diversion of water from a water bearing zone above 200 ft at this site would be diversion of shallow ground water considered tributary to the Boise River upstream of Star Bridge, in the fully

appropriated reach of the Boise River. The Amended Application dated 7/6/15 proposes diversion of ground water below 200 ft which is NOT tributary to the Boise River. Therefore, the change in water bearing zone requires an amendment to the tributary for the permit application per IDAPA 37.03.08.045.04 (considered a substantial change based on the restrictions on the tributary). The 7/6/15 Amended Application proposes diversion of ground water with no tributary. The application should be amended to state the Boise River as the tributary. Also, the Additional Information attached to the 7/6/15 Amended Application states water will not be diverted from above 200 ft and a proposed water bearing zone of 200 - 500 ft. This portion of the application should also be amended to state the intended water bearing zone based on the conclusions drawn by the applicant after drilling the test well. If 130 to 190 ft is not the planned water bearing zone, the amendment should reflect the applicant's knowledge of the zone to be appropriated.

2. The project site is within the Boise Front Ground Water Management Area and Moratorium Area. If the proposed well is to be completed below a depth of 300 ft, please submit information demonstrating the diversion of geothermal water or non-geothermal water potentially connected to the geothermal source will not occur. The 7/6/15 Amended Application proposes a total depth of 500 ft and does not state whether ground water with a temperature of greater than 85 F is being sought (Item no. 6d is not complete). This information should be addressed in a future amendment to the application.

3. IDWR Application Processing Memo No. 59 requires the publication of all applications proposing diversion of ground water within Basin 63 to include the proposed water bearing zone. IDWR Application Processing Memo 71 requires the publication of applications with proposed mitigation to include a remark to that effect. The 7/6/15 Amended Application was published 7/16 and 7/23/15 with a proposed water bearing zone of 200 to 500 ft and no remark regarding mitigation proposed. Additionally, Idaho Code § 42-211 states if an application is amended after publication, a notice shall be republished following amendment upon payment of the statutory republication fee [\$50 per Idaho Code § 42-221(F)]. Therefore, once the application is amended and \$50 republication is received, IDWR will republish the application with the correct tributary, water bearing zone, and legal notice remark of the mitigation plan. If the amended application and fee are received by 3/29/16, this publication may occur as soon as possible the first two weeks of April.

4. A permit approval has been drafted for this application based on the information we've received to date. Management is continuing review of the mitigation plan and contemplating how best to record the proposed plan on the applicable water right records. Your input may be sought during this process as further coordination with South Boise Mutual Irrigation Co LTD may be necessary.

I realize this permit application processing is taking longer than expected, but I'm hoping this email will wrap up "loose ends" and get the ball rolling towards a final determination in the near future. Please feel free to contact myself via email or phone if you have any questions regarding this information request. Although I have little doubt you'll respond in a timely manner, I must inform you IDWR may void this permit application if a written response to this inquiry is not received within the next thirty (30) days. I appreciate your attention to these matters and I look forward to your response.

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

Grimm, Angie

From: Maria Minicucci [MMinicucci@cityofboise.org]
To: Grimm, Angie
Sent: Tuesday, March 15, 2016 8:48 AM
Subject: Read: Permit Application 63-34025 - Amended Application and Additional Information Request

Your message

To:
Subject: Permit Application 63-34025 - Amended Application and Additional Information Request
Sent: Tuesday, March 15, 2016 8:48:01 AM (UTC-07:00) Mountain Time (US & Canada)

was read on Tuesday, March 15, 2016 8:47:55 AM (UTC-07:00) Mountain Time (US & Canada).

Van Dyke, Nick

From: Maria Minicucci [MMinicucci@cityofboise.org]
Sent: Wednesday, December 30, 2015 11:30 AM
To: Van Dyke, Nick
Cc: Wendy Larimore
Subject: 63-34025 Mitigation
Attachments: SBMIC MitShares ResolutionSigned.pdf

Nick,

Attached please find a Resolution from South Boise Mutual that authorizes the sale of 7 shares to the City of Boise. The use of these shares is to be designated as "mitigation" for the water right application referenced above.

We are asking IDWR to add the mitigation information to its records for all of SBM's rights. We hope to avoid the administrative inaccuracies that have resulted from the incorrect accounting of our mitigation shares at Maryanne Williams Park.

Please do not hesitate to contact this office if you have any questions or need additional information about either SBM's Resolution or the application itself.

Maria Minicucci

Department of Parks & Recreation
mminicucci@cityofboise.org
208.608.7614

SOUTH BOISE MUTUAL IRRIGATION COMPANY LTD

RESOLUTION

WHEREAS South Boise Mutual Irrigation Company is an irrigation company organized pursuant to Idaho statute; and

WHEREAS South Boise Mutual Irrigation Company holds water rights 63-242B, 63-243F, 63-243G, 63-280, 63-281, 63-282, 63-283A, 63-284A, and 63-2392E; and

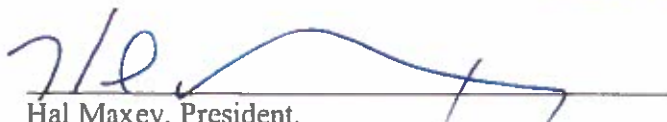
WHEREAS South Boise Mutual Irrigation Company delivers water pursuant to its water rights to its members for irrigation and other purposes; and

WHEREAS the City of Boise is a member of the South Boise Mutual Irrigation Company and wishes to acquire additional shares in the South Boise Mutual Irrigation Company for purposes of mitigating the Municipal Use (irrigation and evaporation from the irrigation pond,) of seven (7) acres of land at Magnolia Park in conjunction with Application for Permit 63-34025;

NOW THEREFORE BE IT RESOLVED:

1. The Board of the South Boise Mutual Irrigation Company LTD, hereby agrees to issue shares equivalent to the irrigation and evaporation from an irrigation pond totaling seven (7) acres to the City of Boise for mitigation purposes, pursuant to Idaho Code. The number of acres may be adjusted according to the findings of the IDWR during the water right licensing processes.
2. It is further resolved that, as long as the City of Boise pays the assessments associated with the mitigation shares, the South Boise Mutual Irrigation Company agrees not to irrigate seven (7) acres of lands within its authorized place of use using the water represented by these shares.
3. The IDWR is authorized to note in the record of all water rights held by South Boise Mutual Irrigation Company that the water represented by the mitigation shares will not be diverted from the Boise River.
4. The assessments for the South Boise Mutual Irrigation Company mitigation shares will run with the land (Magnolia Park).

It is so resolved the 29TH day of DECEMBER, 2015.



Hal Maxey, President,
South Boise Mutual Irrigation Company LTD.

Van Dyke, Nick

From: Miller, Nick
Sent: Wednesday, December 02, 2015 10:26 AM
To: Van Dyke, Nick
Subject: FW: Application for Permit 63-34025: Mitigation Plan
Attachments: SBMIC MitShares Resolution DRAFT1.doc

Nick,

Please correspond with MM and let her know the mitigation plan is acceptable as long as the mitigation is described on the senior right (63-280). Also, let her know we will proceed with the permit processing and will allow well drilling to resume when the permit has been approved.

Thanks,

Nick.

From: Maria Minicucci [<mailto:MMinicucci@cityofboise.org>]
Sent: Wednesday, September 09, 2015 3:28 PM
To: Miller, Nick
Cc: Wendy Larimore
Subject: Application for Permit 63-34025: Mitigation Plan

Nick,

Thank you for working with us to determine how to meet IDWR's mitigation requirements for this supplemental well. As I indicated in our telephone conversation, we have the driller on site awaiting our instructions to construct the well so timely feedback from IDWR will help us to keep our costs down as well as provide specific instructions to the well driller.

Attached is a draft Mitigation Plan, based on the one that IDWR accepted for the Boise Depot/Platt Gardens. Hal Maxey of South Boise Mutual has indicated that they are willing to sell us shares to meet the mitigation requirement.

Please let me know if you have any questions or comments.

Maria Minicucci

Department of Parks & Recreation
mminicucci@cityofboise.org
208.608.7614

Grimm, Angie

From: Terry Scanlan [TScanlan@spfwater.com]
Sent: Monday, September 14, 2015 4:05 PM
To: Hornbaker, Sonny
Cc: Grimm, Angie
Subject: RE: Magnolia Park Test Well

Thanks Sonny. We will standby until the permit is resolved.

From: Hornbaker, Sonny [mailto:Sonny.Hornbaker@idwr.idaho.gov]
Sent: Monday, September 14, 2015 10:06 AM
To: Terry Scanlan
Cc: Grimm, Angie
Subject: RE: Magnolia Park Test Well

Terry,

In order for us to rectify this situation, we need to resolve the outstanding issues that pertain to the City of Boise Parks & Recreation test well (D0070197).

The Department received an application to drill a test well, submitted by Ron Stevens on August 27th, 2015. The Drilling application included no attachments or diagrams to explain well design, drilling methodology, testing methods, or abandonment. Additionally, the drilling application referenced a water permit No. 63-34025 which was being defined and compiled through our water right section. Due to the location of the water permit application and associated well projected to draw groundwater within **Basin 63 Groundwater Restricted Area** the drilling permit was not signed until the water permit had been resolved.

On September 3rd, 2015 the City of Boise Parks & Recreation informed the Department that the well had been drilled and that the only productive water bearing zone was between 170 and 200 feet below ground surface. On September 9th, 2015 Tom Neace and I inspected the drilling site and found Stevens drilling rig and mud plant were on site and had drilled to 335 ft as indicated by the sediment samples bag labels. Drilling had been shut down and it appeared had not drilled in several days.

Presently, The drilling permit is remains unsigned and will not be signed until the water permit application is resolved. I have instructed Mr. Stevens to place an 38 foot deep abandonment seal in the existing well to provide surface seal protection until this has all been resolved. Mr. Stevens can remove his rig to other drilling sites. This temporary abandonment shall remain until the permitting and well design has been resolved and properly permitted. The well will not be developed any further Until I have signed a drilling permit for that well.

Sincerely,

Sonny Hornbaker, P.G.
IDWR Western Region
Well Drilling, Geologist/
Emergency Operations Coordinator
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

From: Terry Scanlan [<mailto:TScanlan@spfwater.com>]
Sent: Friday, September 11, 2015 3:02 PM
To: Hornbaker, Sonny
Cc: Maria Minicucci
Subject: Magnolia Park Test Well

Sonny –

As mentioned in my voice mail, the Boise Parks and Recreation Department would like to complete the test borehole at Magnolia Park as a 6-inch diameter test well. The specifics of the work would include backfill the mud rotary pilot borehole from 190 to 500 feet, ream the pilot borehole from 0 to 190 feet, install a single string of 6-inch ID PVC casing and screen from 18 to 188 (with a 168 to 188 screen interval) and 6-inch steel casing from +2 to 18 feet, install sand filter pack from 130 to 190 feet, and install surface seal from 0 to 190 feet. We believe that this is the most efficient method to determine if there is an adequate supply at this site to support supplemental irrigation use for the park. The well can be equipped with a welded steel cap until the Park Department gets a water right approval. If the water right application is denied, the Park Department can either abandon the well or limit use to the 2500 gpd/18 gpm exemption. Please let us know if this is acceptable.

Terry M. Scanlan, P.E., P.G. | Principal Engineer/Hydrogeologist

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