



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

08/04/2015

S. BRYCE FERRIS  
SAWTOOTH LAW OFFICES, PLLC  
PO BOX 7985  
BOISE ID 83707

COPY

CITY OF MERIDIAN  
33 E. BROADWAY STE 206  
MERIDIAN ID 83642

**Re: Withdrawal of Protest against Application for Permit No. 63-34034 (City of Meridian)**

Dear Parties:

The Department of Water Resources acknowledges receipt of your stipulation for withdrawal of protest ("stipulation") against the above referenced application. The parties have agreed to the protestant's withdrawal if approval of the application is conditioned substantially as provided in the stipulation.

In any conditional withdrawal, the Department must review the agreement to ensure that conditions to be included in an approval are acceptable. Further, the Department may modify the conditions as written to fit the approval format or may substitute a standard condition of the Department with essentially the same language and intent. The enclosed draft permit approval incorporates the Department's standard conditions, as well as other conditions unique to your stipulation.

Please review the draft approval carefully. If you think the draft approval is not substantially in conformance with your stipulated conditions, please contact the Department within 14 days of the date of this letter with your concerns. The application has no remaining protests; therefore, if we do not hear from you, the Department will take the steps necessary to bring the application to final resolution. As always, you may file a petition for reconsideration within 14 days after the preliminary order approving the permit is issued.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Miller'.

Nick Miller  
Regional Manager

Enclosure

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 63-34034

Priority: January 29, 2015

Maximum Diversion Rate: 0.90 CFS

This is to certify, that CITY OF MERIDIAN  
33 E BROADWAY STE 206  
MERIDIAN ID 83642

has applied for a permit to appropriate water from:

Source: GROUND WATER

**DRAFT**

and a permit is APPROVED for development of water as follows:

**BENEFICIAL USE**

IRRIGATION

**PERIOD OF USE**

03/01 to 11/15

**RATE OF DIVERSION**

0.90 CFS

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

GROUND WATER L4 (SW1/4SW1/4) Sec. 7, Twp 03N, 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 |        |
| 03N 01E 18  |    |    |    |    | 13  | 4  |    | 2  |    |    |    |    |    |    |    |    | 19     |
|             |    |    |    |    | L 1 |    |    |    |    |    |    |    |    |    |    |    |        |

Total Acres: 19

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before August 01, 2020.
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. 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.
5. This right when combined with all other rights shall not exceed a combined annual maximum diversion volume of 72 af at the field headgate for the place of use.
6. The ground water diversion rate for this right shall not exceed 0.90 cfs. Provided, further, this right when combined with all other rights shall provide no more than one (1) inch, 0.02 cfs, per acre when averaged over a twenty-four hour period based upon the amount of water applied over such twenty-four hour period. However, should the lands authorized to be irrigated under this right ever cease to be a school, park, cemetery, or golf course recognized by the Department as allowing more than one (1) inch per acre, then this right when combined will all other rights shall provide no more than one (1) inch, 0.02 cfs, per acre at the field headgate for irrigation of the place of use.
7. This right is limited to the irrigation of 16 acres within the authorized place of use in a single irrigation season.

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NO. 63-34034

8. The primary surface irrigation water for the place of use authorized under this right is delivered by Nampa & Meridian Irrigation District.
9. The right holder shall make full beneficial use of all surface 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 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.
10. If the surface water right(s) appurtenant to the place of use 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), this right to divert ground water shall not be used for irrigation purposes on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
11. 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.
12. This right does not grant any right-of-way or easement across the land of another.
13. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
GARY SPACKMAN, Director