

RECEIVED

AUG 19 2014

DEPARTMENT OF
WATER RESOURCES

RECEIVED

AUG 20 2014

WATER RESOURCES

WESTERN REGISTRATION STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No.

79533

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Boise Warm Springs Water District

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

RECEIVED

Rev 07/13

AUG 20 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 20 2014

WATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Boise Warm Springs Water District Phone 208-342-3162Mailing address 2440 Old Penitentiary Rd, Boise, ID 83712 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative SPF Water Engineering, LLC Phone 208-383-4140Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email cpetrich@spfwater.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 or Authorized Representative

PATRICK FLISCHMUTH CHAIRMAN
Print Name and Title if applicable8-18-14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Applicants seek to add three tracts, currently not described in their service area legal description, that contain homes being served by their geothermal ground water delivery system. New infrastructure is not being proposed; only adjustments to the applicant's service area boundary.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	63-5073	5.1 cfs	Heating	1/1 to 12/31	Ground Water
☐ ☐		5.1 cfs	Domestic	1/1 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 5.1 cfs cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.96 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E				L3	L1									L2				
		10	X		X	X									X				
									L4					L6					
		11						X	X		X	X		X	X	X	X	X	
		12												X					
		13		X			X	X											
		14	X	X															
L1			Total Acres (for irrigation use)																

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
No changes proposed to existing diversion system.

- b. Who owns the property at the point(s) of diversion? Applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
n/a

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Boise municipal water

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-5073

Current Owner: BOISE WARM SPRINGS WATER DISTRICT
Priority Date: 11/5/1894
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	5.1 CFS	
HEATING	01/01 to 12/31	5.1 CFS	
	<u>Total Diversion</u>	5.1 CFS	1039 AF

Location of Point(s) of Diversion

GROUND WATER
ADA County
SE1/4SE1/4SW1/4 Sec. 12, Twp 03N, Rge 02E B.M.

Place of Use

DOMESTIC Within ADA County

T03N R02E S10		NENE	T03N R02E S10	Lot 3	SWNE
T03N R02E S10	Lot 1	SENE	T03N R02E S10	Lot 2	NESE
T03N R02E S11	Lot 4	SWNW	T03N R02E S11		NESW
T03N R02E S11		NWSW	T03N R02E S11	Lot 6	SESW
T03N R02E S11		NESE	T03N R02E S11		NWSE
T03N R02E S11		SWSE	T03N R02E S11		SESE
T03N R02E S12		SESW	T03N R02E S13		NENW
T03N R02E S13		NWNW	T03N R02E S14		NENE

HEATING Within ADA County

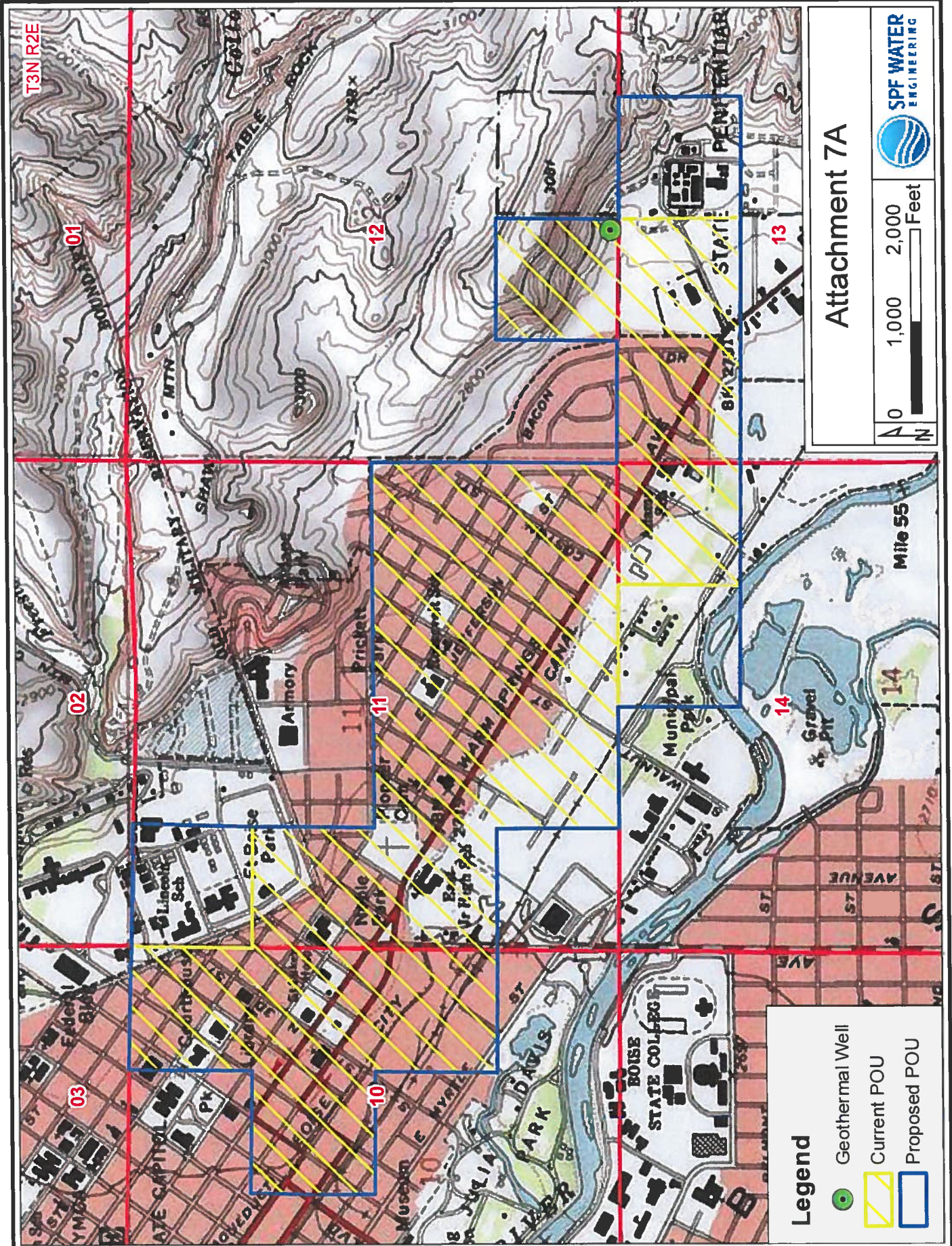
T03N R02E S10		NENE	T03N R02E S10	Lot 3	SWNE
T03N R02E S10	Lot 1	SENE	T03N R02E S10	Lot 2	NESE
T03N R02E S11	Lot 4	SWNW	T03N R02E S11		NESW
T03N R02E S11		NWSW	T03N R02E S11	Lot 6	SESW
T03N R02E S11		NESE	T03N R02E S11		NWSE
T03N R02E S11		SWSE	T03N R02E S11		SESE
T03N R02E S12		SESW	T03N R02E S13		NENW
T03N R02E S13		NWNW	T03N R02E S14		NENE

Page _____ of _____

Conditions of Approval:

1. B05 WATER TEMPERATURE MEASURED AT 172 DEGREES F
2. 129 PLACE OF USE IS WITHIN THE SERVICE AREA OF THE BOISE WARM
 SPRINGS WATER DISTRICT
3. C18 This partial decree is subject to such general provisions necessary for the
 definition of the rights or for the efficient administration of the water rights as
 may be ultimately determined by the Court at a point in time no later than the
 entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. B07 WATER IS LOW TEMPERATURE GEOTHERMAL WATER.

Decreed Date: 5/12/2009



Attachment 7A



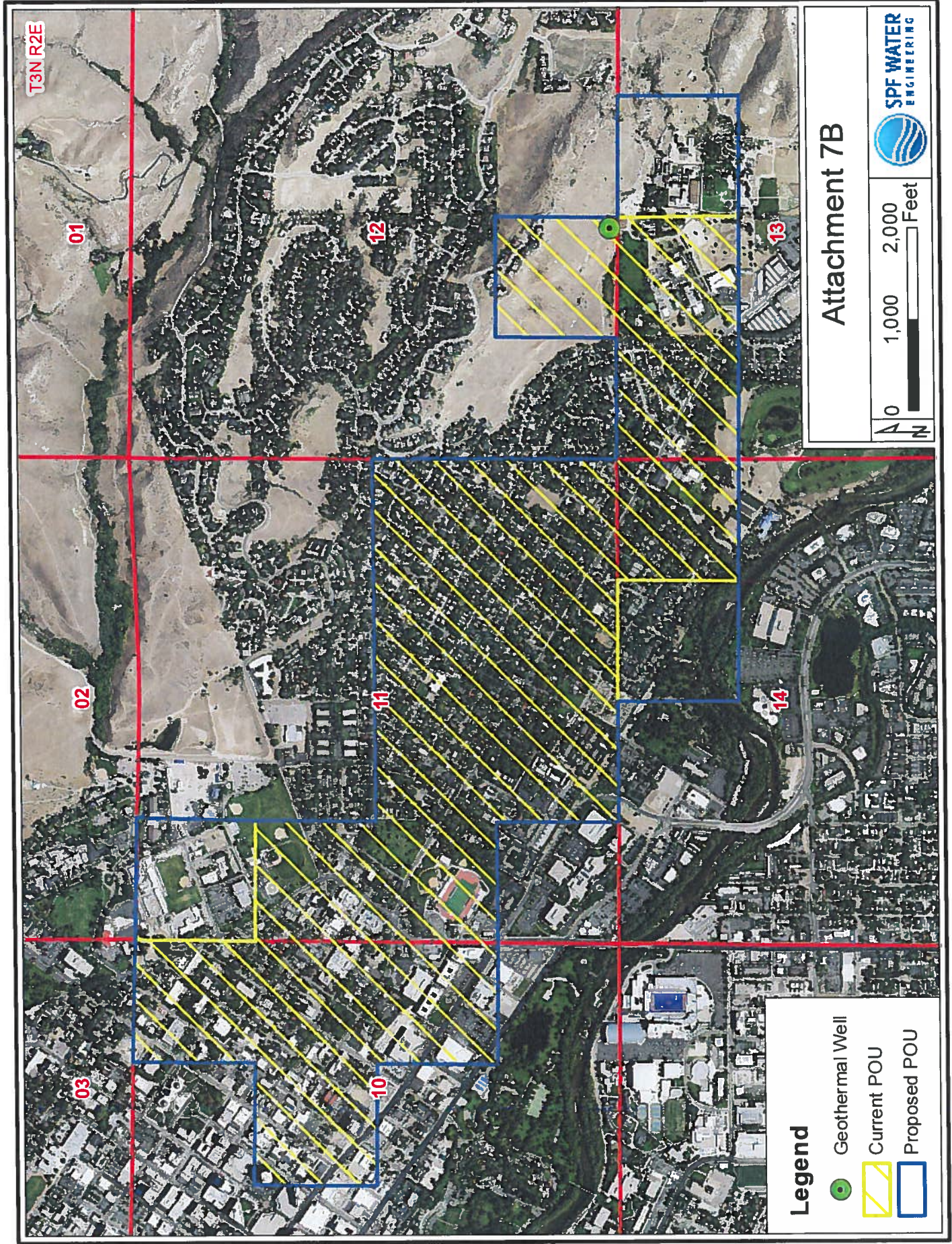
SPF WATER
ENGINEERING



0 1,000 2,000 Feet

Legend

-  Geothermal Well
-  Current POU
-  Proposed POU



MEMORANDUM

TO: Transfer No. 79533
FROM: Kay Walker *Kay*
DATE: August 29, 2014
RE: Evaluation of Application

The transfer proposes to add three 40 acre tracts to the decreed place of use description. The homes in these tracts are being served by the geothermal water system but were omitted in the service area boundary.

The site is located along Warm Springs Avenue from Capital Blvd. to East Old Penitentiary Road.

Contact person for the applicant is SPF Water Engineering, Attn: Lori Graves, 300 E. Mallard Dr., Suite 350, Boise, ID, 83706, Telephone: 383-4140.

Summary of Information Submitted

Authority to File:

The applicant is the water right holder of record.

Water Right Validity:

Right presumed to be valid because the partial decree was issued within the past five year period, on May 12, 2009.

Injury to Other Water Rights:

There should be no injury to other water rights. The right holder is just adjusting their service area boundary of the existing system, no new infrastructure is being proposed.

Enlargement of Use:

No enlargement should occur. No more water will be diverted or used than the amount partially decreed. The rate and volume of this right are the limiting factors.

Local Public Interest:

It is within the local public interest to allow water users to correct their place of use when found some had been omitted during adjudication process.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Data entry affected the correct record which is the partial decree issued in 2009. The partial decree was moved into water rights data base.

This application is being processed without being advertised since there are no changes to the system. The application states there is no new infrastructure being proposed, only adjustments to the applicants service area boundary.

Overlapping rights at existing &/or proposed POD is Permit 63-9160. This permit was issued to Boise Warm Springs Water District in January of 1980 for additional water and for additional domestic and heating uses. There is a moratorium in place and the permit cannot be developed until the moratorium is lifted.

During initial review of this application it was found that the right had a total volume of 1039 acre feet. There was no indication of how much volume should be assigned to each use. In order to process the application we attached the 1039 acre feet to each use with the total volume of 1039 acre feet.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

MEMORANDUM

____ Office Visit

____ Telephone

____ Meeting

TO

F. L.

FROM

JL

DATE

8/28/2014

RE

APPL FEE REDUCED

Proposed fee

And 3 AQ¹ to 16 AQ per
similar to irrigation ditch company
method:

$$\frac{3}{16} \times 5.1 \text{ cfs} = 0.96 \text{ cfs Affected cfs}$$

$$\text{fee} = \underline{\underline{\$500}}$$

per prior transfers of this type



RECEIVED

AUG 20 2014

WATER RESOURCES
WESTERN REGION

August 19, 2014

RECEIVED

AUG 19 2014

DEPARTMENT OF
WATER RESOURCES

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer – Boise Warm Springs Water District

Dear Steve,

Enclosed on behalf of Boise Warm Springs Water District, is an *Application for Transfer* seeking changes to their authorized service area under water right 63-5073.

Check No. 9621 for \$500 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", written over a horizontal line.

Lori Graves
Water Rights Specialist

Cc: BWSWD c/o Patrick Frischmuth

Enclosures

SPF file number: 373.0060