

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79283

This is to certify that: MERIDIAN JOINT SCHOOL DISTRICT #2
OPERATIONS & MAINTENANCE
1303 E CENTRAL DR
MERIDIAN, ID 83642

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-32325	WR/DECREED	9/19/1966	0.240 cfs	90.0 af	N/A	20.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

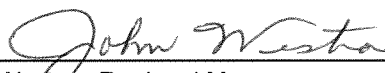
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-32325	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-32325	63-32325	0.240 cfs	90.0 af	20.0	28.3	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.240 cfs	90.0 af	20.0	28.3		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 28th day of July, 2014.


Western Regional Manager

WATER RIGHT NO. 63-32325
As Modified by Transfer No. 79283

In accordance with the approval of Transfer No. 79283, Water Right No. 63-32325 is now described as follows:

Right Holder: MERIDIAN JOINT SCHOOL DISTRICT #2
OPERATIONS & MAINTENANCE
1303 E CENTRAL DR
MERIDIAN, ID 83642

Priority Date: 9/19/1966

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.240 cfs	90.0 af
			0.240 cfs	90.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 24 Twp 03N Rge 01W ADA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01W	24								26.0	2.3								28.3
Right Acre Limit:			20.0																
POU Total Acres:			28.3																

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Transfer No. 79283

WATER RIGHT NO. 63-32325
As Modified by Transfer No. 79283

CONDITIONS OF APPROVAL

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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/10/2007.
7. This right is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
8. 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 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.
9. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. 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 90.0 af at the field headgate for the place of use.
11. Use of this right is combined with water from Nampa Meridian Irrigation District.
12. 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.
13. The diversion and use of water described in Transfer 79283 may be subject to additional conditions and limitations agreed to by the City of Meridian and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the City of Meridian and the water right holder.



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

July 28, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

MERIDIAN JOINT SCHOOL DISTRICT 2
OPERATIONS MAINTENANCE
1303 E CENTRAL DR
MERIDIAN ID 83642

Re: Transfer No. 79283
Water Right No. 63-32325

Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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 that reads "Rachel Sommer". The signature is written in a cursive style with a large, looping "R" and a long, sweeping "S".

Rachel Sommer
Administrative Assistant

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No. 79283
Water Right No. 63-32325**

**MERIDIAN JOINT SCHOOL DISTRICT 2
OPERATIONS MAINTENANCE
1303 E CENTRAL DR
MERIDIAN ID 83642**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
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.

JUN 30 2014

LEGAL PROOF OF PUBLICATION

WATER RESOURCES

Account #	Ad Number	Identification	PO	Amount	Lines
263978	0001090991	The following applications have been filed to a	Thornton	\$129.00	1 80

Attention: RACHEL SOMMER

IDAHO DEPT WATER RESOURCE/ WEST
2735 AIRPORT WAY
BOISE, ID 837055082

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-33938
LAYNE THORNTON
LORI THORNTON
3224 SWAN FALLS RD
KUNA, ID 83634
Points of Diversion SWNE SENW
S6 TO1N R01E ADA County
Source GROUND WATER
Point of Diversion L1(NWNW) S7
TO1N R01E ADA County Source
GROUND WATER
Points of Diversion L5(SENE)
L4(NWNW) S1 TO1N R01W ADA
County Source GROUND WATER
Point of Diversion SESW S36
TO2N R01W ADA County Source
GROUND WATER
Use: IRRIGATION 03/01 to 11/15
0.57 CFS
Total Diversion: 0.57 CFS
Date Filed: 3/6/2014
Place of Use: IRRIGATION
TO2N R01W S36 NW(ALL)
NESW NWSW
Total Acres: 153
Water bearing zone to be appropri-
ated is from 100 to 500 feet.

OK
7/16/14
RS.

**PROPOSED CHANGE
OF WATER RIGHT(S)**

Meridian School District #2 of
1303 E. Central Dr., Meridian, ID
83642 filed Application No.
79283 to transfer one right with a
1966 priority date from ground
water totaling 0.24 cfs. The pur-
pose of the transfer is to drill a re-
placement well and change the
supplemental irrigation place of
use to adjacent property for a new
school site (Victory Middle School)
located on S. Stoddard Rd. ap-
proximately 1/3 mile south of
Overland Rd.

Permits will be subject to all prior
water rights. For additional infor-
mation concerning the property lo-
cation, contact Western Region of-
fice at (208) 334-2190; or for a
full description of the rights &/or
proposed transfer, please see ww
w.idwr.idaho.gov/apps/ExtSearch
/WRFiling.asp. Protests may be
submitted based on the criteria of
Sec 42-222 and 42-203A, Idaho
Code. Any protest against the ap-
proval of this 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 7/7/2014. The protes-
tant must also send a copy of the
protest to the applicant.
GARY SPACKMAN, Director

Pub. June 19,26, 2014
0001090991-01

JANICE HILDRETH, being duly
sworn, deposes and says: That she is
the Principal Clerk of The Idaho
Statesman, a daily newspaper printed
and published at Boise, Ada County,
State of Idaho, and having a
general circulation therein, and which
said newspaper has been
continuously and uninterruptedly
published in said County during a
period of twelve consecutive months
prior to the first publication of the
notice, a copy of which is attached
hereto: that said notice was published
in The Idaho Statesman, in conformit
with Section 60-108, Idaho Code, as
amended, for:

2 Insertions

Beginning issue of: 06/19/2014

Ending issue of: 06/26/2014

Janice Hildreth
(Legals Clerk)

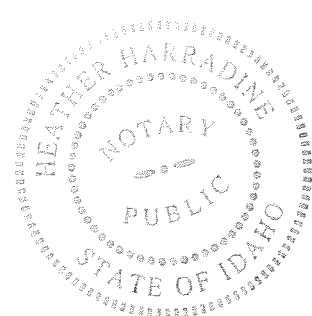
STATE OF IDAHO)
SS

COUNTY OF ADA)

On this 26th day of June in the year c
2014 before me, a Notary Public,
personally appeared before me Janic
Hildreth known or identified to me to
be the person whose name subscribe
to the within instrument, and being by
first duly sworn, declared that the
statements therein are true, and
acknowledged to me that she
executed the same.

Heather Harradine
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 2/11/2021



Lester, Steve

From: Lester, Steve
Sent: Thursday, July 03, 2014 4:46 PM
To: 'Lori Graves'
Cc: 'Kyle Radek'
Subject: RE: Meridian School District Transfer

Lori:

The information was added to the transfer file as requested. I am copying Kyle Radek, Assistant City Engineer, who signed the agreement.

For the City's benefit and possible future SPF clients, I recommend providing a copy of such an agreement in regular letter format (US mail) instead of email. IDWR documents are more clear (more easily read, archived, scanned, searchable etc.) when email is avoided for the more serious matters such as this. This is particularly helpful for the public accessing our scanned documents online.

Thank you for providing the information that avoids a protest in this transfer application.

Regards,

Steve

From: Lori Graves [mailto:LGraves@spfwater.com]
Sent: Thursday, July 03, 2014 3:21 PM
To: Lester, Steve; Curtis, Sharla
Cc: Terry Scanlan
Subject: FW: Meridian School District Transfer

Steve and Sharla,

As addressed in the email chain below, attached is a signed private agreement between the School District and the City of Meridian for Transfer Application No. 79283. In lieu of a protest from the City, please include an appropriate condition on the transfer approval recognizing the attached agreement. Thank you for your attention to this matter and please let me know if any further information is needed.

Regards,

Lori

From: Lori Graves
Sent: Thursday, June 05, 2014 8:05 AM
To: 'Curtis, Sharla'
Cc: Terry Scanlan
Subject: RE: Meridian School District Transfer

Thanks for the insight Sharla. Please send the transfer to advertising. In the meantime, we will work with the City on the agreement. Thanks again.

*Private Agreement for file
(see last page)
-SL 7/3/2014*

From: Curtis, Sharla [<mailto:Sharla.Curtis@idwr.idaho.gov>]

Sent: Wednesday, June 04, 2014 3:34 PM

To: Lori Graves

Subject: RE: Meridian School District Transfer

Lori,

I talked with Steve this afternoon about this subject. A few weeks ago he attended a meeting with Jeff Peppersack, Matt Weaver, and a couple of the City of Meridian engineers regarding this issue. So this subject has been discussed at the higher levels of management and the city is aware of our position.

In that meeting, the engineers had a list of items they wanted the department to add to the drilling permit or water right approvals. Jeff informed them that it is not appropriate for the department to add conditions regarding matters that are not under our jurisdiction. He did tell them, however, that if they prepare a private agreement that both parties sign and send that to us, we have no problem with including a condition that says something like "The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the City of Meridian and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the City and the water right holder."

So, that having been said, I can do one of two things at this point. I can either send the transfer in for advertising and expect a protest (or a signed agreement), or I can hold the advertising until I hear from you, thus giving you the opportunity to put the wheels in motion for such an agreement.

Just let me know which way you want to go. Thanks Lori.

Sharla

From: Lori Graves [<mailto:L.Graves@spfwater.com>]

Sent: Wednesday, June 04, 2014 8:25 AM

To: Curtis, Sharla

Cc: Terry Scanlan

Subject: RE: Meridian School District Transfer

Good Morning Sharla,

The District is aware of the City of Meridian's position on this matter. At the time of advertising, we anticipate that the City and the District will provide IDWR with an agreement related to well construction. For this application and future applications proposing new wells within the City's impact area, can you discuss with Steve what steps the City needs to do to insure an application is conditioned with regards to a well construction agreement. It probably will take an official protest before the Department can legally make an application subject to a specific condition, but maybe the process can be streamlined. For instance, the City could submit a protest with a copy of the agreement and then a protest withdrawal upon the Department's confirmation the application will be conditioned with regards to the agreement. I look forward to your response.

Thanks Sharla.

From: Curtis, Sharla [<mailto:Sharla.Curtis@idwr.idaho.gov>]

Sent: Tuesday, June 03, 2014 9:41 AM

To: Lori Graves

Subject: Meridian School District Transfer

Hi Lori,

Steve wanted me to contact you (as the rep for this xfer) to see if there has been any discussion between the district and the City of Meridian in regards to well construction concerns. He thinks the City will probably protest this application and we are hoping to avoid that. So do they have any agreement or something in place?

Thanks for your help on this one.

Sharla

Agreement In Lieu of Protest

The City of Meridian (City) seeks to protect groundwater quality within the City's impact area through implementation of rigorous well construction standards. Joint School District No. 2 (District) has filed Application for Transfer No. 79283 to change the point of diversion of water right 63-32325 in contemplation of construction of an irrigation well to provide supplemental irrigation to the proposed Victory Middle School. The City has agreed not to protest Transfer No. 79283 provided that the District agrees to construct the new well to City standards. Specifically, the District agrees to the following conditions.

1. Any well constructed pursuant to Application for Transfer No. 79283 must be constructed using either mud-rotary or reverse-rotary drilling methods.
2. Any well constructed pursuant to Application for Transfer No. 79283 must be constructed with a full depth seal extending from ground surface to within 30 feet of the well production zone.
3. Any well constructed pursuant to Transfer Application No. 79283 must be constructed using plastic well casing.
4. In the event that a new well drilled for water right 63-32325 does not comply with conditions 1, 2, and 3, above, the District shall abandon the well within 30 days of notice from the City.
5. A copy of this Agreement in Lieu of Protest shall be filed in the file maintained by the Idaho Department of Water Resources for this application.

Dated this 3 day of July, 2014

By Donald R. Loman

Joint School District No. 2

Dated this 3rd day of July, 2014

By Kyle Radek

City of Meridian

Asst City Eng