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APR 09 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79203WATER RESOURCES
WESTERN REGION**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) Meridian Joint School District No. 2Check 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: _____

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WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Meridian Joint School District No. 2 Phone 208-350-5210Mailing address 1303 E. Central Dr., Meridian, ID 83642 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 Phone 208-383-4140Mailing address 300 E. Mallard Dr., Ste. 350, Boise, ID 83706 Email lgraves@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.

Bruce Hester
Signature of Applicant or Authorized Representative

Bruce Hester Deputy Superintendent
Print Name and Title if applicable

4/7/14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- 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**.

Drill a replacement well in a different 40-acre tract and change the supplemental irrigation place of use to a new school site, also known as the Victory Middle School site.

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.

	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	63-32325	0.24/90.0	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.24 cfs and/or 90.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.24 cubic feet per second and/or 90.0 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 #
Yes			SE	NW	24	3N	1W	Ada	Ground Water	

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	1W	24								26	2.3								28.3
								</											

*20 acres irrigation within a 28.3-acre permissible place of use (PPU)

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:
Well, pump, pressurized irrigation system. A measuring device and lockable controlling works will be accomodated upon Department request.
- b. Who owns the property at the point(s) of diversion? Applicant
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:
The property will continue to receive surface water from Nampa and Meridian Irrigation District.
- 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:
Surface water from Nampa and Meridian Irrigation District is assessed to both the current place of use and proposed permissible place of use.
- 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.: 63-32325

Current Owner: MERIDIAN JOINT SCHOOL DISTRICT #2

Priority Date: 9/19/1966

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>
IRRIGATION	03/15 to 11/15	0.24 CFS	90 AF
	<u>Total Diversion</u>	0.24 CFS	90 AF

Location of Point(s) of Diversion

GROUND WATER
ADA County
NE1/4NW1/4 Sec. 24, Twp 03N, Rge 01W B.M.

Place of Use

IRRIGATION Within ADA County

T03N R01W S24	NENW	3.00	T03N R01W S24	SENEW	17.00
Total Acres: 20					

Conditions of Approval:

1. 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.
2. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. W51 Use of this right is combined with water from Nampa Meridian Irrigation District.
4. This right is a split from former right 63-3543A.

Decreed Date: 4/10/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☒ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation.
Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

No change in the supplemental nature of the ground water right is proposed since both the current place of use and proposed permissible place of use are assessed surface water from Nampa and Meridian Irrigation District.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

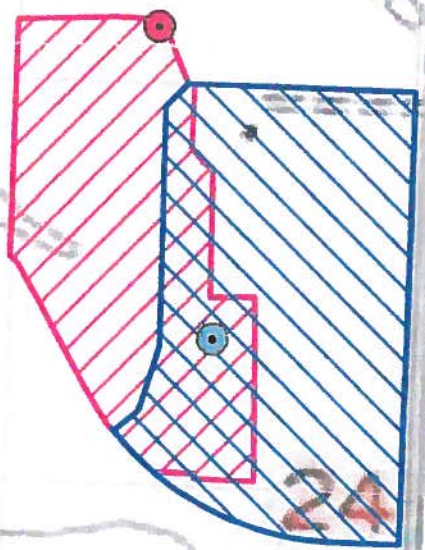
Received by R Date 9-9-14 Preliminary check by _____ Date _____

Fee paid 500- Date 4-9-14 Received by NS Receipt # W042007

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

B
LATERAL

2605

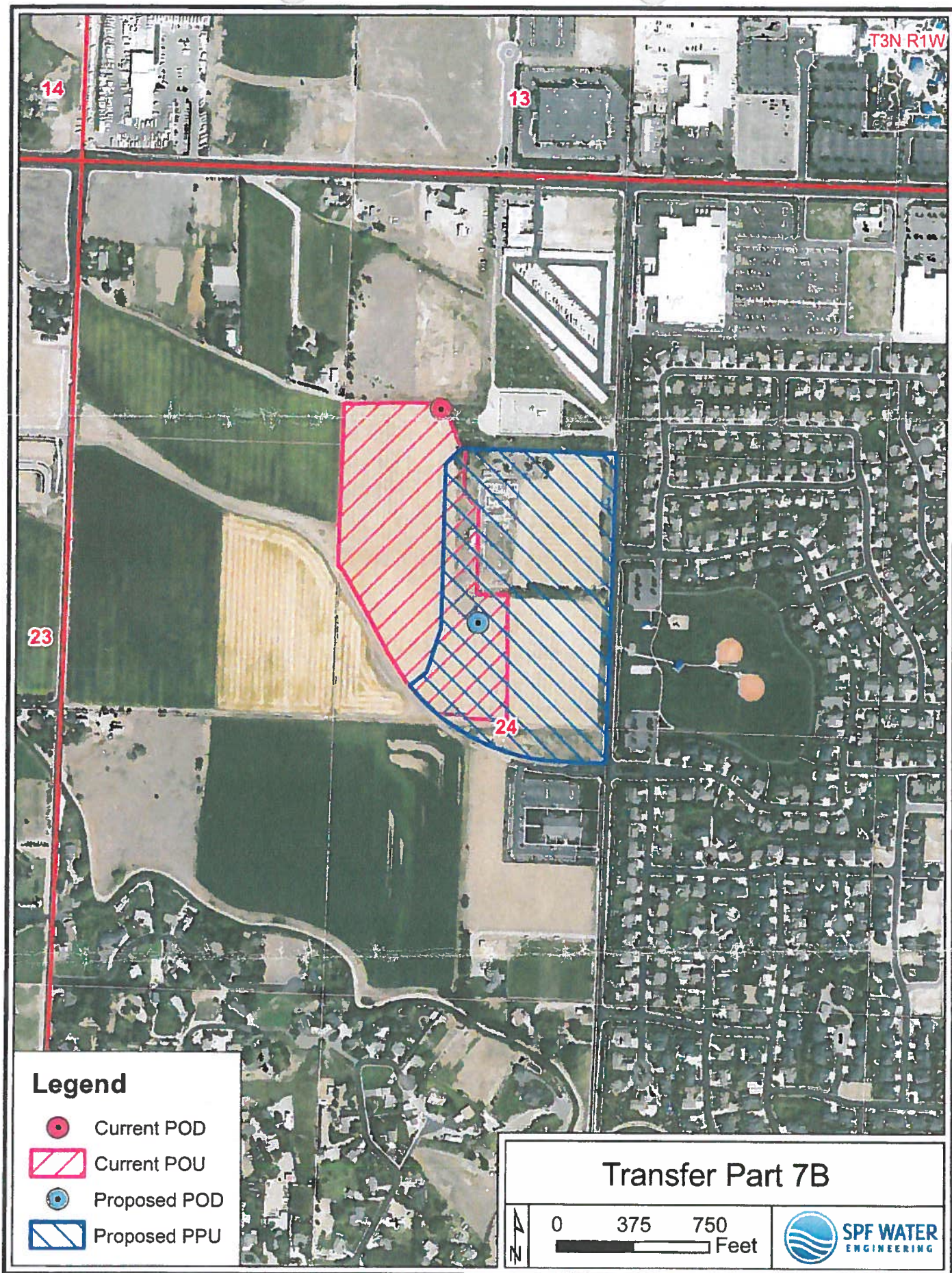


Legend

- Current POD
- Current POU
- Proposed POD
- Proposed PPU

Transfer Part 7A





Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, June 12, 2014 9:23 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Categories: Legal Ad Confirmed

Good Morning Janice Hildreth,

Please see the attached ad for publication on 6/19/2014 & 6/26/2014.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

June 12, 2014

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

RE: Application for Permit No. 63-33938
Transfer No. 79283

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice 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 7/7/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

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 T01N R01E ADA County Source GROUND WATER

Point of Diversion L1(NWNW) S7 T01N R01E ADA County Source GROUND WATER

Points of Diversion L5(SENE) L4(NWNW) S1 T01N R01W ADA County Source GROUND WATER

Point of Diversion SESW S36 T02N 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

T02N R01W S36 NW(ALL) NESW NWSW

Total Acres: 153

Water bearing zone to be appropriated is from 100 to 500 feet.

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 purpose of the transfer is to drill a replacement 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. approximately 1/3 mile south of Overland Rd.

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 rights &/or proposed transfer, please see www.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 approval 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 protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/19/2014 and 6/26/2014

MEMORANDUM

TO: Transfer No. 79283
FROM: Sharla Curtis
DATE: June 6, 2014
RE: Evaluation of Application

The transfer proposes to drill a replacement well and change the supplemental irrigation place of use to a new school site (Victory Middle School).

Summary of Information Submitted

Authority to File: Applicant is owner of record and therefore is authorized to file the transfer.

Water Right Validity: Right presumed to be valid because irrigation was confirmed with ArcMap 2011 aerial photography.

Injury to Other Water Rights: None anticipated. A protest is likely from the City of Meridian. Background information about this can be found in emails included in file between reviewer and consultant. Some type of agreement related to well construction is expected.

Enlargement of Use: No enlargement should occur; all parameters of the rights stay the same with a simple addition of a point of diversion.

Local Public Interest: Proposed use is considered in the local public interest throughout Idaho.

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.

Summary

It appears this application can be approved as reflected by the draft approval. Condition 046 will be used for the drilling of the replacement well.

Curtis, Sharla

From: Curtis, Sharla
Sent: Thursday, June 05, 2014 8:09 AM
To: 'Lori Graves'
Subject: RE: Meridian School District Transfer

No problem. It should publish the 3rd and 4th weeks of this month.

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

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:LGraves@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



SPF WATER
ENGINEERING

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APR 07 2014

WATER RESOURCES
WESTERN REGION

April 4, 2014

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

Subject: Application for Transfer

Dear Steve,

Enclosed on behalf of Meridian Joint School District No. 2, is an *Application for Transfer* seeking authorization to drill replacement well in a different 40-acre tract and change the place of use under water right record 63-32325.

Check No. ~~532449~~ ⁸⁴⁴³ for \$500 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Dr. Bruce Gestrin, Meridian Joint School Dist. No. 3
Mark Freeman, Foley, Freeman, PLLC

Enclosures

SPF file number: 141.0140