

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78670

This is to certify that: VETERANS ADMINISTRATION MEDICAL CENTER
500 W FORT ST
BOISE, ID 83702-4598

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>
63-29710	WR/DECREED	11/26/1910	0.130 cfs	67.0 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

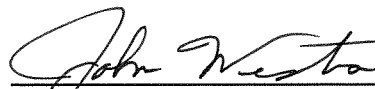
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-29710	NO	YES	YES	NO	NO	YES

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>
63-29710	63-29710	0.130 cfs	67.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.130 cfs	67.0 af	N/A	N/A		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 30th day of January, 2014.


Western Regional Manager

Transfer No. 78670

WATER RIGHT NO. 63-29710
As Modified by Transfer No. 78670

In accordance with the approval of Transfer No. 78670, Water Right No. 63-29710 is now described as follows:

Right Holder: VETERANS ADMINISTRATION MEDICAL CENTER
 500 W FORT ST
 BOISE, ID 83702-4598

Priority Date: 11/26/1910

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
HEATING	01/01	to 12/31	0.130 cfs	67.0 af
			0.130 cfs	67.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SESW Sec 2 Twp 03N Rge 02E ADA County

PLACE OF USE: HEATING

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	02E	2										X	X	X					
03N	02E	2																	

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.

Transfer No. 78670

WATER RIGHT NO. 63-29710
As Modified by Transfer No. 78670

CONDITIONS OF APPROVAL

4. Upon specific notification by the Department, the right holder shall (a) install and maintain acceptable measuring device(s), including data logger(s), temperature gauge(s), and totalizing fluid meter(s), at the authorized point(s) of diversion and reinjection in accordance with Department specifications; (b) report measuring information to the Department upon its request; and (c) contribute a reasonable pro-rata share of costs for periodic updating of the Idaho Water Resources Research Institute, University of Idaho, Boise Front Low Temperature Geothermal Resource Management Area aquifer computer model or its successor. This condition will not be construed to obligate the expenditure of funds by any public agency beyond the amounts available to the agency for such purposes through lawful authorization and appropriation.
5. This water is from a low temperature geothermal resource.
6. This water is for use only on the rectangular parcel known as the Fort Boise Reservation:
"Beginning at a point 2145 feet, N. 68 degrees 34 feet from the flagstaff, at fir post 8 feet high and 1 foot in diameter, squared at the top of each face marked U.S.; thence running S. 20 degrees E. 54.32 chains, to post 1.21 chains from N.E. corner of small log building bearing S. 35 degrees E.; thence running N. 70 degrees E. 117.50 chains to stake 4 inches square, 2 1/2 feet high; thence running N. 20 degrees W. 54.32 chains to pile of stones; thence running S. 70 degrees W. 117.75 chains to the point of beginning and containing 638 acres, more or less."



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

January 31, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

VETERANS ADMINISTRATION MEDICAL CENTER
500 W FORT ST
BOISE ID 83702-4598

Re: Transfer No. 78670
Water Right No. 63-29710

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 cursive script that reads "Rachel Sommer".

Rachel Sommer
Administrative Assistant

Enclosures

CC:

US DEPT OF JUSTICE
ENVIRONMENT NATURAL RESOURCE DIV
ATTN: DAVID GEHLERT
999 18TH ST STE N 945
DENVER CO 80202

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

**Re: Transfer No. 78670
Water Right No. 63-29710**

**VETERANS ADMINISTRATION MEDICAL CENTER
500 W FORT ST
BOISE ID 83702-4598**

**US DEPT OF JUSTICE
ENVIRONMENT NATURAL RESOURCE DIV
ATTN: DAVID GEHLERT
999 18TH ST STE N 945
DENVER CO 80202**

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.

MEMORANDUM

Date: January 29, 2014
To: File
From: Nick Van Dyke *NVD*
Re: Analysis of Transfer 78670, VA Medical Center

Narrative: This transfer proposes to change the point of diversion, place of use, and nature of use for right no. 63-29710. All of the right is being transferred to the Veterans Administration Medical Center to increase the capacity of the hospital's geothermal heating system. Currently right no. 63-9890 authorizes 1.43 cfs and 628.6 af for heating use: this transfer will authorize an additional 0.13 cfs and 67.0 af to be used for heating purposes. The water will be pumped from 63-9890's well.

Authority to File: David W. Gehlert, attorney for the U.S. Department of Justice, signed the application.

Water Right Validity: 63-29710 was decreed in the SRBA in April of 2013.

Injury to Other Water Rights: The point of diversion for this transfer falls within the Boise Front Ground Water Management Area; however will be conditioned to require acceptable measuring devices on the point of diversion and point of injection. See December 5, 2013 letter in file. No injury anticipated.

Enlargement of Use: No enlargement concerns.

Local Public Interest: No issues identified. Application was advertised, no protests were received.

Beneficial Use/Conservation of Water Resources: No issues identified. Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0000836585	LEGAL NOTICE PROPOSED CHANGE OF	City of Meridian	\$124.73	1	77

Attention: Rachel Sommer

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

LEGAL NOTICE PROPOSED CHANGE OF WATER RIGHTS

✓ The City of Meridian of 33 E Broadway Ave, Meridian, Idaho, 83642, filed Application No. 78853 to transfer one water right with a 1993 priority date from ground water totaling 3.0 cfs. The purpose of the transfer is to correct the legal description of the well that is the authorized point of diversion, and add two additional wells as points of diversion. Water will be used at the current place of use in the City of Meridian service area.

✓ Veterans Administration Medical Center, 500 W. Fort St., Boise, ID 83702, filed Application No. 78670 to transfer ground water right 63-29710 with a 1910 priority date. The transfer will convert the full right, 0.13 cfs and 67.0 af, to heating purposes for additional use within the medical center's existing geothermal heating system.

EXTENSION OF TIME TO AVOID FORFEITURE OF WATER RIGHT

✓ Jeffery Wolfe of 1111 West Jefferson Street Ste 80, Boise, ID 83702 filed an Application proposing an Extension of Time to Avoid Forfeiture for Water Right No. 63-32339 with a 1959 priority from ground water totaling 0.18 cfs. The irrigation right was partially decreed in the SRBA in 2007. The right serves property located 0.5 miles north of Hidden Springs, ID. The applicant requests the extension of time to allow for a residence to be built on the property.

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/WR_Filing.asp. For specific details of the extension see this link www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp using right no 2-10370. Protests may be submitted based on the criteria of Sec 42-203A and 42-222, 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 01/20/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Pub. Jan. 2, 9, 2014

0000836585-01

OK
1-28-14
RS

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 conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 01/02/2014

Ending issue of: 01/09/2014

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

..SS

COUNTY OF ADA)

On this 9th day of January in the year of 2014 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed 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.

Leather Hamadine

Notary Public FOR Idaho

Residing at: Boise, Idaho

My Commission expires: 2/08/2014

