

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78257

This is to certify that: CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500

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>
63-9276	WR/DECREED	8/16/1979	0.800 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

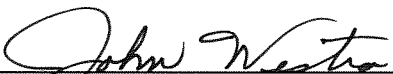
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-9276	YES	YES	YES	NO	NO	NO

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>
63-9276	63-33718	0.040 cfs	0.0 af	N/A	N/A	63-9276	0.760 cfs	0.0 af	N/A	N/A
COMBINED TOTALS		0.040 cfs	N/A	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 31st day of May, 2013.


JOHN WESTRA, Western Regional Manager

Transfer No. 78257

WATER RIGHT NO. 63-9276

As Modified by Transfer No. 78257

In accordance with the approval of Transfer No. 78257, Water Right No. 63-9276 is now described as follows:

Right Holder: CITY OF BOISE
PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE, ID 83706-2898

Priority Date: 8/16/1979

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

From 01/01 **To** 12/31

Diversion Rate
0.76 cfs
0.760 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSW Sec 35 Twp 04N Rge 02E ADA County

PLACE OF USE: MUNICIPAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	32			X						X					X			0.0
											L 3					L 2			

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Boise municipal water supply system as provided for under Idaho Law.
2. 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. 78257

WATER RIGHT NO. 63-33718
As Modified by Transfer No. 78257

In accordance with the approval of Transfer No. 78257, Water Right No. 63-33718 is now described as follows:

Right Holder: CITY OF BOISE
 PARKS & RECREATION DEPT
 1104 ROYAL BLVD
 BOISE, ID 83706-2898

Priority Date: 8/16/1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	0.040 cfs
			0.040 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 1 Twp 03N Rge 02E ADA County

PLACE OF USE: MUNICIPAL

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	1								X									0.0

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. Place of use is the Boise Police Department Firearm Training Range.
5. Municipal use is for irrigation.
6. The point of diversion identified in this right is located within the boundaries of the Boise Front Low Temperature Geothermal Resource Groundwater Management Area.

Transfer No. 78257

WATER RIGHT NO. 63-33718
As Modified by Transfer No. 78257

CONDITIONS OF APPROVAL

7. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is authorized under this right.
8. Low temperature geothermal water diverted under this right can be used for irrigation purposes without being first used for heating purposes because the priority date predates 1987.





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

May 31, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE ID 83701-0500

Re: Transfer No: 78257
Water Right No. 63-9276

Transfer Approval Notice

Dear Water Right Holder:

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,

Handwritten signature of Rachel Sommer in cursive script. Below the signature, the letters "FCN:" are handwritten.

Rachel Sommer

Administrative Assistant

Enclosure

CC:

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

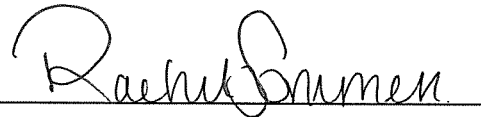
CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

**Re: Transfer No. 78257
Water Right No. 63-9276**

**CITY OF BOISE
PUBLIC WORKS DEPT
150 N CAPITOL BLVD
PO BOX 500
BOISE ID 83701-0500**

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

A handwritten signature in black ink, 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.

Idaho Statesman

The Newspaper of the Treasure Valley
IDAHOSTATESMAN.COM

PO Box 40, Boise, ID 83707-0040

RECEIVED

APR 26 2013

WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
47628	0000639622	LEGAL NOTICE	Northrup	\$243.15	2	73

Attention: Rachel Sommers

IDAHO DEPT WATER RESOURCE/ WEST
2735 AIRPORT WAY
BOISE ID 83705

LEGAL NOTICE

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

63-33724

JOHN NORTHRUP

CHERYL NORTHRUP

9251 W ROLLING HILLS

STAR ID 83669

Point of Diversion NESE S5 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 12/28/2012

Place of Use: IRRIGATION

T04N R01W S5 NESE

Total Acres: 8.7

Water bearing zone to be appropriated is between 151 and 161 feet.

63-33721

HOOT NANNEY FARMS INC

C/O MICHAEL L DIXON

RT 1 BOX 8542 FLOATING FEATHER RD

EAGLE, ID 83616

(2) Points of Diversion L4(NWNW) S3 T04N R01W ADA County Source

GROUND WATER

Point of Diversion NWSW S3 T04N R01W ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 2.4 CFS

Total Diversion: 2.4 CFS

Date Filed: 12/13/2012

Place of Use: IRRIGATION

T04N R01W S3 L4(NWNW) SWNW NWSW

T04N R01W S4 L1(NENE) SENE NESE

Total Acres: 240

Seeks increased rate but not more volume for same land irrigated under Transfer Application 78338. Add 1 new well to provide enough water for about 80 acres pivot. Balance of water to be used at 2 existing wells. Water bearing zone to be appropriated is from 4 to 450 feet. Irrigation limited to 240 acres under all rights, no new lands.

PROPOSED CHANGE OF WATER RIGHTS

Hoot Nanney Farms C/O Michael Dixon, 8542 Floating Feather RD, Eagle ID 83616 filed Application No. 78338 to transfer two water rights with 1953 and 1976 priority dates from ground water totaling 2.40 cfs to irrigate 240 acres. The purpose of the transfer is to add a new well at south end of the property. The new well will be limited to 0.80 cfs for 80 of the 240 acres. Balance of the rights will be diverted from 2 existing wells in northeast end of the site. The site is southeast of Hwy 16 and Beacon Light Road. Same wells are included in Application 63-33721 for the same acres.

The City of Boise Public Works Department of 150 N Capitol Blvd, Boise, ID 83701 filed Application No. 78257 to transfer one water right with a 1979 priority date from low temperature geothermal ground water totaling 0.80 cfs. The transfer proposes to split the right and move 0.04 cfs to a low temperature geothermal ground water well for municipal use at the Boise Police Department Firearm Training Range. The unchanged portion of the municipal right will continue to be diverted from a low temperature geothermal well in Halls Gulch, northeast Boise.

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 5/6/2013. The protestant must also send a copy of the protest to the applicant GARY SPACKMAN, Director

Pub April 18, 25, 2013

0000639622-01

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

2 Insertions

Beginning issue of: 04/18/2013

Ending issue of: 04/25/2013

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

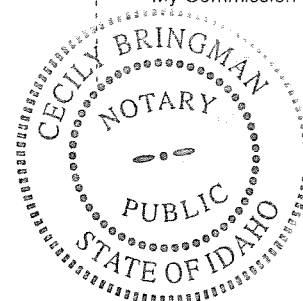
On this 25 day of April in the year of 2013 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Cecily Bringham

Notary Public for Idaho
Residing at: Boise, Idaho

My Commission expires:

8-27-15



Music, Vicky

From: Neely, Ken
Sent: Wednesday, April 17, 2013 1:59 PM
To: Music, Vicky
Subject: RE: City of Boise transfer

Hi Vicky,

The Hulls Gulch well was never put to use, to my knowledge. I was under the impression that it was abandoned, but maybe I am wrong. It was located in a well house, and I used to maintain a recorder at the well. Then, the well house was gone, and I thought I looked at the site, and noticed that the well was either inaccessible or gone. I just can't remember for sure.

So, when you say there is "no new diversions" I guess you mean that there are no new water rights. If the Hulls Gulch well has not been used, and the Fire Arms well starts being used, then there is a new withdrawal from the LTG system.

I wonder about the water quality. If it is to be used for human consumption, has it been tested for fluoride, which it present in concentrations higher than the drinking water standards in some of the hotter Boise LTG wells?

Ken

From: Music, Vicky
Sent: Monday, March 25, 2013 10:01 AM
To: Neely, Ken
Subject: City of Boise transfer

Hi Ken -

I am attaching a City of Boise transfer for your comments. It proposes to transfer a portion of a 1979 municipal right from a low T geothermal well to the Boise Police Firearms Training Range. The firearm well is also a low T geothermal well. Both wells are in the Boise Front. The water use at the range does not have to be used for heat value first, because the original right has a 1979 priority date, so it predates that statutory requirement. No new diversions from the Front are proposed.

Thanks!

Vicky Music
Sr. Water Resource Agent
IDWR Western Region
2735 Airport Way
Boise, ID 83705
208.334.2190