

RECEIVED

Form 42-1761-1 08/11

MAR 27 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____

Receipt No. _____

Date/by _____

(For Department Use Only)

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor Meridian Joint School District No. 2 Phone 208-350-5210Mailing address Operations & Maintenance, 1303 E. Central Drive, Meridian, ID 83642 Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, check here ☐, list the water right number, and skip to Part B.

1. Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-31763	0.39 cfs/87.8 afa	Irrigation	3/15 to 11/15
			to
			to

Total Amount: 0.39 cfs/87.8 afa2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
4N	1E	32			NE	SW	Ada

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	32										19.5							19.5

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 19.5

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
 If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.

2. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
 If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Well, pump, pressurized irrigation

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

Appurtenant shares in Settlers Irrigation District

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒

If yes, describe. Surface water on non-irrigated lands will be retained, but not used.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes
- ☒
- No
- ☐

If yes, describe. 5.5 acres in the NESW are being withdrawn from the Bank in accordance with approved transfers 78266 and 78267 (attached).

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale
- ☐
- or lease
- ☒
- .

If lease, for a period from 3/15/2012 to 12/31/2016 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Signature of Applicant

Printed Name and Title*

Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

T4N R1E

2011 Photo

3.0 acres are part of 25 acres currently
in the Idaho Water Supply Bank

Legend

-  63-31763 Current POU - 40 acres
-  3.0 Acres to Meridian Mid. School
-  Remaining Irrigation - 15 acres
-  Acres in Water Bank

Banked Ground Water Withdrawal
(per Approved Transfer 78266)



T4N R1E

2011 Photo

2.5 acres are part of 25 acres currently
in the Idaho Water Supply Bank

Legend

-  63-31763 Current POU - 40 acres
-  2.5 Acres to Meridian Academy
-  Remaining Irrigation - 15 acres
-  Acres in Water Bank

Banked Ground Water Withdrawal
(per Approved Transfer 78267)



ATTACHMENT A

63-31763 CURRENT WATER BANK LEASE

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK LEASE ACCEPTANCE**

This is to certify that: **MERIDIAN JOINT SCHOOL DISTRICT #2
OPERATIONS & MAINTENANCE
1303 E CENTRAL DRIVE
MERIDIAN ID 83642
(208) 350-5210**

has requested to lease the water right(s) listed below to the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director", "Department") the acquisition of water rights for the Board's Bank, agrees to lease the water right to the Bank as follows:

Summary of Water Rights or Portions Leased to the Bank

	<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
	63-31763	0.50 CFS	112.5 AF	NA	25.0 AC
COMBINED LEASE TOTALS:		0.50 CFS	112.5 AF	NA	25.0 AC

TERM OF LEASE:

Lease Begin Date: March 15, 2012

Expiration Date: December 31, 2016

RENTAL AVAILABILITY:

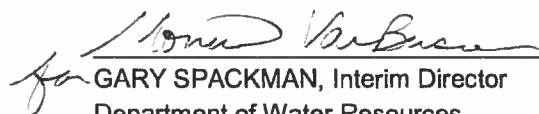
Season of Use: March 15 to November 15

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 15th day of March, 2012


for **GARY SPACKMAN**, Interim Director
Department of Water Resources

**WATER RIGHT NO. 63-31763
WATER SUPPLY BANK LEASE ACCEPTANCE**

The water right or portion thereof leased to the bank is described as follows:

Lessor: MERIDIAN JOINT SCHOOL DISTRICT #2
OPERATIONS & MAINTENANCE
1303 E CENTRAL DRIVE
MERIDIAN ID 83642
(208) 350-5210

Priority Date: 04/08/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.50 CFS	112.5 AF
	Total:		0.50 CFS	112.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼SW¼ Sec. 32 Twp 04N Rge 01E ADA County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	32									5.5	19.5							25

Total Acres: 25.0

acres to release

CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.

**WATER RIGHT NO. 63-31763
WATER SUPPLY BANK LEASE ACCEPTANCE**

CONDITIONS OF ACCEPTANCE

9. In accordance with Idaho Code § 42-248 and 42-1409(6), all owners of water rights are required to notify the department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.
11. Property is also known as Lots 1 and 2, Blocks 1 and 2, Education Campus Subdivision.
12. Rights 63-31762 and 63-31763 when combined shall not exceed a total diversion rate of 1.00 cfs, a total annual maximum diversion volume of 225.0 af at the field headgate and the irrigation of 50 acres.
13. 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.
14. Use of this right is combined with water from Settlers Irrigation District.

The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

ATTACHMENT B

APPROVED TRANSFER NO. 78266 (MERIDIAN MIDDLE SCHOOL)



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

February 28, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

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

Re: Transfer No: 78266
Water Right No(s): 63-31762, 63-31763
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.

- A portion of water right(s) 63-31763 was leased to the Water Supply Bank (bank) on Mar 15 2012 . To date, part of the right(s) appurtenant to <0.99 cubic feet per second (cfs) and 53 acres (15 acres in the NESE, 18 acres in the NWSE, and 20 acres in the SWSE, Section 15, T2N, R3W) > remain leased to the bank. This portion will remain in the bank until Mar 15 2012 , unless the right(s) are released earlier by the Idaho Water Resource Board or upon request by the right holder.

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, flowing style.

Rachel Sommer
Administrative Assistant I

Enclosure

CC:

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

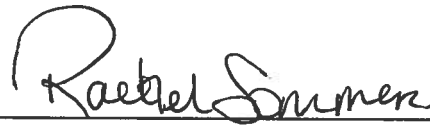
CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 78266
Water Right No(s): 63-31762, 63-31763**

**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 black ink, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
Administrative Assistant I**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78266**

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>
63-31763	WR/DECREED	4/8/1969	0.800 cfs	180.0 af	N/A	40.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
63-31762	WR/DECREED	4/8/1969	0.200 cfs	45.0 af	N/A	10.0	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>
63-31763	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>
63-31763	63-33719	0.060 cfs	13.5 af	3	35	63-31763	0.740 cfs	166.5 af	N/A	37.0
COMBINED TOTALS		0.060 cfs	13.5 af	3.0	35.0		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 27th day of February, 2013.


Western Regional Manager

Transfer No. 78266

WATER RIGHT NO. 63-31763

As Modified by Transfer No. 78266

In accordance with the approval of Transfer No. 78266, Water Right No. 63-31763 is now described as follows:

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

Priority Date: 4/8/1969

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	0.740 cfs	166.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 32 Twp 04N Rge 01E 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	
04N	01E	32									7	30.0							37.0

POU Total Acres: 37.0

CONDITIONS OF APPROVAL

1. The following rights are diverted through point of diversion described above: 63-31762 & 63-31763.
2. 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 3/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than February 16, 2007.
3. Use of this right is combined with water from Settlers Irrigation District.
4. 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.

WATER RIGHT NO. 63-31763
As Modified by Transfer No. 78266

CONDITIONS OF APPROVAL

5. 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.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. Property is also known as Lots 01 & 02, Blks. 01 & 02, Education Campus Subdivision.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.
11. 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.

WATER RIGHT NO. 63-33719
As Modified by Transfer No. 78266

In accordance with the approval of Transfer No. 78266, Water Right No. 63-33719 is now described as follows:

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

Priority Date: 4/8/1969

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	0.060 cfs	13.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENW Sec 12 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	12					35.0												35.0

Right Acre Limit: 3.0

POU Total Acres: 35.0

CONDITIONS OF APPROVAL

1. Property also known as Meridian Middle School Campus.
2. This right is limited to the irrigation of 3 acres within the authorized place of use in a single irrigation season.
3. Use of this right is combined with water from Nampa Meridian Irrigation District.
4. 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.
5. 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.

Transfer No. 78266

WATER RIGHT NO. 63-33719
As Modified by Transfer No. 78266

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. The following rights are diverted through point of diversion described above: 63-11825 & 63-33719.
8. 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.
9. 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 3/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than February 16, 2007.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 63-31762

As Modified by Transfer No. 78266

In accordance with the approval of Transfer No. 78266, Water Right No. 63-31762 is now described as follows:

Right Holder: MKH DEVELOPMENT INC
1478 S ORIOLE WAY
BOISE ID 83709

Priority Date: 4/8/1969

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	0.200 cfs	45.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 32 Twp 04N Rge 01E 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	
04N	01E	32									10.0								10.0

CONDITIONS OF APPROVAL

1. Right 63-31763 is also diverted through the point of diversion described above.
2. Use of this right is combined with water from Settlers Irrigation District.
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. 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 2/16/2007.

ATTACHMENT C

APPROVED TRANSFER NO. 78267 (MERIDIAN ACADEMY)



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

February 28, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

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

Re: Transfer No. 78267
Water Right No. 63-31763
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.

- A portion of water right(s) 63-31763 was leased to the Water Supply Bank (bank) on Mar 15 2012 . To date, part of the right(s) appurtenant to <0.99 cubic feet per second (cfs) and 53 acres (15 acres in the NESE, 18 acres in the NWSE, and 20 acres in the SWSE, Section 15, T2N, R3W) > remain leased to the bank. This portion will remain in the bank until Mar 15 2012 , unless the right(s) are released earlier by the Idaho Water Resource Board or upon request by the right holder.

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

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 February 28, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the persons listed below:

**Re: Transfer No. 78267
Water Right No. 63-31763**

**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 that reads "Rachel Sommer." The signature is written in dark ink and is positioned above a horizontal line.

**Rachel Sommer
Administrative Assistant**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78267**

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>
63-31763	WR/DECREED	4/8/1969	0.740 cfs	166.5 af	N/A	37.0	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>
63-31763	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>
63-31763	63-33720	0.050 cfs	11.3 af	N/A	2.5	63-31763	0.690 cfs	155.3 af	N/A	34.5
COMBINED TOTALS		0.050 cfs	11.3 af	N/A	2.5		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 February, 2013.


Western Regional Manager

WATER RIGHT NO. 63-31763

As Modified by Transfer No. 78267

In accordance with the approval of Transfer No. 78267, Water Right No. 63-31763 is now described as follows:

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

Priority Date: 4/8/1969

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	0.690 cfs	155.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESW Sec 32 Twp 04N Rge 01E 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	
04N	01E	32									4.5	30.0							34.5

POU Total Acres: 34.5

CONDITIONS OF APPROVAL

1. 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.
2. 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 February 16, 2007.
3. 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.

Transfer No. 78267

WATER RIGHT NO. 63-31763

As Modified by Transfer No. 78267

CONDITIONS OF APPROVAL

4. 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.
5. 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.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. The following rights are diverted through point of diversion described above: 63-31762 & 63-31763.
8. Property is also known as Lots 01 & 02, Blks. 01 & 02, Education Campus Subdivision.
9. Use of this right is combined with water from Settlers Irrigation District.

WATER RIGHT NO. 63-33720

As Modified by Transfer No. 78267

In accordance with the approval of Transfer No. 78267, Water Right No. 63-33720 is now described as follows:

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

Priority Date: 4/8/1969

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	0.050 cfs	11.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NESESW Sec 8 Twp 03N Rge 01E 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	01E	8															2.5		2.5

POU Total Acres: 2.5

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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 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 February 16, 2007.

Transfer No. 78267

WATER RIGHT NO. 63-33720

As Modified by Transfer No. 78267

CONDITIONS OF APPROVAL

5. 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.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
8. The following rights are diverted through point of diversion described above: 63-10982 & 63-33720.
9. Property also known as Meridian Academy Campus.
10. Use of this right is combined with water from Nampa Meridian Irrigation District.