

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-33245

Priority: March 23, 2009

Maximum Diversion Rate: 0.41 CFS

This is to certify, that PARKLANE CO INC  
817 W FRANKLIN ST  
BOISE ID 83702

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

and a permit is APPROVED for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| HEATING               | 01/01 to 12/31       | 0.41 CFS                 |
| COOLING               | 01/01 to 12/31       | 0.15 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |            |                                             |
|--------------|------------|---------------------------------------------|
| GROUND WATER | NW1/4NE1/4 | Sec. 10, Twp 03N, Rge 02E, B.M., ADA County |
| GROUND WATER | NW1/4NE1/4 | Sec. 10, Twp 03N, Rge 02E, B.M., ADA County |

**PLACE OF USE:** HEATING

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N | 02E | 10  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE:** COOLING

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N | 02E | 10  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2016**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. This right does not grant any right-of-way or easement across the land of another.
5. Use of water under this right shall be non-consumptive regarding the Boise River when evaluated with the shallow aquifer presumed to be tributary to the river.

State of Idaho  
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NO. 63-33245

6. Water diverted and beneficially used under this right shall be discharged to the Boise River.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Rights 63-12342 and 63-33245 when combined shall not exceed a total diversion rate of 0.41 cfs.
9. Water bearing zone to be appropriated is from 79 to 195 feet.
10. 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.
11. Diversion and use of water with a temperature greater than 85 degrees Fahrenheit is not authorized under this right.
12. Cooling and heating use is for the Union Block Building.
13. The following rights are diverted through point(s) of diversion described above: 63-12342 and 63-33245.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20<sup>th</sup> day of September, 20 11.

  
JOHN WESTRA, Western Regional Manager



**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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

September 21, 2011

PARKLANE CO INC  
817 W FRANKLIN ST  
BOISE ID 83702

RE: Permit No.63-33245

**Permit Approval Notice**

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 a party 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, 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,

for John Westra  
Western Regional Manager

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

## **CERTIFICATE OF SERVICE**

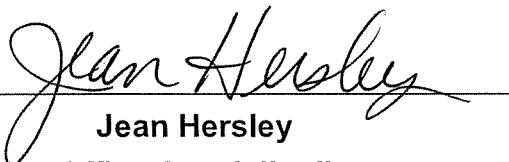
I hereby certify that on September 22, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**63-33245**

**PARKLANE CO INC  
817 W FRANKLIN ST  
BOISE ID 83702**

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

  
\_\_\_\_\_  
**Jean Hersley  
Office Specialist II**

## **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  
IDAHO STATESMAN.COM

PO Box 40, Boise, ID 83707-0040

## LEGAL PROOF OF PUBLICATION

| Account # | Ad Number  | Identification | PO   | Amount   | Cols | Lines |
|-----------|------------|----------------|------|----------|------|-------|
| 47628     | 0000560529 | LEGAL NOTICE   | Fick | \$417.68 | 3    | 86    |

Attention: Denise Buffington

IDAHO DEPT WATER RESOURCE

2735 AIRPORT WAY

BOISE

ID

83705

RECEIVED

JUL 29 2011

WATER RESOURCES  
WESTERN REGION

### LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

#### 63-33531

ROBERT J FICK

JOYCEANNE VOGEL FICK

3232 W KUNA MORARD

KUNA, ID 83634-1753

Point of Diversion SESE S33 T02N R01W ADA County Source GROUNDWATER

Use: IRRIGATION 03/01 to 11/15 0.7 CFS

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion 0.76 CFS

Date Filed: 6/13/2011

Place Of Use: IRRIGATION, DOMESTIC & STOCKWATER

T02N R01W S33 SESE

Total Acres: 35

Water bearing zone to be appropriated from an existing well is from 240 to 319 feet.

#### 63-33245

PARKLANE COMPANY, INC.

817 W FRANKLIN ST

BOISE, ID 83702

Point of Diversion NWNE S10 T03N R02E ADA County Source GROUNDWATER

Point of Diversion NWNE S10 T03N R02E ADA County Source GROUNDWATER

Use: HEATING 01/01 to 12/31 0.41 CFS

Use: COOLING 01/01 to 12/31 0.15 CFS

Total Diversion 0.41 CFS

Date Filed: 3/23/2009

Place Of Use: HEATING AND COOLING

T03N R02E S10 NWNE

Water bearing zone to be appropriated is from 79 to 195 feet. Water diverted to be discharged to the Boise River.

#### 61-12256

INTERMOUNTAIN SEWER & WATER CORP.

PO BOX 344

MERIDIAN, ID 83680

Point of Diversion SENE S34 T01N R04E ELMORE County Source GROUNDWATER

Point of Diversion SWNW S34 T01N R04E ELMORE County Source GROUNDWATER

Point of Diversion SENW S34 T01N R04E ELMORE County Source GROUNDWATER

Point of Diversion SESW S34 T01N R04E ELMORE County Source GROUNDWATER

Point of Diversion NWNW S35 T01N R04E ELMORE County Source GROUNDWATER

Point of Diversion NESW S35 T01N R04E ELMORE County Source GROUNDWATER

Use: MUNICIPAL 01/01 to 12/31 13.76 CFS

Total Diversion 13.76 CFS

Date Filed: 1/17/2008

Place Of Use: MUNICIPAL

T01N R04E S28, 29, 32, 33, 34, 35

Proposes expansion of Mayfield Springs Planned Community, about 4200 residences, associated irrigation, businesses etc.

About the same service area that was approved for first part of the project under 63-32225 (10 cfs for Ada County wells).

Expansion includes up to 6 wells with 300-1200 ft. water bearing zone. Proposed wells will be in Elmore County. Site straddles

Ada-Elmore County line east of Indian Creek Reservoir about 3 miles N/NW of I84 & Sinco Road intersection.

Published in the Mountain Home News on July 20th & 27th, 2011, and the Idaho Statesman, Times News, Lewiston Tribune and Post Register on July 21st & 28th, 2011

### PROPOSED CHANGE OF WATER RIGHTS

Orchard Ranch LLC of PO Box 1260, Maricopa AZ 85139 filed Application No. 73834 to transfer 3 water rights with 1976 priority dates from ground water totaling 11.36 cfs authorized for 631 acres of irrigation plus a dairy. The purpose of the transfer is to retire current Elmore County use and relocate it to Ada County. The current site is about 5 miles southeast of Cinder Cone Butte and 3 miles east of Sinco Road. The proposed site is near Orchard about 10 miles northwest of Cinder Cone Butte. The new site will have 4 wells to irrigate 631 acres in a 2752 acre permissible place of use (PPU). The PPU is combined with Application 63-32703 (different wells) that was previously advertised. Current and proposed locations are south of I84. Published in the Mountain Home News on July 20th & 27th, 2011; and the Idaho Statesman, Times News, Lewiston Tribune and Post Register on July 21st & 28th, 2011

### PROPOSED CHANGE OF WATER RIGHT(S)

Parklane Company Inc of 817 W Franklin St. Boise, ID 83702 filed Application No. 76971 to transfer one water right with a 1996 priority date from ground water totaling 0.26 cfs. The purpose of the transfer is to add an existing well as an alternate point of diversion and authorize discharge of diverted water to the Boise River instead of an injection well. Water will be used at the current place of use at the Union Block Building in downtown Boise at 730 W Idaho St on the north side of Idaho St between 8th St and Capitol Blvd.

For a full description of the rights &/or proposed transfers, please see [www.idwr.idaho.gov/apps/ExtSearch/WRFile.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFile.asp). Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Permits will be subject to all prior water rights. 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 August 8, 2011. The protestant must also send a copy of the protest to the applicant GARY SPACKMAN, Interim Director

Pub. July 21, 28, 2011

0000560529-01

ALEXIS FOWLER, 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: 07/21/2011

Ending issue of: 07/28/2011

*Alexis Fowler*  
(Legal Clerk)

STATE OF IDAHO )

SS

COUNTY OF ADA )

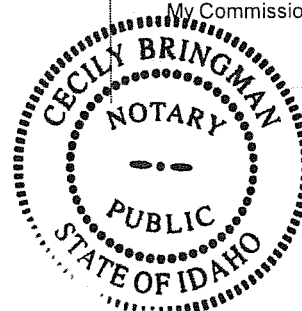
On this 28 day of July in the year of 2011 before me, a Notary Public, personally appeared before me Alexis Fowler known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

*Cecily Bringman*

Notary Public for Idaho  
Residing at: Boise, Idaho

My Commission expires:

8-27-15



✓ OK DB 8/10/2011



Rebecca W. Arnold, President  
John S. Franden, Vice President  
Carol A. McKee, Commissioner  
Sara M. Baker, Commissioner  
David L. Case, Commissioner

January 11, 2011

Ms. Lori Graves  
SPF Water Engineering, LLC  
300 E. Mallard Drive, Suite 350  
Boise, ID 83706

Re: Public Records Request

Dear Ms. Graves:

Ada County Highway District is in receipt of your public records request dated January 4, 2011. Please find enclosed the public record(s) requested.

Thank you for your inquiry.

Very truly yours,

ADA COUNTY HIGHWAY DISTRICT

Ruth G. Miller  
Legal Administrative Assistant

Enclosure(s)

c: Legal, Central Files

S:\Public Records Requests\2011\Ltr 2 GravesL.Doc

SCANNED



# Stormwater Pipe Route Union Block Building to 9th Street Outfall

achdgis.GDBADMIN.pipes

- IRRIGATION
- STORM
- SEEPAGE BED/PIT

ACHD.GIS.GDBADMIN.structures

- Irrigation Box
- Irrigation Manhole
- Drop Inlet
- SD Manhole
- ACHD Direct Outfalls
- Sediment Box/S&G
- Siphon Drain

0 160 320 Feet



Stormwater  
1/2011