

RECEIVED

Ident. No. 63-33341

FEB 18 2010

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of Applicant City of Boise, Parks & Recreation Department Phone (208) 384-4240
Mailing address 1104 Royal Blvd, Boise, ID 83706-2898 Email _____
2. Source of water supply Boise River which is a tributary of Snake River
3. Location of point of diversion is Township 3N Range 3E Sec. 30, in the _____ 1/4,
SE 1/4, NE 1/4, Govt. Lot _____, B.M., _____ County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>0.80 cfs</u> for <u>irrigation</u> purposes from <u>3/1</u> to <u>11/15</u> (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.80 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source concrete diversion structure to Walling Ditch;
diversion from Walling Ditch to aesthetic storage pond; pumped from pond to pressurized irrigation sysytem
 - b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet;
total reservoir capacity n/a acre-feet
 - c. Proposed well diameter is n/a inches; proposed depth of well is n/a feet
 - d. Is ground water with a temperature of greater than 85°F being sought? n/a
 - e. If well is already drilled, when? n/a; Drilling firm n/a;
Well was drilled for (well owner) n/a; Drilling Permit No. n/a
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (*minimum 1 year*)
8. Description of proposed uses (*if irrigation only, go to item 9*):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	3E	19											11	29			17		57.0
		30	2.7	31	13	2.3	10			0.3									59.3

Total number of acres to be irrigated 40 acres within 116.3 acre permissible place of use

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None

11.a. Who owns the property at the point of diversion? City of Boise

b. Who owns the land to be irrigated or place of use? A portion of the place of use is owned by the City of Boise and is being developed as Marianne Williams Park. An additional portion of the place of use is owned by Barber Mill Investments, LLC and is being developed as Barber Mill.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: The applicant has entered into a development agreement with Barber Mill Investments, LLC obligating the City to provide irrigation water to the development at Barber Mill through an integrated pressurized irrigation distribution system.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached mitigation plan.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

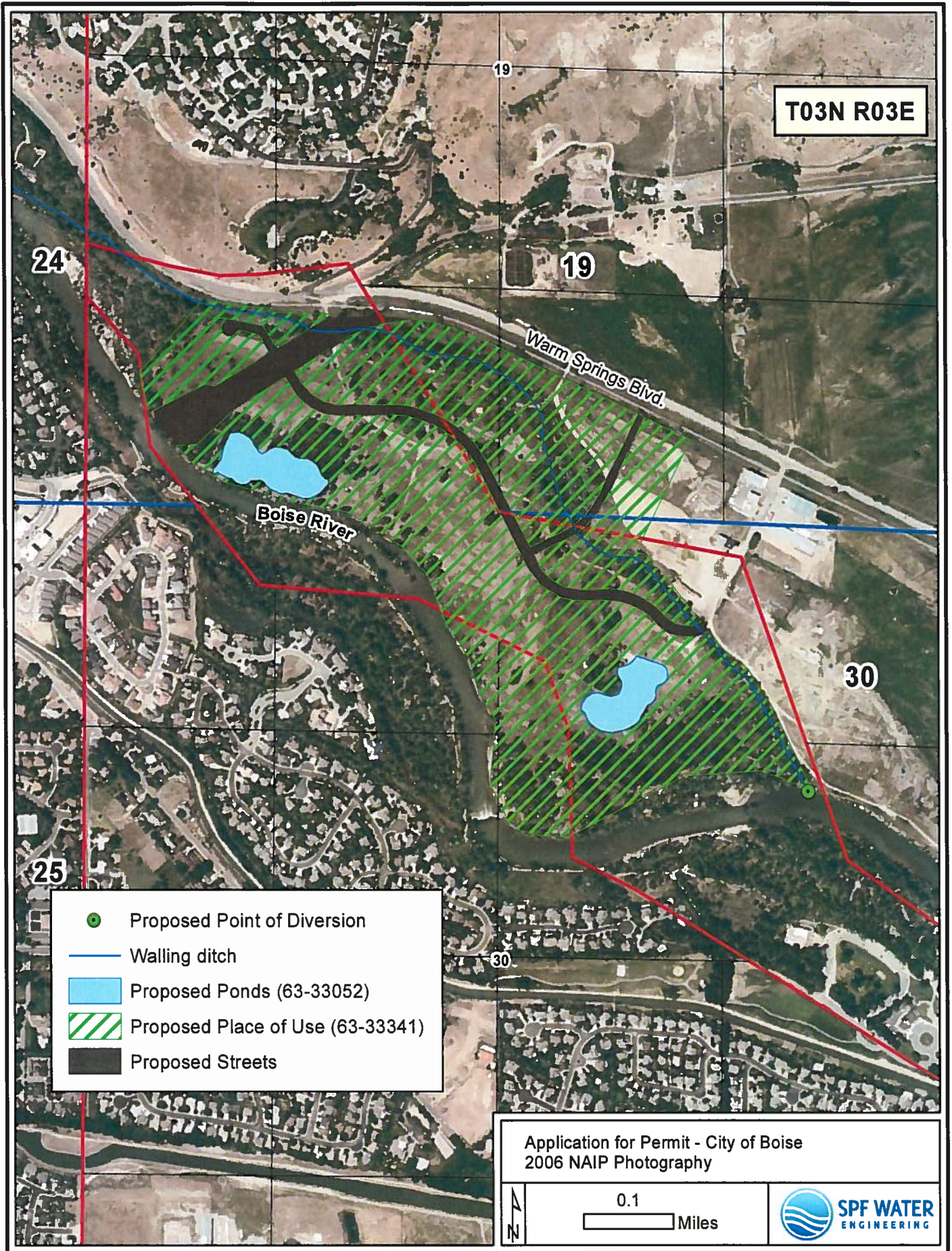
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


Signature of Applicant

JAMES R. HALL DIRECTOR
Print Name (and title, if applicable)

For Department Use:

Received by SB Date 2-18-10 Time 1:54 PM Preliminary check by _____
 Fee \$ 250- Received by DB Receipt No. W038147 Date 2-18-2010
 Publication prepared by DB Date 6/9/2011 Published in IDAHO STATESMAN
 Publication approved _____ Date _____ Dates Published JUNE 16 & 23, 2011



63-33341 e irrigation,
Replacement map

Lester, Steve

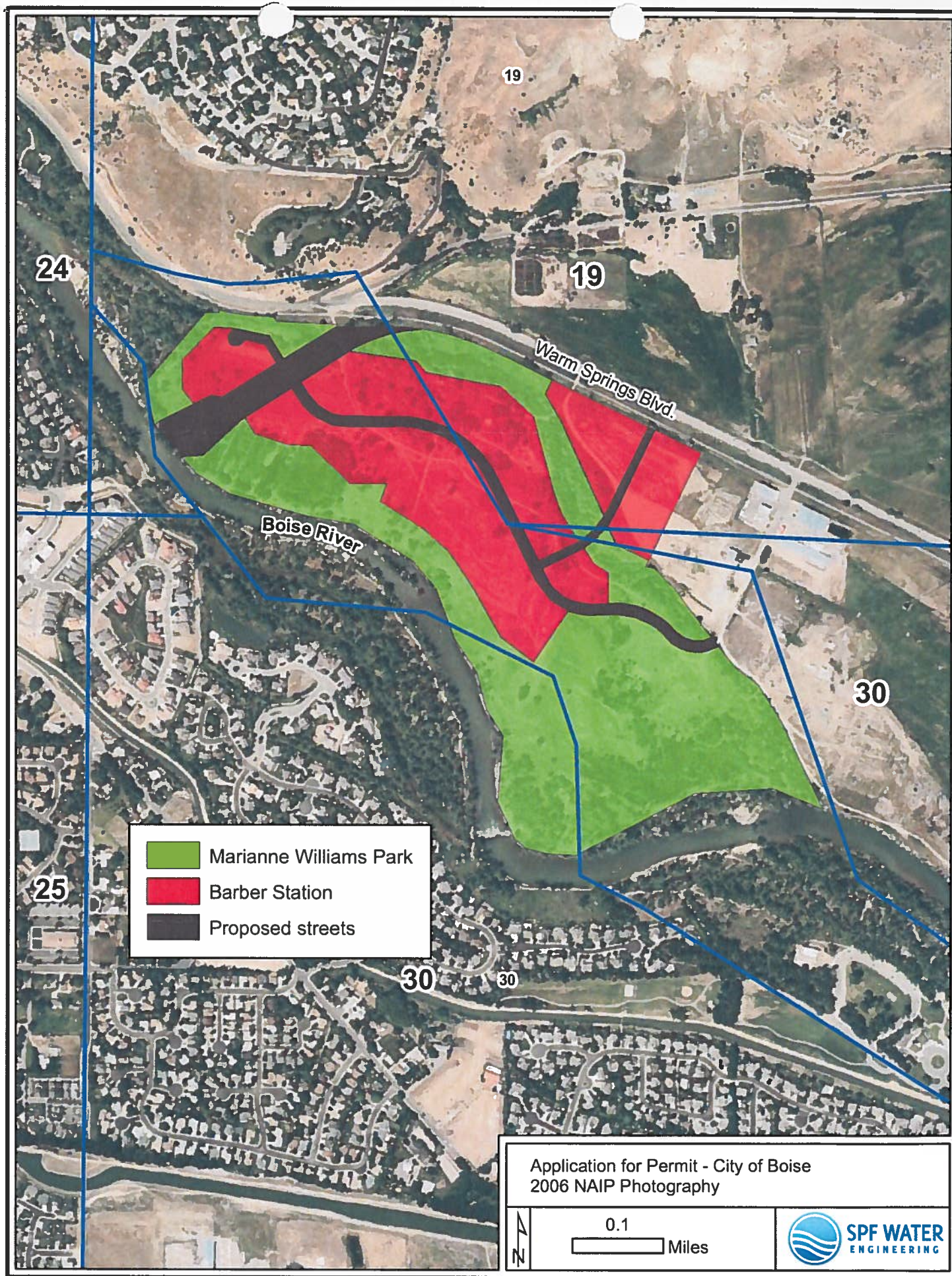
From: John Marshall [john@jmarshalllaw.com]
Sent: Thursday, May 12, 2011 4:38 PM
To: Lester, Steve
Subject: Applications for permit 63-33052 and 33341
Attachments: MWP Irrigation Permit Application (1) SPF map.pdf

Steve,

This email responds to your letter dated April 20, 2011 to Maria Minicucci concerning the applications referenced above. I have attached a map that I believe addresses the issues raised. If this is not acceptable, please let me know and we will try again. Regarding the legal for the pond in Section 19 in application for permit 63-33052, please designate the SESW of Section 19 as the point of diversion. The water bearing zone for the ponds is from 1 to 35 feet. The assumptions made concerning application 63-33341 in your letter are all correct.

If you require any additional information, please let me know.

63-33341 e Replacement map
-JL 5/16/11



original map,
see replacement map of 5/12/11 email
-82

63-33341

Buffington, Denise

From: Buffington, Denise
Sent: Friday, June 10, 2011 8:25 AM
To: Rex Barrie, WD-63
Subject: Comment Letters
Attachments: Comment Letter to WD 63.Doc; 63-33052 APP.pdf; 63-33341 APP.pdf

Attached is a cover letter and a copy of an Application(s), for your review &/or comment. Please feel free to use the attached recommendation form as needed. If you have any questions regarding the attached information, please do not hesitate to contact our office.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

June 10, 2011

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR, ID 83669-0767

RE: Application for Permit: 63-33052 & 63-33341

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

Buffington, Denise

From: Buffington, Denise
Sent: Friday, June 10, 2011 8:26 AM
To: Rick Ward
Subject: Comment Letters
Attachments: Comment Letter to F & G.Doc; 63-33341 APP.pdf

Attached is a cover letter and a copy of an Application(s), for your review &/or comment. Please feel free to use the attached recommendation form as needed. If you have any questions regarding the attached information, please do not hesitate to contact our office.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

June 10, 2011

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: RICK WARD
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Application for Permit: 63-33341

Dear Mr. Ward:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 10, 2011

SOUTH BOISE MUTUAL IRRIGATION CO.
1120 CHAMBERLAIN
BOISE ID 83706

Re: Application No(s). 63-33052 & 63-33341

Dear Interested Party:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s).

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by July 5, 2011.

Please contact this office at 208-334-2190 if you have any questions regarding the application(s), or you may visit our website at www.idwr.idaho.gov.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, June 09, 2011 1:18 PM
To: Idaho Statesman
Subject: LEGAL NOTICE
Attachments: Ada County - Cover Letter.Doc; Ada County Ads - COMBINED.Doc

Attached please find one (1) legal notice being submitted for publication. We are experiencing some technical problems with our Legal Notice database, so please feel free to let me know if you have any problems regarding the formatting of the attached notice(s).

Also, please contact me if you have any other questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

June 9, 2011

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No(s): 63-33052, 63-33341, 63-33469, 63-33474, 63-33481 & 63-32644

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 5, 2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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

63-32644

STAR SEWER & WATER DISTRICT

PO BOX 400

STAR, ID 83669

Point of Diversion NWNW S16 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion SESW S8 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion SESW S5 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion SWNW S8 T04N R01W ADA County Source GROUND WATER Tributary

Point of Diversion SWNW S11 T04N R02W CANYON County Source GROUND WATER Tributary

Use: MUNICIPAL 01/01 to 12/31 7.31 CFS

Total Diversion: 7.31 CFS

Date Filed: 4/11/2007

Place Of use: MUNICIPAL

Application previously published in June 2010 for 5 cfs. Now amended for higher diversion rate and priority date therefore advanced to 5/24/2011. Municipal use is for the district service area in Ada and Canyon Counties. Water bearing zone to be appropriated is 150-190 ft. for 1 existing well and 450-650 ft. for 2 existing plus 2 proposed wells. Proposed wells will be near Hwy 44/Plummer Road and Hwy 44/Kingsbury Road. Proposed use is for reasonably anticipated future needs in a 25 year planning horizon based on 1996 Municipal Water Rights Act (IC 42-202B etc.). Published in the Idaho Statesman & Idaho Press Tribune on 6/16 & 6/23/2011

63-33052

CITY OF BOISE

PARKS & RECREATION DEPT

1104 ROYAL BLVD

BOISE, ID 83706-2898

Point of Diversion L5(SESW) S19 T03N R03E ADA County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion L9(NWNE) S30 T03N R03E ADA County Source GROUND WATER Tributary BOISE RIVER

Use: MUNICIPAL STORAGE 01/01 to 12/31 70 AF

Total Diversion: 70 AF

Date Filed: 5/20/2008

Place Of Use: MUNICIPAL STORAGE

T03N R03E S19 SWSW L5(SESW)

T03N R03E S30 L9(NWNE)

Two shallow ground water ponds covering 6 acres will be mitigated by leaving a 6-acre portion of South Boise Mutual Irrigation Co. Ltd. irrigation right undiverted in the Boise River. Water bearing zone to be appropriated is from 1 to 35 feet. Use is for Marianne Williams Park near the new Parkcenter Blvd. Bridge and Warm Springs Avenue.

63-33341

CITY OF BOISE

PARKS & RECREATION DEPT

1104 ROYAL BLVD

BOISE, ID 83706-2898

Point of Diversion L8(ENE) S30 T03N R03E ADA County Source BOISE RIVER Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 2/18/2010

Place Of Use: IRRIGATION

T03N R03E S19 SWSW L5(SESW) SWSE

T03N R03E S30 NE(ALL) NENW SENW

Total Acres: 117

Limited to 40 acres of irrigation in 117 acre area. Diversion via the Walling Ditch. Mitigated by leaving a 40-acre portion of South Boise Mutual Irrigation Co. Ltd. right undiverted in the Boise River. Use is for Marianne Williams Park near the new Parkcenter Blvd. Bridge and Warm Springs Avenue.

63-33469

ROBERT H WEST

ALASYA N WEST

5035 WILLOW CREEK RD

EAGLE, ID 83616

Point of Diversion NESE S29 T05N R01E ADA County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 0.11 CFS

Total Diversion: 0.11 CFS

Date Filed: 1/14/2011

Place Of Use: IRRIGATION

T05N R01E S29 NESE

Total Acres: 3.5

Water bearing zone to be appropriated is from 300 to 350 feet.

63-33474

ROGER K JORGENSEN

10124 W COLTON LN

EAGLE, ID 83616

Point of Diversion NESE S8 T05N R01W ADA County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 0.12 CFS

Use: STOCKWATER 01/01 to 12/31 0.08 CFS

Use: HEATING 01/01 to 12/31 0.2 CFS

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

Total Diversion: 0.2 CFS

Date Filed: 1/25/2011

Place Of Use: IRRIGATION, STOCKWATER, HEATING & DOMESTIC

T05N R01W S8 NESE

Total Acres: 6

Water bearing zone to be appropriated is from 478 to 503 feet.

63-33481

HIGHLAND LIVESTOCK & LAND CO LTD

PO BOX 488

EMMETT, ID 83617

Point of Diversion NENW S25 T05N R02W CANYON County Source GROUND WATER Tributary

Point of Diversion NWSW S19 T05N R01W ADA County Source GROUND WATER Tributary

Use: IRRIGATION 03/01 to 11/15 2.23 CFS

Total Diversion: 2.23 CFS

Date Filed: 2/9/2011

Place Of Use: IRRIGATION

T05N R02W S24 SWSW SESW

T05N R02W S25 NENW NWNW

Total Acres: 111.5

Water bearing zone to be appropriated is from 265 to 585 feet.

For a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application 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 for each application on or before July 5, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 6/16 & 6/23/2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

April 20, 2011

MARIA MINICUCCI
BOISE PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE ID 83706-2898

Re: Application for Permit Nos. 63-33052 and 63-33341, Marianne Williams Park

Dear Maria:

A mitigation plan for these applications was recently submitted. The plan appears viable without changes. The October 2011 deadline for an acceptable mitigation plan to be submitted as noted in my October 28, 2010 letter is, of course, no longer applicable. The applications can be processed once clarified as discussed in this letter.

Application Maps

Application 63-33052 includes a map showing the proposed ponds. The map adequately illustrates the points of diversion and place of use for this application. The map also shows the proposed point of diversion but not the place of use for application 63-33341. The map in 63-33052 includes ¼ ¼ lines.

* The application 63-33341 map does not show a diversion point or ¼ ¼ lines. Although it is not entirely clear, the map indicates the irrigation place of use as the green (park) and red (Barber Station) areas. Assuming those two areas constitute the maximum extent of irrigation, it is possible to interpret correct legal descriptions for the irrigation boundary by comparing both maps.

An application map is acceptable if it confirms the written legal descriptions for the diversion point(s) and place of use in the application. Perhaps one clearly labeled map including ¼ ¼ lines and showing everything can be submitted and used for both applications. The enclosed draft mock-up is an example.

Application 63-33052 Details

The Section 19 pond straddles a ¼ ¼ line. The written description of the diversion point lists both tracts. A point of diversion for an excavated pond is debatable. One approach defines the entire pond as the diversion. Another approach assumes an estimated center point for the pond as the single diversion point. The best fit between written and spatial diversion points is a single center point as the diversion for an excavated pond. If the point is close to a ¼ ¼ line, assume the point is on one side of the line. This results in a single written point corresponding to a single spatial point for one pond. The other method results in multiple written points and multiple spatial points for a single pond – can lead to confusion in interpreting department records ("how many ponds are there?").

* OK per 5/12/11 email reply added to appl. form
JZ

Applications 63-33052 and 63-33341

April 20, 2011

Page 2

Although not required, please consider designating either SWSW or SESW Section 19 as the diversion point for that pond. This can be done by letter or email without amending the application form.

The application states the ponds will cover 6 acres and hold 70 af of water. This implies an average depth of about 12 ft. ($70/6 = 11.67$). The water bearing zone for the shallow ground water should be defined. Please list the proposed water bearing zone from 1 to ____ ft. (maximum depth).

* Application 63-33341 Details

The application states that river water diverted into the Walling Ditch will be routed to a storage pond and then into an irrigation system. The department assumes this means the following:

- ditch water to one of the ponds identified in application 63-33052
- pond acts as a regulating facility for efficient irrigation
- ditch water will not increase pond capacity
- surface water storage is not involved ("water in, water out" instead of storage)
- shallow ground water is not used for irrigation (full extent of irrigation can be determined by administration of surface water).

Please confirm if those assumptions are correct. If not, please explain why the assumptions are not correct.

Please provide your response by **August 1, 2011**. You may seek more time to provide the information if you prefer. Your attention to this deadline will protect the applications. Otherwise, the applications must be voided per Idaho statutes and department Water Appropriation Rules. Refunds are typically not issued for voided applications.

A copy of this letter is provided to Attorney John Marshall and Consultant Roxanne Brown based on prior conversations and/or correspondence with them about this project.

I look forward to working with you in this regard. Please let me know if you need more information. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

C: John Marshall
Roxanne Brown

* OK PER 5/12/11 email reply
Added to Appl. Form
-JL

Lester, Steve

From: John Marshall [john@jmarshalllaw.com]
Sent: Friday, April 15, 2011 3:41 PM
To: Lester, Steve
Cc: Burrows Kelly; Maria Minicucci; Mollie Holt; Jay Walker; Amanda Schaus
Subject: Marianne Williams Park Mitigation Plans
Attachments: Executed SBMIC Mitigation Plan - Irrigation.pdf; Executed SBMIC mitigation for ponds.pdf; POD map.pdf

Steve,

Please find attached two mitigation plans submitted on behalf of the City of Boise, Parks and Recreation Department, in conjunction with permit applications 63-33341 and 63-33052 currently on file with the Department. The mitigation plans, executed by the South Boise Mutual Irrigation Company, Ltd explain that a portion of its water rights that authorize the irrigation of 40 and 6 acres respectively should be changed to mitigation to offset the depletions contemplated by the two pending permit applications associated with the Marianne Williams Park. I also attach a notated aerial photograph that shows the locations of the South Boise Mutual point of diversion and the diversion locations contemplated in the permit applications. As you can see, the location of the proposed Boise River point of diversion under permit 63-33341 is slightly upstream from the South Boise Mutual point of diversion, and there are no intervening PODs. Please contact me if you have questions or if you need me to submit any of the attached in hard copy. Please proceed with processing permit applications 63-33341 and 63-33052 pursuant to the attached mitigation plans.

Thank you,

John

63-33052 > mitigation plan
✓ 63-33341

Also see similar plan & same parties in 63-33454

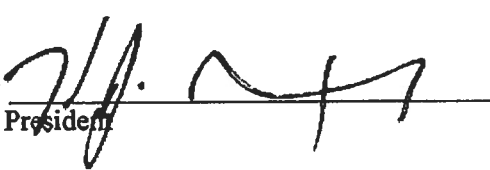
**MITIGATION PLAN
APPLICATION FOR PERMIT 63-33052**

The City of Boise, Parks and Recreation Department ("Applicant") submits this plan to provide for the mitigation of the consumptive use of ground water that will occur as a result of the storage use proposed by the above referenced permit application. Mitigation is required because the proposed ponds, which will have a surface area of approximately 6 acres, will intercept and evaporate ground water that is tributary to a reach of the Boise River that is fully appropriated by senior rights except during times when upstream reservoirs are being emptied for flood control purposes.

This mitigation plan proposes to mitigate the depletive effects of the proposed ponds on the Boise River by ceasing the irrigation of six acres of irrigation under water right 63-243G, which is held in the name of the South Boise Mutual Irrigation Co., Ltd. ("SBMIC"). Applicant and SBMIC have an agreement whereby Applicant will acquire 6 SBMIC shares, each of which entitle the holder to the delivery of water sufficient to irrigate 1 acre at a rate of one-inch per acre. SBMIC agrees that the 6 acres associated with the 6 shares being acquired by Applicant will no longer be used for irrigation and instead will be used for mitigation of the permit 63-33052, and appropriate remarks on right 63-243G to this effect is authorized. SBMIC and the Applicant agree that the designation of a single water right held by SBMIC for mitigation under this Plan is for administrative convenience only, and that for purposes of actual water administration, Applicant's diversions made pursuant to 63-20041 are mitigated proportionally by all of SBMIC's water rights.

SBMIC has reviewed and approves this mitigation plan.

THE SOUTH BOISE MUTUAL IRRIGATION CO. LTD

By 
Its President

**MITIGATION PLAN
APPLICATION FOR PERMIT 63-33341**

The City of Boise, Parks and Recreation Department ("Applicant") submits this plan to provide for the mitigation of the consumptive use of water that will occur as a result of the irrigation use proposed by the Application for Permit no. 63-33341. Mitigation is required because the reach of the Boise River from which the Applicant proposes to divert under the permit application is fully appropriated by senior rights during the irrigation season except during times when the upstream reservoirs are being emptied for flood control purposes.

This mitigation plan proposes to mitigate the depletive effects on the Boise River of the proposed irrigation use of 40 acres by ceasing the irrigation of a corresponding number of acres of irrigation under water right 63-243G, which is held in the name of the South Boise Mutual Irrigation Co., Ltd. ("SBMIC"). Applicant and SBMIC (or assigns) have an agreement whereby Applicant will acquire 40 SBMIC shares, each of which entitle the holder to the delivery of water sufficient to irrigate 1 acre at a rate of one-inch per acre. SBMIC agrees that the 40 acres associated with the 40 shares being acquired by Applicant will no longer be used for irrigation and instead will be used for mitigation of the permit 63-33341, and appropriate remarks on right 63-243G to this effect is authorized. SBMIC and the Applicant agree that the designation of a single water right held by SBMIC for mitigation under this Plan is for administrative convenience only, and that for purposes of actual water administration, Applicant's diversions made pursuant to 63-33341 are mitigated proportionally by all of SBMIC's water rights.

SBMIC has reviewed and approves this mitigation plan.

THE SOUTH BOISE MUTUAL IRRIGATION CO. LTD

By _____
Its President



Date	Review



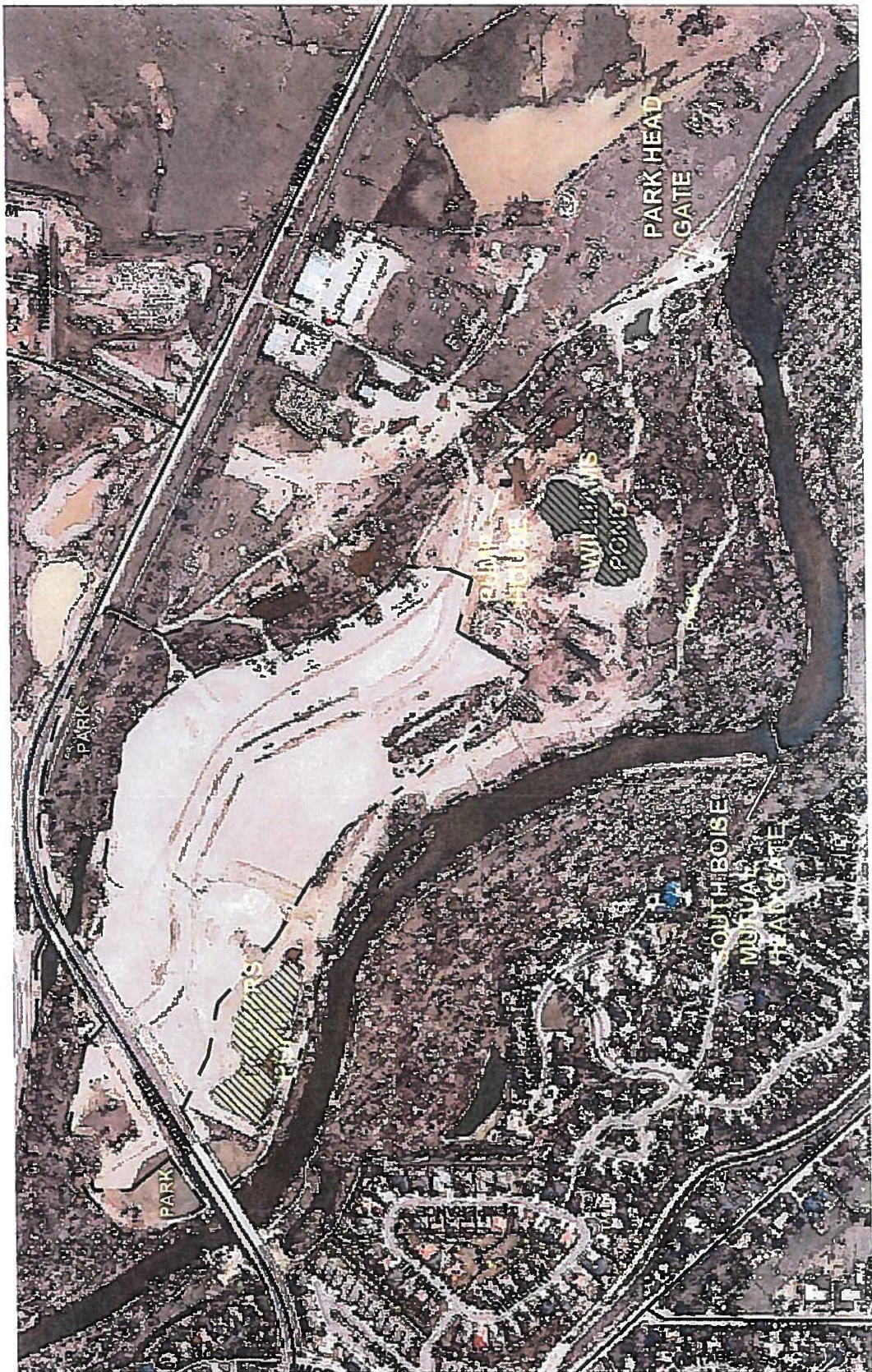
MARIANNE WILLIAMS PARK
IRRIGATION FACILITIES

AERIAL
SHEET

Sheet No.	
Drawn By	
Check By	
Date	



Sheet Number
C1.1





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

October 28, 2010

MARIA MINICUCCI
BOISE PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE ID 83706-2898

Re: Application for Permit Nos. 63-33052 and 63-33341, Marianne Williams Park

Dear Maria:

The above referenced applications were filed in May 2008 and February 2010. The applications propose shallow ground water tributary to the Boise River or direct diversion from the river for new consumptive uses. As you know, mitigation is required for the proposed consumptive uses.

Mitigation efforts have been in process for a considerable amount of time without success to date. I met with John Marshall, Terry Scanlan and Roxanne Brown on May 17, 2010 to discuss a mitigation plan provided by SPF Water Engineering. The plan features non-use of water under Boise City Canal Company (BCCC) irrigation rights to mitigate consumptive uses for the park located upstream from the BCCC diversion point. The plan does not appear approvable at this point.

Based on the meeting this May, I understood mitigation efforts would continue until an approvable plan could be provided to Idaho Department of Water Resources (IDWR). The applications could be processed at that time.

IDWR will delay processing the applications for one year to provide more time for the applicant to develop and submit an acceptable mitigation plan. The one year period expires **October 31, 2011**. An alternative to providing an acceptable mitigation plan would be to seek more time before the deadline. Your attention to this deadline will protect the applications. Otherwise, the applications must be voided per Idaho statutes and IDWR Water Appropriation Rules. Refunds are typically not issued for voided applications.

Please do not hesitate to contact me if you have any questions or need more information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', written over a horizontal line.

Steve Lester
Water Rights Supervisor

Cc: John Marshall
Terry Scanlan
Roxanne Brown



SPF WATER
ENGINEERING

February 17, 2010

RECEIVED

FEB 18 2010

WATER RESOURCES
WESTERN REGION

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

Subject: Application for Permit

Dear Steve,

Enclosed on behalf of the City of Boise is an Application for Permit proposing irrigation use from the Boise River at Marianne Williams Park. Check No. 5260 for \$250 is enclosed for the filing fee.

✓ Roxanne Brown is the contact person for this application. Please let Roxanne know if there are any questions. Thanks Steve.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Maria Minicucci, John Marshall

Enclosures

SPF file number: 513.0010

contact is ROXANNE BROWN, not Lori Graves

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