

**RECEIVED**Page **AUG 06 2010**

State of Idaho

Department of Water Resources

**DEPARTMENT OF  
WATER RESOURCES****APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

**WATER RIGHT NO. 63-12470****Date of Priority:** September 09, 1998**Maximum Diversion Rate:** 7.32 CFS**Maximum Diversion Volume:** 1,647.0 AFComes now CITY OF BOISE  
PUBLIC WORKS DEPT  
PO BOX 500

BOISE ID 83701-0500 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-12470, and requests that the permit be changed as follows:

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15       | 7.32 CFS                 | 1,647.0 AF           |

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

GROUND WATER NE¼NE¼ Sec. 36, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER SE¼NW¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER NW¼SE¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER SW¼SW¼ Sec. 24, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER NE¼NE¼ Sec. 33, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER SW¼NE¼ Sec. 34, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER NW¼NW¼ Sec. 34, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER NE¼NW¼ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER NW¼NW¼ Sec. 35, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER SE¼SW¼ Sec. 23, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER SE¼SW¼ Sec. 25, Twp 01N, Rge 01E, B.M. ADA County  
 GROUND WATER NW¼SW¼ Sec. 27, Twp 01N, Rge 01E, B.M. ADA County

**PLACE OF USE:** 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   |        |
| 01N 01E 23  |      |      |      |      |      |      |      |      | 30.0 | 35.0 | 40.0 | 40.0 | 31.0 | 33.0 | 40.0 | 40.0 | 289.0  |
| 01N 01E 24  |      |      |      |      |      |      |      |      | 32.0 | 33.0 | 40.0 | 33.0 |      |      |      |      | 138.0  |
| 01N 01E 25  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 15.0 | 615.0  |
| 01N 01E 26  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 640.0  |
| 01N 01E 27  | 40.0 | 40.0 | 40.0 | 40.0 | 32.0 | 32.0 | 36.0 | 40.0 | 8.0  | 2.0  |      |      | 40.0 | 40.0 | 40.0 | 40.0 | 470.0  |
| 01N 01E 33  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 |      |      | 40.0 |      |      |      |      |      |      |      |      | 240.0  |
| 01N 01E 34  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 640.0  |
| 01N 01E 35  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 39.0 | 39.0 | 30.0 | 31.0 | 39.0 | 40.0 |      |      | 538.0  |
| 01N 01E 36  | 32.0 | 37.0 | 3.0  | 27.0 | 40.0 | 40.0 | 17.0 | 10.0 |      |      |      |      |      |      |      |      | 206.0  |

Total Acres: 3776

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Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 26<sup>th</sup> day of July, 2010, ~~200-~~.

Paul Hahn  
(Signature)  
City of Boise

State of Idaho  
Department of Water Resources  
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FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = 56- Received by SR7 # C091495 Date 8/6/2010

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 63-12470 with the following:

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 366 acres within the place of use described above in a single irrigation season.
2. Rights 63-12461 and 63-12470 when combined shall not exceed a total diversion rate of 9.80 cfs, a total annual maximum diversion volume of 2317.6 af at the field headgate, and the irrigation of 595 acres.
3. The following rights are diverted through points of diversion described above: 63-3013, 63-3014, 63-7005B, 63-7042B, 63-7047, 63-7053, 63-7055A, 63-7055C, 63-7055D, 63-7064A, 63-7064B, 63-7078B, 63-7755B, 63-8130B, 63-8435, 63-9243, 63-9359, 63-12461, and 63-12470.
4. 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 lands above.
5. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

| <u>Right No.</u> | <u>Use Changed<br/>to Mitigation</u> | <u>Mitigation<br/>Rate (cfs)</u> | <u>Mitigation<br/>Volume (AF)</u> | <u>Mitigation<br/>Acres</u> |
|------------------|--------------------------------------|----------------------------------|-----------------------------------|-----------------------------|
| 2-2268B          | Irrigation                           | 9.8                              | 2317.6                            | 579                         |

The land that will no longer be irrigated under this right is located within the W 1/2 NE, W 1/2 SE and SW 1/4, Section 20 and W 1/2NE, N 1/2SW, and NW 1/4, Section 29, Township 07S, Range 13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this water right shall be reduced by the same proportion as the reduction to the mitigation rights.

6. The right holder shall maintain a suitable measuring device or, as an alternative, may enter into an agreement with the Department to use power records to determine the amount of water diverted and upon notification shall annually report the information to the Department.

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**CONDITIONS OF APPROVAL**

7. Water bearing zone to be appropriated is 300 to 600 feet.

Witness my hand this 9<sup>th</sup> day of August, 2010.

*for* Shelly W. Keen  
GARY SPACKMAN  
Interim Director