



**SPF WATER**  
ENGINEERING

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November 23, 2009

Dawn Fowler  
Secretary/Treasurer  
Pioneer Irrigation District  
PO Box 426  
Caldwell, ID 83606

***Subject: Petition for Exclusion***

Dear Dawn,

Enclosed on behalf of Caldwell School District No. 132 is a Petition for Exclusion of water rights assessed to Account No. 1846 and associated ownership documentation.

Check No. 91118 for \$1,516 is enclosed for the required filing and administrative fees. The 2009 delivery assessment (\$1,968.32) has recently paid by the school district and was not included.

Thank you for your attention to this matter and please let me know if there are any questions.

Sincerely,

Lori Graves  
Water Rights Specialist

Cc: Amber Van Ocker, LKV Architects

Enclosures

SPF file number: 715.0020

**PETITION FOR EXCLUSION  
OF LANDS FROM  
PIONEER IRRIGATION DISTRICT**

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#1846

Name of Petitioner(s) – (please print): CALDWELL SCHOOL DIST. #132

Address of Property: SECTION 34, T4N, R3W, PARCEL 6R04153

TO THE BOARD OF DIRECTORS OF PIONEER IRRIGATION DISTRICT:

The undersigned respectfully petition that the land hereinafter described be excluded from Pioneer Irrigation District.

The land, owned by the undersigned, is situated in (circle one) Canyon / Ada County and is described as follows:

**(Attach a copy of deed demonstrating ownership.  
Deed must include a legal description.)**

The reasons for requesting exclusion of such land from Pioneer Irrigation District are as follows (per Idaho Code 43-1102) - check where applicable:

1. ☐ The lands so described at too high to be watered from water owned or controlled by Pioneer Irrigation District without pumping by the owners of the land.
2. ☒ Petitioner(s) have installed a good and sufficient water system independent of the water system of Pioneer Irrigation District for the irrigation of the lands because of the District not owning a sufficient water right to furnish an adequate water supply therefore.
3. ☒ The lands so described, in their present condition, are not agricultural lands and Pioneer Irrigation District has not:
  - i. adopted a resolution to construct a distribution system for the lands pursuant to Section 43-333, Idaho Code; or
  - ii. called an election on the question of construction a distribution system for the lands under the provisions of Section 43-329, Idaho Code; or
  - iii. independently or in cooperation with a city or county established a local improvement district to construct a distribution system for the lands; or
  - iv. constructed a distribution system for the lands.
4. ☐ Prior to acquisition of the land by the Petitioner(s), and without my/our knowledge or consent, the ditch or other transmission facility extending from the District's delivery point to the so described lands has been rendered permanently incapable of carrying water to the lands for which the exclusion from the District is sought, and the lands are less than five (5) acres in size.

**Please attach a separate page if you feel more explanation or comment is necessary.**

The Petitioner(s) understand that land excluded from Pioneer Irrigation District pursuant to proceedings on this petition shall not thereafter be entitled to receive water from the water rights or the irrigation works and system of the District, and shall be deemed to have fully relinquished all such water rights and benefits to the District.

Petitioner(s) certify that if reason one or two above is the basis for the exclusion of the lands from Pioneer Irrigation District, the lands are not benefited by the water rights, or by the irrigation in, or drainage by the District, or by groundwater subject to recapture and use by the District and the exclusion of lands will be for the best interest (1) of the petitioner(s) and (2) of the lands in the District.

Petitioner(s) hereby certify to the Board of Directors of Pioneer Irrigation District that the representations contained in this Petition for Exclusion are true and correct and no mortgagee or other person holds a lien or record in this county in which the land for which such exclusion is requested is located, for which the lien holder consent to the Petition for Exclusion is required or that, if such consent is required, the consent has been granted by the lien holder.

The Petitioner(s) also understand and recognize that they shall be liable for any expenses or damages to lien holders or other landlords or to the District resulting directly or indirectly from wrongful exclusion of land by reason or untrue or incorrect statements in the Petition.

Dated this 20 day of November, 2009.

Signature of Petitioner(s) \_\_\_\_\_

Mailing Address: 1101 E. Cleveland Blvd.; Caldwell, ID 83605

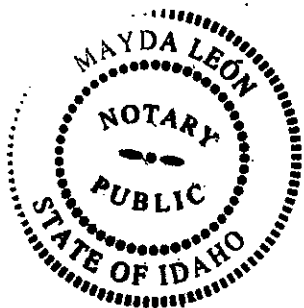
#### VERIFICATION

State of Idaho )  
County of Canyon ) ss.

Petitioner(s), Roger Quarles

being first duly sworn on oath, depose and say that we have read the foregoing Petition and know the same to be true and correct as we believe it to be.

SUBSCRIBED AND SWORN TO before me this 20 day of November, 2009.



Mayda León  
Notary Public for Caldwell School Dist.  
Residing at Naupaka  
My Commission Expires: NOV. 6, 2007

For Office Use Only

Petition Received: \_\_\_\_\_

Acct. # \_\_\_\_\_

Delivery Reviewed: \_\_\_\_\_

Petition Denied or Approved (circle one) Date: \_\_\_\_\_

Petitioner(s) Notified: \_\_\_\_\_

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**Further Explanation:**

Caldwell School District is assessed for 29.52 shares of Pioneer Irrigation District (PID) water at the Syringa Middle and Washington Elementary School site. The school district does not receive their irrigation shares at this site due to the location of the property within the PID service area as explained in the attached e-mail copy from Dawn Fowler, PID Secretary. As a result, the property is irrigated with water diverted from the Dixie Drain under water right 63-4614. This water right is independent of Pioneer Irrigation District's water system.

**From:** Dawn Fowler [dawn@pioneerirrigation.com]  
**Sent:** Wednesday, October 21, 2009 9:29 AM  
**To:** Lori Graves  
**Subject:** RE: Delivery Info

Good morning, Lori. I had one of your questions unanswered that I was waiting to catch up with Jeff to ask him. It was:

Also, what is the delivery schedule for Account 1846? Is the water available 24/7 or on rotation and does the school district have to call for it?

We show the delivery point for the subject property to be gate 11 off the Jester Lateral. That gate is located in the vicinity of Cherry and College. Jeff has told me that long before he was here, the subject property had issues coordinating usage with the properties between them and the delivery point and subsequently put a pump in the Dixie Drain, which runs along the west side of the property. The Dixie Drain is a Bureau of Rec. facility and we have no knowledge of whether there is permission to pump from the drain or not. To determine whether there is permission for that pump and any restrictions, you would have to talk to the Bureau. I would suggest Lupe Rodriguez for that. Her number is 383-2221.

Please let me know if you need anything else. If you have additional questions on delivery, it might be best to contact Jeff directly, as he will have better answers on that than I do. Jeff can be reached here at the office at 459-3617 or on his cell at 841-5424. Thanks!

Dawn Fowler  
Secretary/Treasurer  
Pioneer Irrigation District  
208-459-3617  
[dawn@pioneerirrigation.com](mailto:dawn@pioneerirrigation.com)