

STATE 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 384 4240
Mailing address 1104 ROYAL BLVD, BOISE ID 83706
2. Source of water supply Groundwater which is a tributary of Boise River
3. Location of point of diversion is Township 4N Range 1E Sec. 14, in the NW 1/4, NW 1/4, Govt. Lot , B.M., Ada County;
additional points of diversion if any: 4N 1E Sec 14 NENW
4. Water will be used for the following purposes:

Amount <u>20.4</u> for <u>AESTHETIC STOR</u>	purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u>20.4</u> for <u>Wildlife STOR</u>	purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u>20.4</u> for <u>RECREATION STOR</u>	purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u>20.4</u> for <u>Municipal STOR</u>	purposes from <u>1-1</u> to <u>12-31</u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u> </u> for <u> </u>	purposes from <u> </u> to <u> </u> (both dates inclusive)
(cfs or acre-feet per annum)	
Amount <u> </u> for <u> </u>	purposes from <u> </u> to <u> </u> (both dates inclusive)
(cfs or acre-feet per annum)	
5. Total quantity to be appropriated is (a) cubic feet per second and/or (b) 20.4 acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 1.7 acre pond (surface area)
Average depth 12 feet, 22 feet deep at its deepest point
 - b. Height of storage dam feet; active reservoir capacity 20.4 acre-feet; total reservoir capacity 20.4 acre-feet
 - c. Proposed well diameter is inches; proposed depth of well is feet
 - d. Is ground water with a temperature of greater than 85°F being sought? NO
 - e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 1 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. CITY OF BOISE
 - d. Domestic; show number of households.
 - e. Other; describe fully. Pond at municipal park known as Optimist Park. Uses include aesthetic for park users and recreational fishing.

RECEIVED

MAR 22 2005

WATER RESOURCES
WESTERN REGION

3. 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	
4N	1E	14					AES	AES											
							WLD	WLD											
							REL	REL											
							MUN	MUN											

Total number of acres to be irrigated N/A

10. Describe any other water rights used for the same purposes as described above. NONE. Mitigation provided by Boise-Valley shares - see accompanying App for Transfer.

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? CITY OF Boise

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Please see Application for Transfer filed by Boise Valley Irrigation Ditch Company for Mitigation for the use of ground water in the pond.

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.

James R. Hill DIRECTOR
Signature of Applicant (and title, if applicable)

Received by DB Date 3-22-05 Time 1:00 pm Preliminary check by DB
Fee \$ 100- Receipted by DB # W032709 Date 3-22-05
Publication prepared by DB Date 2-11-2010 Published in IDAHO STATESMAN
Publication approved DATE: Date 7 FEBRUARY 18 & 25, 2010

App for PERMIT

Current (2003) Conditions



- Legend**
- Sections
 - Roads
 - UNKNOWN
 - INTERSTATE
 - LOCAL
 - MAJOR COLLECTOR
 - MINOR ARTERIAL
 - PARKS
 - PRINCIPAL ARTERIAL
 - PRIVATE
 - SECTION LINE
 - Railroads
 - Water
 - 2003 Color Ortho Photos



Scale: 1:10,321



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63 32146

Application For Permit Phase II Area - 2003 Conditions

CITY of Bailey
Public Works



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63-32146

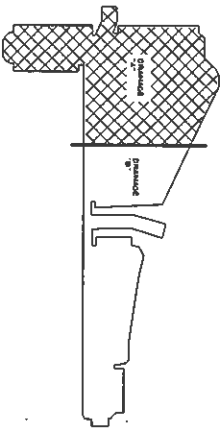


**DRAINAGE
PLAN**

Incident No. _____ Date/Time _____ Location _____ Name _____ Address _____ City _____ State _____ Zip _____ Phone _____ E-mail _____ Website _____ Other _____ Signature _____ Date _____	Incident No. _____ Date/Time _____ Location _____ Name _____ Address _____ City _____ State _____ Zip _____ Phone _____ E-mail _____ Website _____ Other _____ Signature _____ Date _____
--	--

Sheet
— 2 —

DRAINAGE CALCULATIONS FOR PARKING AREAS:



Development	Square Foot	'C' Factor	Runoff Volume
Average 2 nd	51515 sq	3	\$8915 CF
Drainage 2 nd	113260 sq	3	14283 CF

- Based upon a 100 Year Storm, U.S. National For 1 Hour

- Remove existing berm and grade for positive drainage to the pond.

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED
USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant

CITY OF BOISE, PARKS & RECREATION DEPARTMENT

Mailing Address

1104 ROYAL BLVD

BOISE ID 83706

Application No.
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☒ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☐ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

James R. Shell

Date

3/18/05

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, February 11, 2010 12:18 PM
To: 'legals - Boise'
Subject: LEGAL NOTICE
Attachments: Ada County - Cover Letter.Doc; Ada County Ads - Combined.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me if you have any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

February 11, 2010

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 73768
Water Right No(s). 63-31832

RE: Transfer No. 74948
Water Right No(s). 63-9134, 63-9136, 63-10270, 63-7805, 63-2895, 63-3124, 63-8005,
63-2872, 63-11487

RE: Application For Permit No(s).: 63-32146 and 63-33260

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 3/8/2010. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

63-32146

CITY OF BOISE
PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE, ID 83706-2898

Point of Diversion NENW S14 T04N R01E ADA County Source GROUND WATER Tributary

Use: WILDLIFE STORAGE 01/01 to 12/31 20.4 AF

Use: MUNICIPAL STORAGE 01/01 to 12/31 20.4 AF

Use: RECREATION STORAGE 01/01 to 12/31 20.4 AF

Use: AESTHETIC STORAGE 01/01 to 12/31 20.4 AF

Total Diversion: 20.4 AF

Date Filed: 3/22/2005

Place Of Use: AESTHETIC STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, MUNICIPAL STORAGE
T04N R01E S14 NENW NWNW

Water bearing zone to be appropriated is from 0 to 22 feet.

Mitigation is proposed for consumptive use.

63-33260

KENNETH ASCHENBRENNER
SHARON ASCHENBRENNER
6995 S RIDGEWOOD RD
NAMPA, ID 83687-9018

Point of Diversion SENW S4 T02N R01W ADA County Source GROUND WATER Tributary

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

Total Diversion: 0.8 CFS

Date Filed: 8/6/2009

Place Of Use: IRRIGATION

T02N R01W S4 SENW

Total Acres: 40

Water bearing zone to be appropriated is from 100 to 200 feet.

PROPOSED CHANGE OF WATER RIGHT(S)

Boise Valley Irrigation Ditch Co of 8750 N Bogart Ln, Boise ID 83714 filed Application No. 73768 to transfer one water right with an 1865 priority date from the Boise River totaling 49.51 cfs. The purpose of the transfer is to change the nature of use for a portion of the right, previously used for irrigation of 1.7 acres, to diversion to storage and aesthetic storage uses for mitigation of the consumptive losses associated with a pond in City of Boise's Optimist Park located on the south side of Hill Rd and east of Horseshoe Bend Rd just over 2 miles east of Eagle. The unchanged portion of the right will remain within the current service area of the Boise Valley Irrigation Ditch Co, largest portion of which is generally located northeast of the Boise River from one mile east of Eagle south/southeast approximately six miles along Hwy 44 (State Street).

PROPOSED CHANGE OF WATER RIGHT(S)

The City of Garden City, City Hall, 6015 Glenwood St., Garden City, ID 83714-1347 filed Application No. 74948 to transfer nine water rights with 1951 to 1990 priority dates from ground water totaling 22.53 cfs. The purpose of the transfer is to identify one replacement well, describe all ten wells which serve the integrated city system under each right, and accurately reflect the city's current service area.

Permits will be subject to all prior water rights. Protests against permit applications may be submitted based on the criteria of Idaho Code § 42-203A. For specific details regarding the application, please contact the Idaho Department of Water Resources (IDWR) Western Region at 208-334-2190 or visit www.idwr.idaho.gov with detail provided under "new water right applications." Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Any protest against the proposed change must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082 together with a protest fee of \$25.00 for each application on or before March 8, 2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 2/18 & 2/25/2010

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, February 11, 2010 1:39 PM
To: 'Water District 63'
Subject: Comment Letters
Attachments: Comment Letter To WD63.Doc; 63-32146 APP.pdf; X-FER 73768 APP.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please feel free to contact our office.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

February 11, 2010

WD63 WATERMASTER
REX BARRIE
PO BOX 767
10769 W STATE ST
STAR, ID 83669-0767

RE: Application for Permit: 63-32146

RE: Transfer No. 73768
Water Right No(s). 63-31832

Dear Mr. Barrie:

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)

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

Application No.: 63-32146
Applicant's Name: CITY OF BOISE
PARKS & RECREATION DEPT
1104 ROYAL BLVD
BOISE, ID 83706-2898

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
-
-
- c) _____ I oppose approval of this application for the following reasons:
-
-
- d) _____ Additional comments:

Dated this _____ day of _____, 2010

Water District No. 63

Watermaster's Signature

Printed Name

MEMORANDUM

TO: Application for Permit No. 63-32146 & Transfer No. 73768 Files

FROM: Angie Grimm

DATE: January 21, 2010

RE: Evaluation of Sufficiency of Information Submitted

Application for Permit 63-32146 was filed by the City of Boise Parks and Recreation Department (City) for the storage volume of an aesthetic/wildlife/recreational/municipal pond at a municipal park known as the Optimist Park. The proposed source for the unlined pond is shallow ground water tributary to the Boise River above Star. Boise Valley Irrigation Ditch Company (Ditch Co.) filed accompanying Transfer No. 73768 to change water right 63-31832 to mitigate for the consumptive use associated with the pond. The transfer states the pond is filled and water level is maintained via diversion of irrigation water to the pond. The transfer proposes a nature of use change for approximately 1.7 acres of irrigation (0.03 cfs and/or 6.0 af) allowing for a "1:1 pond swap".

The City's Optimist Park is located on the south side of Hill Rd and east of Horseshoe Bend Rd just over 2 miles east of Eagle. The pond is approximately ¼ mile east of Horseshoe Bend Rd inside the park. The largest portion of the Ditch Co.'s current service area is generally located north/northeast of the Boise River from 1 mile east of Eagle south/southeast approximately 6 miles along Hwy 44 (State Street). The P/D for right 63-31832 is the diversion site shared with Farmer's Union Ditch Co. LTD located on the Boise River in the Garden City/Boise area. The irrigation P/U service area and P/D for the Ditch Co. will not change as a result of this transfer.

Summary of Information Submitted for Transfer 73768

Authority to File: The applicant is the current owner on record. The applicant has authority to change its own right. The associated rights affected by this transfer are also owned by the applicant. The applicant is authorized to do business in the State of Idaho as they are registered with Idaho Secretary of State under Organizational ID C18390.

Water Right Validity: The right is presumed to be valid, because the partial decree was issued on 2/19/2009 within the past five year period.

Injury to Other Water Rights: No injury has occurred nor should occur as there will be no change to the current amount of water being diverted or the method used to divert the water to the affected land. Water historically diverted for irrigation will continue to be

diverted. The City will divert all the water associated with their current irrigation shares to the pond. Maria Minicucci, the City, confirmed via phone conversation 12/17/09, water is diverted gravity flow to the pond and pumped from the pond for irrigation. All irrigation shares associated with the park land are diverted to the pond and are subsequently diverted from the pond for irrigation. The water associated with the land to be irrigated, minus the 1.7 acre pond surface area, will be pulled out of the pond and rediverted within the limits of the "24-hour rule" for uses from storage. There will be no reduction in quantity of water available for other water rights. The water right holder will not be put to any unreasonable effort or expense to divert the water since diversion practices will remain unchanged except the water previously applied to a crop will now be placed in a pond at the same location. Water quality may be enhanced by taking out cultivated acreage and replacing it with the pond and nearby wetland area.

Enlargement of Use: The applicant does not propose to enlarge the use. There will be no increase in the diversion rate, diversion volume, or extent of beneficial use as a result of the transfer. The number of acres authorized for irrigation within the Ditch Co.'s boundary will be reduced by 1.7 acres to allow for the nature of use changes proposed for mitigation of permit application 63-32146. Historically, the 1.7 acres was irrigated pasture per Maria Minicucci (the City) comments during our phone conversation 12/17/09. Pasture grass is considered a highly consumptive crop. This allows for a "1:1 pond swap". The period of use proposed for the Aesthetic Storage nature of use change is year round, rather than the irrigation season, which is consistent with previous Transfer No. 66743 approval for a similar nature of use change for another pond just east of this pond. Considering a de minimus amount of consumptive use due to evaporative losses will occur during the non-irrigation season and the diversion to storage use shall be limited to the irrigation season, no enlargement should occur should a year round period of use be approved for the Aesthetic Storage use. 5.49 cfs of the currently authorized 49.51 cfs of right 63-31832 is conditioned for conveyance losses. The transfer does not propose irrigation of additional acres and will include the current conveyance loss condition upon approval, therefore no enlargement shall occur.

Local Public Interest: Transfer proposes mitigation for an aesthetic, wildlife, recreational, and municipal pond in a city park. Changing the nature of use for 1.7 acres of irrigation is minimal and will not significantly impact the local agricultural base. Use of the same amount of water for mitigation instead of irrigation on city land for a park serves the local public interest.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use(s) consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Summary of Information Submitted for Application 63-32146

The application proposes aesthetic, wildlife, recreation, and municipal storage for a 20.4 AF (1.7 ac surface area) pond. The application indicates the excavated pond fills with shallow ground water, from 1 ft to approximately 22 ft, which is tributary to the Boise River. This use is subject to Watermaster control due to the use of shallow ground water tributary to the Boise River. As such, a request for comments on this proposal will be sent to the Watermaster of Basin 63.

The permit application proposes two P/Ds to account for prior uncertainty with regard to which side of the 40 acre tract (QQ) line the deepest portion of the pond would be constructed on. Since the application was filed, the pond has been constructed. It is evident, from the plans and 2009 aerial photography, the deepest portion of the pond is in the NE NW Sec 14, T04N, R01E. The permit is being processed with this at the P/D accordingly. The applicant was not required to amend the application, because the intentions of the applicant with regard to the P/D for the right are clear.

The application proposes aesthetic, wildlife, recreation, and municipal storage for a year round period of use. The transfer application proposes mitigation for this use through diversion of Boise River water during the irrigation season. A de minimus amount of consumptive use due to evaporative losses will occur during the non-irrigation season.

Discussion

Transfer application 73768 proposes to change the nature of use for a 1.7 acre portion of irrigation use for mitigation of the consumptive use associated with the pond proposed in Application for Permit 63-32146. This change is proposed as a "1:1 pond swap". Shares of the Ditch Co. water will be placed in the un-lined pond during the irrigation season to mitigate the year round consumptive use of the pond. The transfer will affect the water right record of 63-31832, which is the most current record for this right. The partial decree was issued and the results were migrated prior to transfer processing and complete data entry.

The P/D for right 63-31832 is also the P/D for the following rights; 63-120G, 63-123C, 63-123D, 63-123E, 63-123F, 63-123G, 63-124Q, 63-125J, 63-126F, 63-164D, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, and 63-31937. The P/D and P/U for other Ditch Co rights will not be affected by this transfer. However, the other Ditch Co rights need to be included in the transfer process as associated rights, because this transfer, if approved, will reduce the total number of irrigated acres authorized from 2808.43 acres to 2806.73 acres within the service area. The associated rights are 63-147B, 63-147D, 63-2360, 63-31198, and 63-31833. There are no other overlapping rights affected by this transfer.

The pond proposed for mitigation in the transfer is to be used for aesthetic, wildlife, recreation, and municipal storage totaling 20.4 af per the permit application. The consumptive use associated with this 20.4 af capacity pond is 6.0 af (1.7 ac surface area X 3.5 af/ac standard for the area). The purpose of the transfer application is to mitigate for the consumptive use for this pond. The transfer proposes addition of 6.0 af to the existing aesthetic storage use. This adequately describes the volume for mitigation of the pond. It is not necessary to describe all of the storage uses proposed on the permit application individually on the Ditch Co. right since the purpose of the transfer is simply to describe a volume for the consumptive use of the pond.

Previous transfer processing (Transfer No. 66743) changed the nature of use for a portion of irrigated acres to Aesthetic, Aesthetic Storage, Irrigation Storage, Irrigation from Storage, and Diversion to Storage uses for a pond constructed in an earlier development phase of the City's Optimist Park just east of the pond for which this transfer proposes mitigation. The Diversion to Storage rate (0.54 cfs) approved in the transfer was not additive. The rate represented the sum of the 0.17 cfs Aesthetic use and 0.37 cfs of irrigation use associated with irrigation at the site. The Aesthetic rate along with the storage uses created by the nature of use change resulted in the reduced amount of irrigation authorized. The Diversion to Storage use was dropped from the right sometime during the adjudication process which included 2 subsequent transfer approvals that did not add the use back into the right. I can find no documentation in the backfile records of this right indicating why this term was dropped. Processing of the current transfer allows for this term to be added back into the right to clarify all uses of the right. Adding the rate for Diversion to Storage back into the right will not increase the total diversion rate authorized under this right since the 0.54 cfs is simply another way of describing the sum of other uses. See above. A total of 0.57 cfs (0.54 cfs Transfer No. 66743 + 0.03 cfs Transfer No. 73768) shall be authorized for diversion to storage upon transfer approval. The transfer applicant was not required to amend the transfer application to include the 0.54 cfs for Diversion to Storage for this Department record correction. This transfer also allows for clarification on the P/Us and associated shapes for each use. A P/U and shape for the Irrigation from Storage use was added. The Irrigation from Storage volume created in the previous transfer approval appears to be the volume associated with the capacity of the pond.

As mentioned above, the right proposed for transfer (63-31832) is being used to mitigate the consumptive use of the pond proposed under permit application 63-32146. Right 63-31832 is a Boise River source right with a priority date of 06/01/1865. The priority date along with special conditions regarding delivery of this right ensures this right is almost always deliverable and thus a good candidate for use as mitigation for another use requiring such.

An amended application to clarify the intended nature of use change was requested in my letter of December 18, 2009. Stanley Matlock, representing the applicant as a member of Boise Valley Irrigation Ditch Co., came into the office to discuss the amendments requested and submit the amended application on January 20, 2010.



Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the applications can be approved as reflected by the draft approvals.



James R. Hall
Director

Parks & Recreation
1104 Royal Boulevard
Boise, Idaho 83706-2840

Phone
208/384-4240

Fax
208/384-4127

TDD/TTY
800/377-3529

Web
www.cityofboise.org/parks

Mayor
David H. Bieter

City Council
President
Maryanne Jordan

Council ProTem
Elaine Clegg

Vernon L. Bisterfeldt
David Eberle
Alan W. Shealy
Jim Tibbs

Boise Parks & Recreation

RECEIVED

OCT 17 2008

WATER RESOURCES
WESTERN REGION

October 16, 2008

Steve Lester
Idaho Dept of Water Resources
2736 Airport Way
Boise ID 83705-5082

RE: Application for Permit Nos. 63-12311 & 63-32146

Dear Mr. Lester,

Thank you very much for your timely response to the Department's correspondence.

The City of Boise would like to proceed with the processing of Application of Permit No. 63-12311 as described in your letter of October 3, 2008. This application is a duplicate of permit no. 63-12595, with the exception of the priority date. The processing will include advertisement and subsequent review by IDWR.

Application No. 63-32146 includes a mitigation plan that includes changing the use of a portion of Boise Valley Irrigation Ditch Company water right(s). The City agrees that its application can be held pending the resolution of Objections filed in the SRBA on the Boise Valley claim(s).

Please contact this office at your earliest at your earliest convenience if IDWR has any questions or needs any additional information.

Sincerely,

Maria Minicucci
Property Administrator

H:\WORD\Water\CF McDevittOptimist IDWRProcessOK.doc



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
DAVID R. TUTHILL, JR., Director

October 3, 2008

MARIA MINICUCCI
BOISE PARKS & RECREATION
1104 ROYAL BLVD
BOISE ID 83706-2840

Re: Application for Permit Nos. 63-12311 and 63-32146

Dear Ms. Minicucci:

The Idaho Department of Water Resources (IDWR) provides the following update to the above referenced applications in response to your August 2008 correspondence.

Application 63-12311 proposes a January 26, 1996 priority for an existing system now addressed in the pending license for Permit 63-12595. The permit priority date is June 9, 2000. The application duplicates the permit except for the priority date. You suggested IDWR might be able to issue a license for the system under 63-12311 instead of 63-12595.

The concept has merit. The only impediment to doing that is a public notice for the proposed earlier priority in Application 63-12311. I think IDWR could process the application and license it under the steps completed in Permit 63-12585, assuming protests are not filed against the application.

Application 63-32146 includes proposed mitigation involving a change to a portion of Boise Valley Irrigation Ditch Company water right 63-31832, as you noted. The ditch company right remains under objection in the Snake River Basin Adjudication. IDWR cannot process those two proposals until the objection is resolved. This office will continue to hold Application 63-32146 without prejudice until it can be processed.

Please let me know at your earliest convenience if your agency wants to proceed as described for Application 63-12311. This office can advertise that application upon receiving your positive reply. Thank you for your attention to this matter. Please do not hesitate to call if you have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Lester, Steve

From: Lester, Steve
Sent: Friday, October 03, 2008 12:36 PM
To: Padilla, Cherie
Subject: Delay licensing for 63-12595, City of Boise Parks & Rec

Hi Cherie:

Please wait a bit on issuing license for 63-12595. Turns out City has slightly older appl for permit for exactly the same thing - 63-12311 got buried in prior basin 63 moratorium history. I am working with City Parks & Rec to see if we might be able to substitute older priority for newer one if older priority appl gets thru legal notice without any protest.

Will cc you my letter that am sending to City about this.

thx

Steve

RECEIVED

AUG 22 2008

WATER RESOURCES
WESTERN REGION

Response Form

Name of Applicant: City of Boise Parks and Rec.
Address: 1104 Royal BLVD
Boise ID 83706

Application No: # 63-32146

(Please read carefully and mark)

☒ Yes, I intend to proceed with the water use development outlined in the application. As applicant, I still retain full possessory interest in the listed point of diversion and place of use locations on the application.

(Mark one choice)

☐ The water bearing zone for the proposed well (point of diversion) will be greater than 200 ft. My application proposed (well) water bearing zone will be _____ to _____ ft.

☒ A Mitigation Plan ^{WAS} will be submitted within ~~90 days~~ to mitigate my water use that would otherwise cause injury to existing surface water rights from the Boise River.

☐ No, I do not wish to proceed with final processing of this application. I hereby withdraw my Application for Permit to Appropriate the Public Water of the State of Idaho

Signed this 20TH day of August 2008

Applicant Signature Mollie Hart

Printed Applicant Name Mollie Hart

Return Form to: J. Westra
Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705



James R. Hall

Director

Parks & Recreation

1104 Royal Boulevard
Boise, Idaho 83706-2840

Phone

208/384-4240

Fax

208/384-4127

TDD/TTY

800/377-3529

Web

www.cityofboise.org/parks

Mayor

David H. Bieter

City Council

President

Maryanne Jordan

Council ProTem

Elaine Clegg

Vernon L. Bisterfeldt

David Eberle

Alan W. Shealy

Jim Tibbs

Boise Parks & Recreation

August 20, 2008

RECEIVED

AUG 22 2008

WATER RESOURCES
WESTERN REGION

John Westra
Idaho Dept of Water Resources
2735 Airport Way
Boise ID 83705

RE: 63-32146 Mitigation Plan

Dear Mr. Westra,

This office has received a Response Form related to mitigation for the development of the above-referenced permit. The completed form is included with this letter.

The Boise Valley Irrigation Ditch Company filed an Application for Transfer on water right no. 63-31832 at the same time the Department of Parks & Recreation filed Application for Permit no. 63-32146. Both applications referenced the other to allow IDWR to evaluate specific mitigation efforts for the new water use.

The Department of Parks & Recreation received a letter from Steve Lester of your staff, dated July 19, 2005. Mr. Lester indicated that processing of the Application for Transfer would be delayed until the objection period for the related SRBA claim was concluded. Mr. Lester estimated that the SRBA objection period would be completed by June of 2006.

Assuming there were no objections filed on Boise Valley's SRBA claim, or that all objections were resolved, the Department anticipates that processing of the Application for Transfer, as well as the Application for Permit, can now proceed. If there are unresolved objections on the Transfer, please contact this office at your earliest convenience.

Thank you very much for your attention to this matter. Please do not hesitate to contact this office if we can be of any further assistance.

Sincerely,

Maria Minicucci
Property Administrator

H:\WORD\Water\Optimist Exist\XferMitLetterIDWR.doc



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

August 14, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

City of Boise Parks & Recreation Department
1104 Royal BLVD
Boise ID 83706

RE: Held Application for Permit #32146 filed 03/22/05

Dear Applicant:

As you aware, the above reference applications for permit located in the Boise River Basin has been held by our agency since the 1990s. The Department began holding new groundwater applications for consumptive use due to prolonged drought and concerns about declining aquifer levels. As a result, the Treasure Valley Ground Water Study was initiated. The study was completed in 2002, and now provides modeling for projecting future groundwater availability in the valley. Our agency will commence processing held applications as staff resources are available.

Attached is a proof profile of your applications as submitted to our agency. You must still have full possessory interest- ownership in the listed point of diversion and place of use land locations for processing consideration. Please check carefully the specifics on the application. Your applications will need to have public notice published in the local county newspaper. The notice will be published once per week for 2 consecutive weeks. Anyone having issue with an application may file a protest within the time allowed.

The applications list points of diversion in Township 03N, Range 01E, Section 13 and Township 03N, Range 01E, Section 24. Ground water less than 200 feet depth at this location is considered tributary to the Boise River. Surface water in or tributary to the Boise River upstream of Star bridge is fully appropriated. This means that a new appropriation of ground water would potentially injure a senior Boise River surface water right. Our agency can not process your application unless one of the following can be satisfied:

1. *An acceptable mitigation plan is filed to mitigate for ground water use that would otherwise cause injury to senior water rights from the Boise River. An example might be the purchase and retirement of an equivalent Boise River surface right*
2. *The application proposes to appropriate ground water deeper than 200 feet below ground surface. Applications meeting this criterion shall be evaluated on a case-by-case basis in accordance with applicable water laws and rules.*

Page 2.
Application

We are asking for you to convey your intentions regarding the applications by completing the attached response form. Please respond to the following:

- If you desire to develop the water use, and wish our agency to complete the processing of your application, please mark the *YES* response. Also, mark the choice needed to meet the Boise River shallow ground water criteria. A consultant list is enclosed if you need assistance.

OR

-Mark the *NO* response to withdraw the application. The application will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.

-Sign, date, and return the response. Response forms need to returned to this office no later than 30 days of this letter date.

Should you have questions about the history or further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra, Manager Western Region

Enclosure: Proof Report, Response Sheet , Consultant list, Map Shallow GW.

XFER APPL &/OR MITIGATION PLAN

INVOLVES SRBA

DETERMINE: OK TO PROCESS VS. DELAY PROCESSING

-82
3/8/07

1. check wr # in xfer &/or mitigation plan for current SRBA recommendation

2. use current wr # from aj check to see if Bs 63 P2 report or P3 report

3. P2 report – objection period over, check IWATRS

- no objections - ok to process
- objection pending - delay processing unless xfer to resolve objection

→ NOT this

4. P3 report

- delay processing until after 6/20/07 objection deadline
- no objections by then – ok to process
- objection pending by then - delay processing unless xfer to resolve objection

package { APPL 63-32146 Boise Photo/Rec
+
XFER Boise Vollog Im Dth W.

4 APPLS - PROCESS TOGETHER

for PERMIT

① 63-11791

MEADOW CK. 170 ASSOC

③ 63-32146

Boise Parks + Rec

for Transfer (mitigation)

② Boise Valley Im Dite Co. 63-31832

Filed 6/30/06

④

" " "

Filed 3/22/05

(2 different portions of
same right for Appls 2 & 4)

63-11791 } MOUNTAIN HILLS RS 63 DRAWER
63-32146 }

2 transfers c TRANSFER HILLS DRAWER

-SR
7/13/06

Water Application Report 63-32146

WATER RIGHT NUMBER: 63-32146

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF BOISE PARKS & RECREATION DEPT 1104 ROYAL BLVD BOISE, ID 83706-2898 (208)384-4240

Priority Date: 03/22/2005

Basis:

Status: Active

Source	Tributary
--------	-----------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC STORAGE	01/01 to 12/31		20.40 AF
WILDLIFE STORAGE	01/01 to 12/31		20.40 AF
RECREATION STORAGE	01/01 to 12/31		20.40 AF
MUNICIPAL STORAGE	01/01 to 12/31		20.40 AF
	Total Diversion:		20.40 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4 Sec. 14, Twp 04N, Rge 01E, B.M. ADA County

Place of Use

AESTHETIC STORAGE

[illegible]

WILDLIFE STORAGE

[illegible]

RECREATION STORAGE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-32146

MUNICIPAL STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	14					X	X											

Remarks:Comments:

1. scurtis 7/20/2005 Legal Notice Remarks

Comment: Water bearing zone to be appropriated is from 0 to 27 feet.

2. slester 7/20/2005 Comment/Analysis

Comment: Application held pending end of transfer delay; see held Boise Valley Irrigation Ditch Co. transfer app for 63-31832.

Place of use also known as Optimist Park Phase II.

Dates and Other Information:

Application Received Date: 3/22/2005

Application Type: New Appropriation

Applicant Remarks: See application for transfer filed by Boise Valley Irrigation Ditch Co. for mitigation for the use of ground water in the pond.

Other Water Rights:

Time to Complete Works: 1

Mitigation Plan: True



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

July 19, 2005

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

Re: Application for Permit for Optimist Park

Dear Ms. Minicucci:

The City of Boise filed an application for permit for a shallow ground water amenity pond at the Optimist Park. Consumptive use from the amenity was proposed under a companion application for transfer filed by Boise Valley Irrigation Ditch Company. As noted in the enclosed copy of a "transfer hold" letter to the ditch company, the transfer application cannot be processed until the SRBA objection period is concluded. The objection period for Ada County should be completed by about May or June of 2006.

Therefore the City's permit application cannot be processed at this time because the validity of the mitigation plan remains uncertain. The application for permit will be held pending any changes in this scenario.

Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester'.

Steve Lester
Water Rights Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 19, 2005

BOISE VALLEY IRRIGATION DITCH CO
8750 N BOGART LN
BOISE ID 83714

Re: Application for Transfer of Water Right No. 63-31832

Dear Applicant:

Your application for transfer to change a water right was recently received. The transfer proposed to mitigate a companion application for a new water right to cover a pond for Boise City Parks and Recreation (Optimist Park). Processing of the transfer application must be delayed as explained below.

Your application describes a water right for which a Snake River Basin Adjudication (SRBA) Claim has been filed. SRBA Claims in the area affected by the transfer application are currently being reviewed. The role of the Idaho Department of Water Resources (IDWR) in the SRBA is to review claims and make recommendations regarding those claims to the SRBA Court. Recommendations are presented to the court in a Director's Report. Potentially affected parties may object to recommendations in a Director's Report. This process introduces uncertainty regarding water rights until the objection period is over.

IDWR's limited staff resources must be used to complete the remaining Director's Reports during the next year. Additionally, experience indicates that processing an application for transfer in an area where a Director's Report is being prepared can result in confusion and complications by mixing judicial (SRBA) and administrative (transfer) actions.

The SRBA objection period for your area is expected to conclude sometime during the latter half of next year. Based on that schedule and the above reasoning, your application for transfer cannot be processed at this time. IDWR will hold your transfer application until that time and will notify you at the appropriate time to allow your application to be processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor

Copy: Boise City Parks and Recreation Department