

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, Boise Parks and Recreation Department Westside Sportsplex Phone 384-4240
Post office address 1104 Royal Boulevard, Boise, ID 83706
2. Source of water supply groundwater which is a tributary of NA
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot
Sec. 29 Township 4N Range 1E B.M. Ada County; additional
points of diversion if any:
4. Water will be used for the following purposes:
Amount 0.500 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or ~~acre-feet per annum~~)
Amount 0.500 for diversion to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or ~~acre-feet per annum~~)
Amount 5.0 for aesthetic storage purposes from 1/1 to 12/31 (both dates inclusive)
(~~cfs~~ 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) 0.500 and/or (b) 5.0
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well and submersible pump,
existing storage pond, 30 hp turbine pump at pond, buried pipe to
pressurized sprinkler system
b. Height of storage dam none feet; active reservoir capacity 5 acre-feet; total
reservoir capacity 7 acre-feet; period of year when water will be diverted to storage:
1/1 to 12/31 inclusive.
c. Proposed well diameter is 8 inches; proposed depth of well is 100 or 350 feet.
d. Is ground water with a temperature of greater than 90°F being sought? no
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years
 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. aesthetic and diversion to storage uses are for filling the lined pond at the site.

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	29																30	30
		29																J	

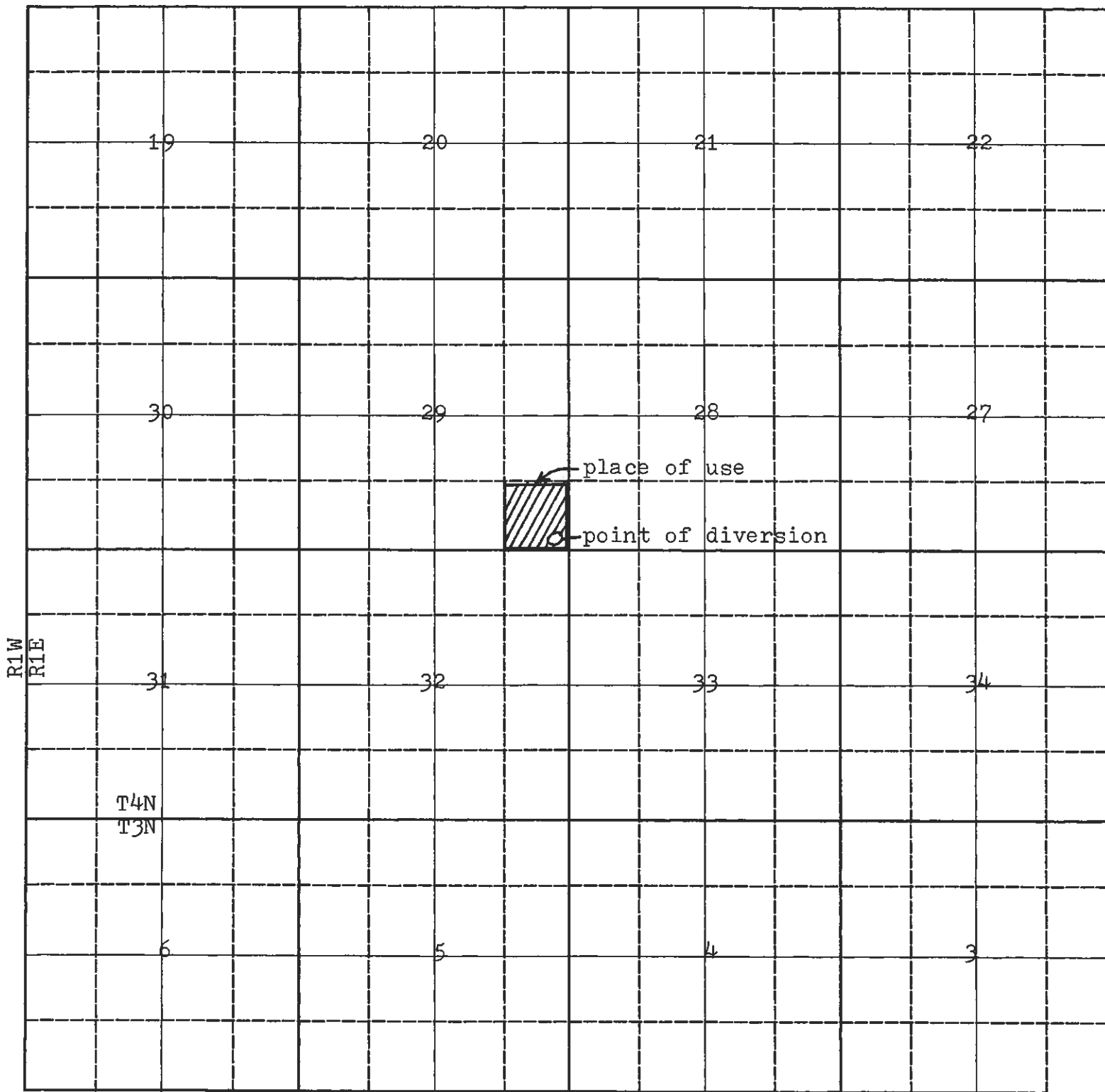
Total number of acres to be irrigated 30

10. Describe any other water rights used for the same purposes as described above. Settlers Irrigation District 63-00230M, T4391

- Who owns the property at the point of diversion? applicant
- Who owns the land to be irrigated or place of use? applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Application is for supplemental irrigation of sportsfields and pond filling for aesthetic purposes. A shallow well is proposed initially. If unsuccessful, the well will be deepened. Water-bearing zones to be appropriated are 30 to 80 feet or 150 to 350 feet.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Paul Philbrook
(Applicant)
Property Administrator

Received by OB Date 1-26-96 Time 1:20 pm Preliminary check by g
Fee \$ 100- Receipted by OB # W020298 Date 1-26-96
Publication prepared by DB Date 12/9/2008 Published in IDAHO STATESMAN
Publication approved _____ DATE: _____ Date ↑ DECEMBER 18 & 25, 2008

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

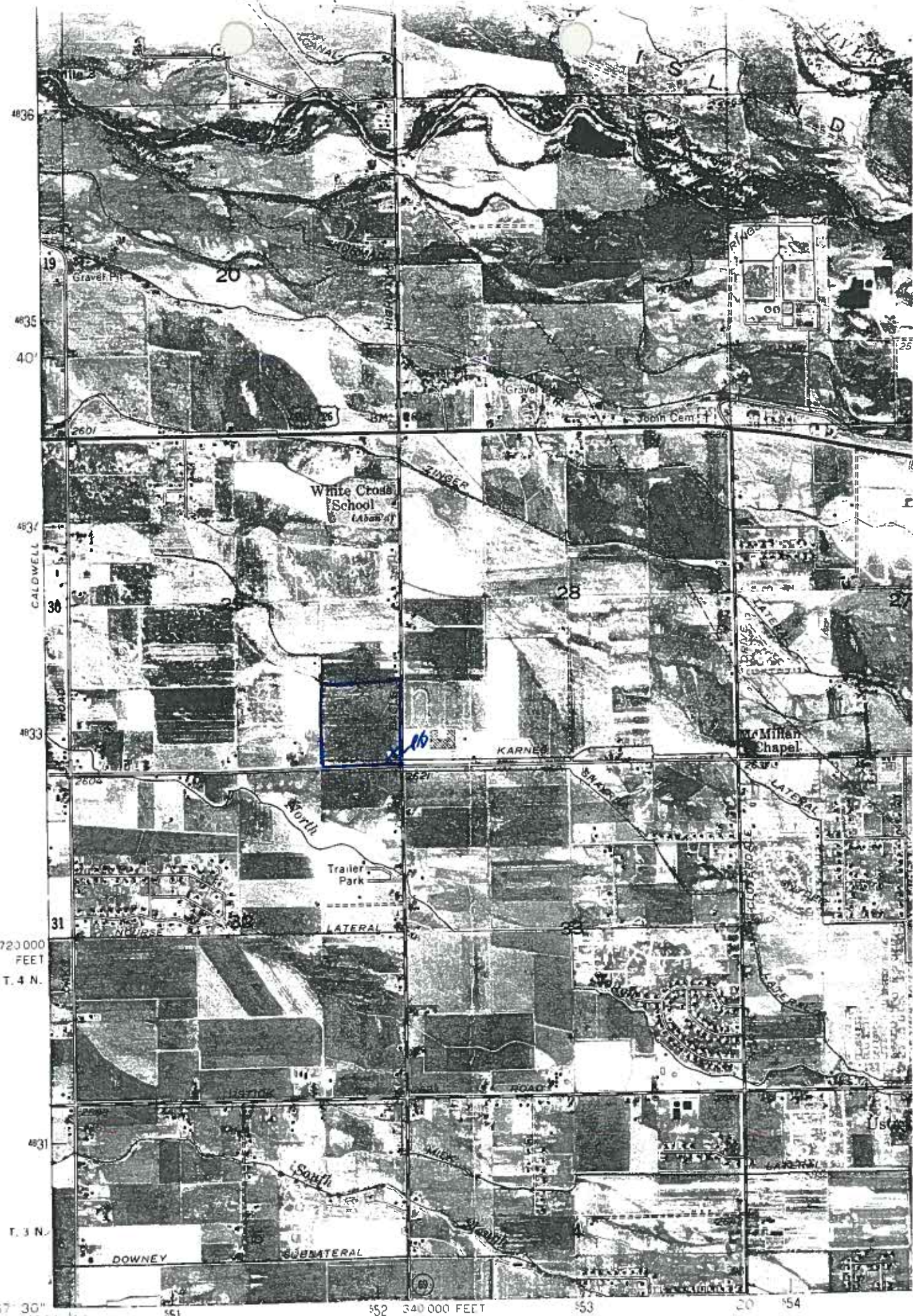
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

T4N
R1E
Sec 29
SESE

7N
3N



Ident. No. 63-12311

Comments: Date: 1/30/1996 User-ID: LGRAVES

Subject: DELAY

Processing delayed pending backlog reduction.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: CITY OF BOISE PARKS AND RECREATION 208-384-4240
Address: 1104 ROYAL BLVD
BOISE ID 83706
2. Source: GROUNDWATER Trib. to:
3. Location of Point of Diversion: SESESE Sec. 29, Township 04N, Range 01E
ADA County
4. Water will be used for the following purposes:
- | Purpose | From | To | CFS | (or) | AF |
|----------------------|-------|-------|-------|------|------|
| IRRIGATION | 03/15 | 11/15 | 0.500 | | |
| AESTHETIC STORAGE | 01/01 | 12/31 | | | 5.00 |
| DIVERSION TO STORAGE | 01/01 | 12/31 | 0.500 | | |
5. Total quantity to be appropriated is:
0.500 CFS (and/or) 5.00 AF
6. Proposed diverting works:
- Description of ditches, flumes, pumps, headgates, etc.
WELL, PUMP, POND, SPRINKLERS
 - Height of storage dam feet; active reservoir capacity 5.00
acre-feet; total reservoir capacity 7.00 acre-feet; period of
year when water will be diverted to storage: 1/01 to 12/31 inclusive.
 - Proposed well diameter is 8 inches; proposed depth of well is 350
feet.
 - Is groundwater with a temperature greater than 85F being sought? NO
 - If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
8. Place of Use: IRRIGATION

TWN RGE SEC	ACRES	ACRES	ACRES	TOTAL
04N 01E 29	SESE 30			30

Total number of acres irrigated: 30

Place of Use: AESTHETIC STORAGE

TWN RGE SEC
04N 01E 29 SESE

Place of Use: DIVERSION TO STORAGE

TWN RGE SEC
04N 01E 29 SESE

9. a. Who owns the property at the point of diversion?
APPLICANT
b. Who owns the land to be irrigated or place of use?
APPLICANT
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.

10. Remarks:

Water bearing zone to be appropriated is either 30 to 80 feet or
150 to 350 feet.

11. Map of proposed point of diversion and place of use attached? []

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

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 300.00 Receipted by _____ #W020298 Date 1/26/1996

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Buffington, Denise

From: Buffington, Denise
Sent: Tuesday, December 09, 2008 10:52 AM
To: legals@idahostatesman.com
Subject: Legal Notices
Attachments: Ada County Ads - Cover Letter.RTF; 63-12260 Ad.RTF; 63-12311 Ad.RTF; 63-32645 Ad.RTF; 63-32827 Ad.RTF

Attached please find (4) legal notices being submitted for advertising. Please contact me immediately if you are not able to publish the ads on the dates listed.

Thank you,

Denise Buffington
Dept of Water Resources
Western Region

12/9/2008

December 09, 2008

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-12260, 63-12311, 63-32645 & 63-32827

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 01/05/2009. 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:

63-12311

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

Point(s) of Diversion SESE S29 T04N R01E ADA County Source GROUND WATER

Use: IRRIGATION	03/01 To 11/15	0.5 CFS	
Use: AESTHETIC STORAGE	01/01 To 12/31		5 AFA
Use: DIVERSION TO STORAGE	01/01 To 12/31	0.5 CFS	
Total Diversion:		0.5 CFS	5 AFA

Date Filed: 01/26/1996

Place Of Use: IRRIGATION
T04N R01E S29 SESE
Number of Acres 30

Place Of Use: DIVERSION TO STORAGE SAME AS IRRIGATION

Place Of Use: AESTHETIC STORAGE SAME AS IRRIGATION

Remark: Water bearing zone to be appropriated is from 200 to 350 feet.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/05/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on December 18th & 25th, 2008



Boise Parks & Recreation

RECEIVED

OCT 17 2008

WATER RESOURCES
WESTERN REGION

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

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

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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



Boise Parks & Recreation

August 18, 2008

RECEIVED

AUG 21 2008

WATER RESOURCES
WESTERN REGION

James R. Hall
Director

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

Phone
208/384-4240

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

John Westra, Regional Manager
Idaho Department of Water Resources
2735 Airport Way
Boise ID 83705

Dear Mr. Westra,

Attached please find the signed and dated IDWR Response Form for Application No. 63-12311.

To comply with IDWR's request for a mitigation plan, the City refers you to permit no. 63-12595. This overlapping permit is a duplicate to 63-12311, and includes a mitigation plan approved by IDWR.

The use under 63-12311 will be identical to the use under 63-12595. Accordingly, the mitigation plan for 63-12311 will be the plan already approved by IDWR for 63-12595.

It appears that application no. 63-12595 was accepted by IDWR because the overlap analysis failed to find the previous filing of 63-12311. If the overlapping application had been uncovered, the City would not have filed, or would have withdrawn, 63-12595 in favor of initiating processing of 63-12311.

The City assumes that IDWR would have approved the same mitigation plan submitted at the same time for the same water use, albeit under a different application number. Accordingly, the City anticipates that application no. 63-12311 will shortly become a licensed right, based on the recent field exam conducted for 63-12595.

The City will withdraw permit 63-12595 once the license for 63-12311 has been issued.

Thank you very much for your attention to this matter. Please do not hesitate to contact this office if you need any additional information.

Sincerely,

Maria Minicucci
Property Administrator

Enc.

c: Shelley Keen, IDWR SO

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RECEIVED
AUG 21 2008
WATER RESOURCES
WESTERN REGION

Response Form

Name of Applicant: City of Boise

1104 Royal Blvd
Boise 83706-2898

Application No: 63-12311

* (Please read carefully and mark)

☒ Yes, I intent 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 _____ feet.

☒ A Mitigation Plan 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 18th day of August 2008

Applicant Signature Mollie Holt

Printed Applicant Name Mollie Holt

Return Form to: J. Westra

Idaho Dept. of Water Resources
2735 Airport Way
Boise ID 83705



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

July 23, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

City of Boise Parks & Recreation
1104 Royal Blvd
Boise ID 83706

RE: Held Application for Permit #63-12311 filed 01/26/96

Dear Applicant:

As you aware, the above reference application 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 application 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 application 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 application lists points of diversion in Township 04N, Range 01E, Section 29. 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 this application 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.

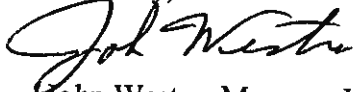
OR

-Mark the *NO* response to withdraw the application. The applications 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.

STAFF REVIEWERS

January 21, 2000

Steve Lester

To ensure compliance with S.O. directives, complete the following before file goes to Regional Manager or S.O.

1. **“Pre or post memo”** -- document the file to show if processed prior to the new “change to applications” memo.
2. **Comments** should not be on left side of file – move to top of right side and be sure that staff review sheet includes a heads up about comments.
3. **Computer printout of application if not the original** – label as “file copy” and move to right side of file. Note that items 2 and 3 might be done as one step.

Items 1-3 apply to all files now being processed: files at your desk, in advertising, protested, or at Manager’s desk.

Items 2-3 will apply to all files processed in the future: new filings or those processed from “hold” drawers.

Please file a copy of this with your May 1999 “Final Review of Applications” guidelines that I distributed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 30, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

City of Boise
Boise Parks and Recreation Dept, Westside Sportsplex
1104 Royal Blvd
Boise ID 83706

RE: Application for Permit

Dear Interested Party:

Your application for permit to appropriate ground water for thirty acres of irrigation and storage uses was received 01/26/1996. Processing of this application must be delayed.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on 5/15/1992 concerning water right applications proposing new consumptive uses of public water. The moratorium has now been lifted, but a backlog of applications filed during the moratorium must first be processed before new applications may be considered.

Our office will hold this application and will begin processing it as soon as the backlog has been eliminated. All applications received will be processed in priority order. Delays related to department actions do not affect the date of priority or seniority of this application, once established.

If you have any questions, please feel free to contact me at 334-2190.

Sincerely,

Lori Graves
Sr. Water Resource Agent