

KEITH E. ANDERSON
CONSULTANT IN ENGINEERING AND GEOLOGY
432 SUMMIT RIDGE
BOISE, IDAHO 83702
TELEPHONE (208) 336-2718 OR 344-3888

October 25, 1999

Gary Spackman
Administrator, Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Idaho Department of Correction

Dear Gary:

I am enclosing drafts for two transfers we are proposing for the water rights at the prison complex south of Boise--together with supporting documents relating to the rights as recorded. I would very much appreciate it if you, or someone in your office, could look these over and provide comments or suggestions before we make a formal filing.

Also enclosed is a copy of a letter transmitting these same materials to the concerned IDOC personnel. This explains in some detail just what we are trying to accomplish with the proposed transfers.

I have discussed all of this at some length with Norm Young and hope that our ideas are incorporated in these drafts. Aside from a few of the minor things, the essential matters in these proposed transfers are:

1. There is no change proposed in either the total combined diversion rates or volumes from what are presently authorized within the existing recorded rights.
2. An enlarged Permissible Place Of Use (PPOU) is requested so that there can be some flexibility in the use and distribution of water within the single ownership.
3. The use of irrigation water to supplement treated domestic wastewater, to meet the DEQ land application requirements, would be allowed. This is very important in order to be able to maintain the necessary irrigated crop area when the volume and timing of wastewater is so variable.

Please call me if you have questions or need further information.

Sincerely,



Keith E. Anderson

Enclosures

Copy: Norm Young, w/encls

KEITH E. ANDERSON
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BOISE, IDAHO 83702
TELEPHONE (208) 336-2718 OR 344-3888

October 25, 1999

Pat Donaldson
Construction Supervisor
Idaho Department of Correction
1299 North Orchard, Suite 110
Boise, ID 83706

Re: Water Right Transfers

Dear Pat:

I am enclosing draft documents for two water right transfers as we have discussed previously. One transfer is for Wells 1, 3, and 4 east of Pleasant Valley Road; the other is for Wells 2 and 5 west of that road. Along with the draft for each transfer I am enclosing supporting data (for the rights as presently recorded) that may assist with your review.

I don't think it is absolutely necessary to have a meeting to discuss these--but I am willing to do so if you have suggestions or questions.

Basically, what we are trying to do with these water right transfers is as follows:

East of Pleasant Valley Rd.

1. Consolidate the individual rights for Wells 1, 3 and 4, plus two beneficial use claims for the water to the slaughter house and dairy, by means of this transfer.
2. Correct a minor error in place of use for stockwater (63-30298).
3. Eliminate duplications for place of use in the original rights.
4. Provide a right to irrigate a part of the area that is presently being supplied with wastewater on the new land application area east of Pleasant Valley road.
5. Provide one expanded Permissible Place Of Use (PPOU) that will allow flexibility of operations within the property ownership.
6. Allow the treated domestic wastewater, that is used for irrigation by land application, to be supplemented with water from one of the wells as may be necessary at times if or when the volume of wastewater is insufficient for full irrigation of the area required under the DEQ Permit.
7. There is NO CHANGE is the presently authorized total diversion rates or volumes of water.

West of Pleasant Valley Rd.

1. Eliminate the Domestic Use for Well No. 2 that was provided under Transfer 5314, The domestic requirement is now met adequately from the Permit for Wells 7 & 8.
2. Correct the Period of Use for irrigation from Well No. 5 from April 1-November 1 (as presently recorded) to March 15-November 15 to conform to current IDWR practice.
3. (Same as No. 5 above)
4. (Same as No. 6 above)
5. (Same as No. 7 above)

I am not suggesting the filing of an Amendment to the existing Permit 63-12296 (for the new Wells 7 and 8) at this time. This permit already provides for an adequate supply of domestic water to the new prison (for the ultimate development of 3,000 beds) as well as the use of treated wastewater for irrigation of the land application area. The permit only provides for irrigation of 5 acres (landscaping) at the new prison and the area for probable landscaping may be slightly greater. A somewhat larger area immediately south of the ultimate complex--within the SE 1/4 NE 1/4 of sec. 32--could definitely be irrigated, but this has been provided for in the requested Transfer for Wells 2 and 5.

I am also asking IDWR to review these draft materials for their comment before submitting them in final form. And just before final filing and advertising, I plan to discuss the proposed transfers with the United Water representatives so that we should be able to avoid having them file a protest.

Let me know if you, or others, have questions or need further information.

Sincerely,



Keith E. Anderson

Enclosures

Copy (w/encls): Jake Howard
Mike Yae
Steve Holderman

SUPPORTING DATA

**For Transfer - Wells 1, 3, & 4
East of Pleasant Valley Rd**

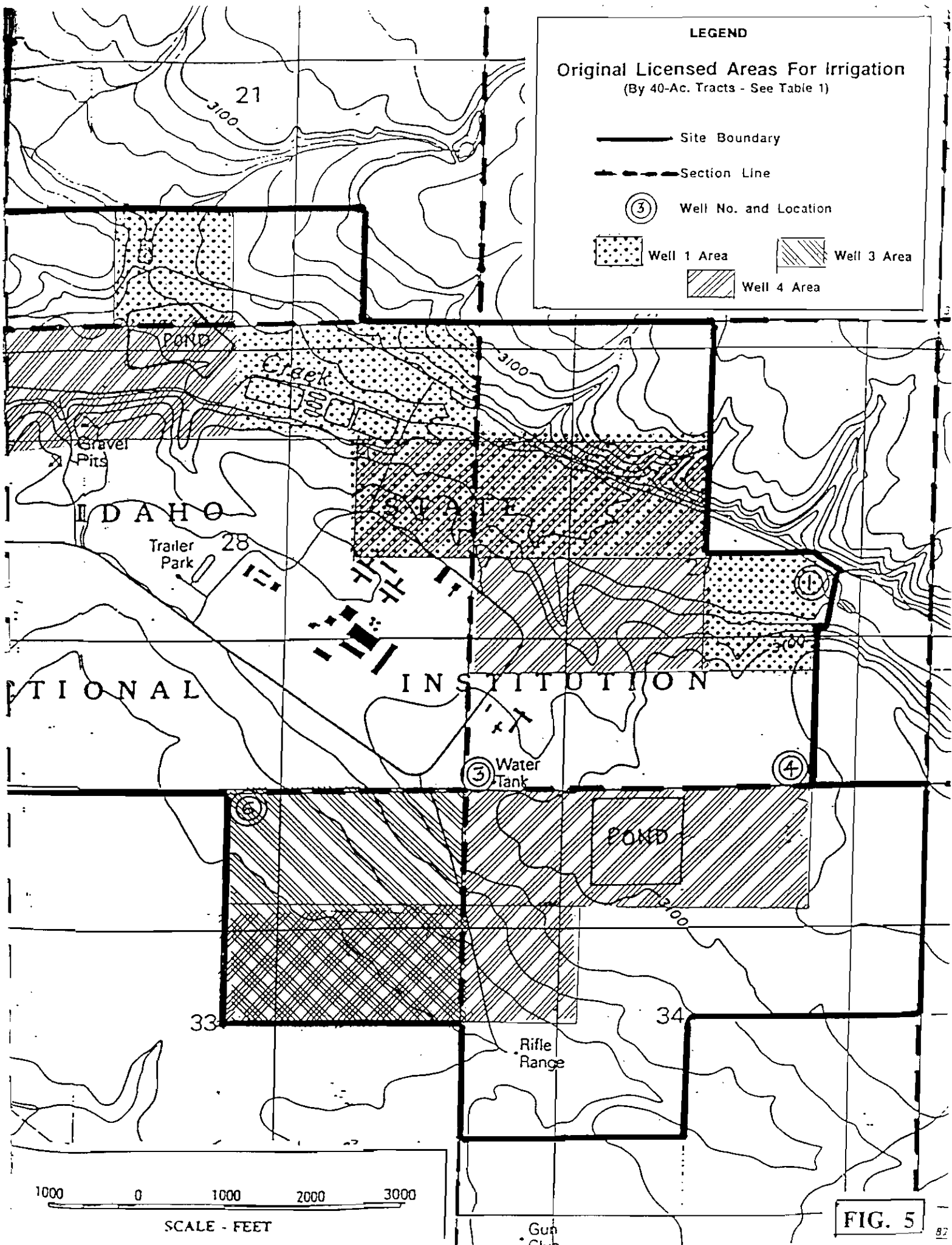
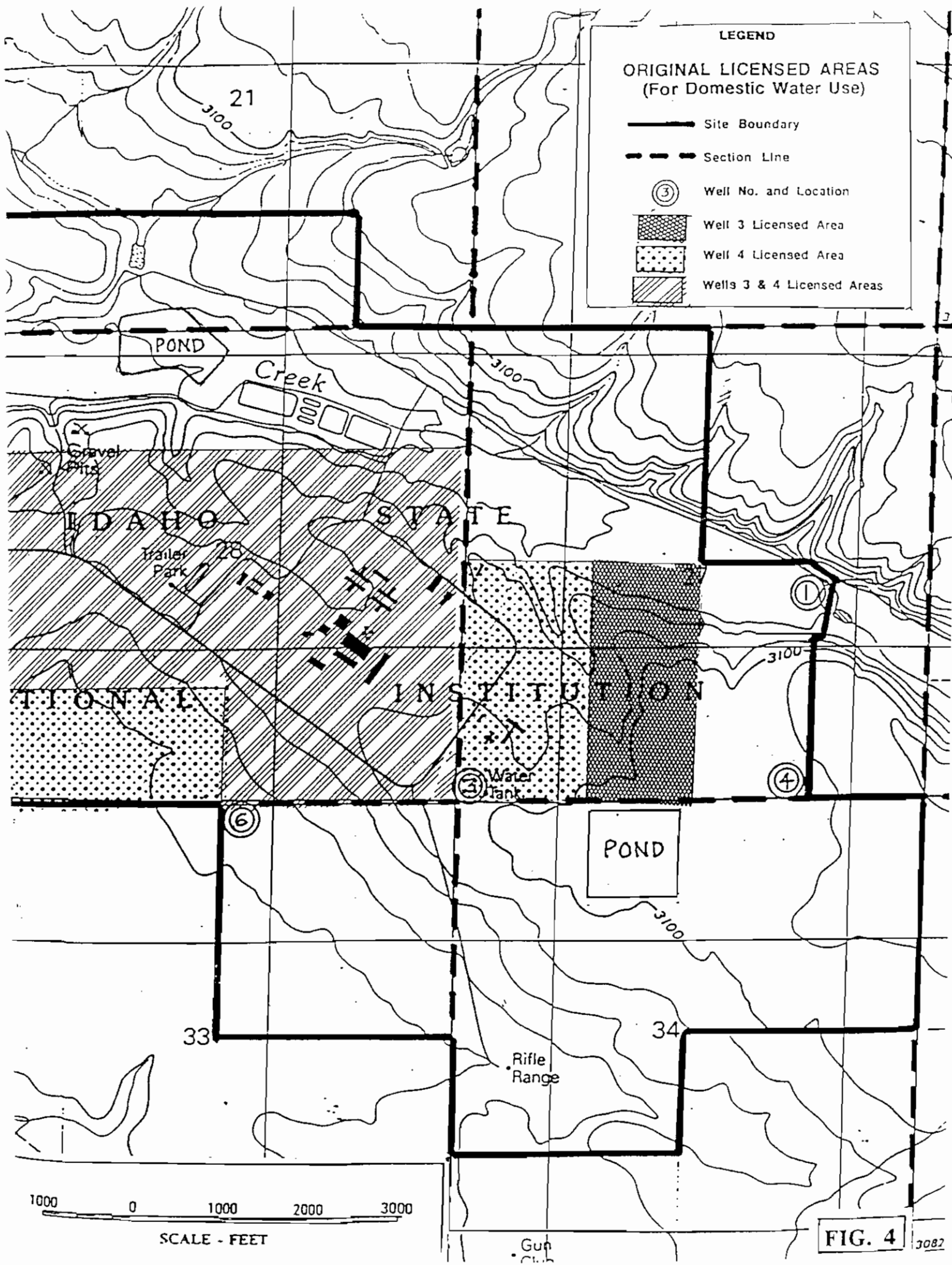


FIG. 5



State of Idaho

License and Certificate of Water Right

Water License No. G-30342

Amount 2.92 c.f.s.

Water District No.

Priority January 2, 1962

THIS IS TO CERTIFY that CARL E., BLANCHE, TOM and CARL V. NICHOLSON of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 2, 1962; that Permit No. G-30342 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.92 second feet, was issued thereunder on December 23, 1965, showing that said works were completed on the 29th day of January, 1965; and that on the 29th day of January, 1965, CARL E., BLANCHE, TOM and CARL V. NICHOLSON

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation and stock water, under Use Permit No. G-30342 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 8430, on the 23 day of December, 1965; The right hereby confirmed dates from January 2, 1962; The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 27, Tp. 2 N. R. 2 E, B. M. Ada County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.92 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N	2 E	21	SE 1/4 SW 1/4	20	15
			SE 1/4 NW 1/4	40	25
			SW 1/4 NW 1/4	40	30
			NE 1/4 SE 1/4	40	5
		28	NW 1/4 SE 1/4	40	22
			NE 1/4 SW 1/4	40	12
			NE 1/4 NW 1/4	40	20
			NW 1/4 NE 1/4	40	34
			SE 1/4 NE 1/4	40	12
			NE 1/4 NW 1/4	40	31
			NW 1/4 NW 1/4	40	22
			Total number of acres to be irrigated: 228		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

23 day of December, 1965.

/s/ RALPH V. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

63 6271

WELL NO. 1

A

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32701/63-3487 Priority Jan. 20, 1966 Amount 5.40 cfs

THIS IS TO CERTIFY, that the State of Idaho, Idaho State Board of Correction
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 32701/63-3487 issued pursuant to Application for Permit dated January 20, 1966,
and has submitted proof to the Department of Water Administration on November 18, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 5.40 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 2.80 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount 5.40 cfs for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 5.40 cfs for Fire Protection from Jan. 1 to Dec. 31 (both dates inclusive)
Subject, however, to the condition that no more than 5.40 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SW1/4 Sec. 27, Twp. 2 N, Rge. 2 E, B.M.

in the county of Ada; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 630 acre feet per year or _____

4.5 acre feet per acre, for irrigation use and 1,971 acre feet per year
for domestic use with the total amount not to exceed 2,601 acre feet per year.
Description and location of place of use:

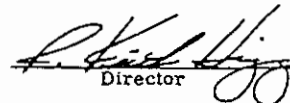
TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	2E	33	35	35	35	35													140
		27	(domestic use)								X			X					
		28			X	X			X	X	X	X			X	X	X	X	

Total number of acres irrigated 140

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19 day of

June, 19 73.


Director

63 3487

B

WELL NO. 3

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-7025

Priority: September 22, 1967 Amount: 3.38 CFS 1252.0 AFA

This is to certify, that IDAHO STATE PENITENTIARY
AG DEPT., BOX 14
BOISE, ID 83707

has complied with the terms and conditions
of the permit issued pursuant to Application for Permit dated September 22, 1967, and
has submitted proof to the Department of Water Resources on September 27, 1974, that
water has been applied to a beneficial use; an examination by the Department indicates
that the works have a diversion capacity of 3.38 cfs of water from a GROUNDWATER
source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	3.38 cfs	1184.8 afa
Domestic	01/01 to 12/31	.50 cfs	67.2 afa
Fire protection	01/01 to 12/31	.50 cfs	
Totals		3.38 CFS	1252.0 AFA

LOCATION OF POINT OF DIVERSION(S): SWSE, Sec. 27, Township 2N, Range 2E
Ada County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
2N	2E	27	SWNW 22	SENE 7	SENW 5	NESW 4	32
		28	SENE 7	NENW 15	NWNW 9	NWSW 1	31
		33	SWNE 40	SENE 39			79
		34	NWNE 40	NENW 40	NWNW 40	SWNW 2	122

Total number of acres irrigated: 264

PLACE OF USE: Domestic

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>
2N	2E	27	NWSW	SWSW	SENW	SESE
		28	SWNE	SENE	SWNW	SESW
			NESW	NWSW	SWSW	SESE
			NESE	NWSE	SWSE	

PLACE OF USE: Fire protection, same as Irrigation use

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.

MICROFILMED

OCT 09 1981

WELL NO. 4

C

PAGE 2

WATER RIGHT LICENSE

WATER RIGHT NO. 63-7025

CONDITIONS/REMARKS:

3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24th day of SEPTEMBER, 1987.

Acting for the

Director



RECORDED

OCT 09 1987

C

NO. 4

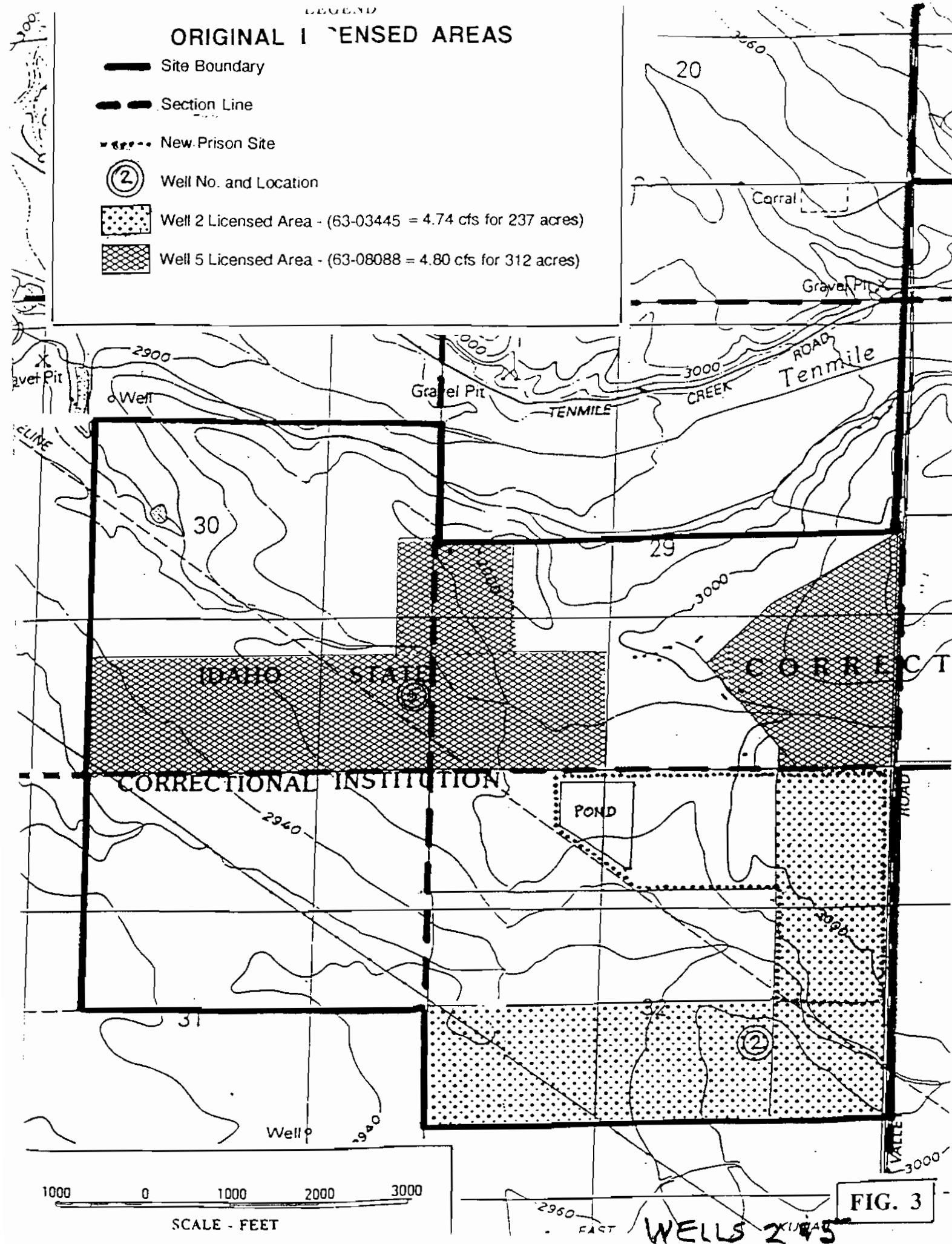
SUPPORTING DATA

For Transfer - Wells 2 & 5
West of Pleasant Valley Rd

LEUEN

1000-0000

②



State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32333/63-3445 Priority April 16, 1965 Amount 4.74 cfs

THIS IS TO CERTIFY, that the Idaho State Penitentiary
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 32333/63-3445 issued pursuant to Application for Permit dated April 16, 1965
and has submitted proof to the Department of Water Administration on December 22, 1969
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 6.19 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 4.74 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 4.74 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, Twp. 2 N, Rge. 2 E, B.M.

in the county of Ada; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,066.5 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2 N	2 E	32	39			39					40	40			39	40			237

Total number of acres irrigated 237

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 20 day of
November, 19 73.


Director

63 3445

WELL NO. 2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5314
WATER RIGHT NO. 63-03445

This is to certify that: STATE OF IDAHO
DEPARTMENT OF CORRECTIONS
1299 N ORCHARD STE 110
BOISE ID 83706

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.50 CFS	562.5 AF
DOMESTIC	01/01 to 12/31	2.24 CFS	504.0 AF
FIRE PROTECTION	01/01 to 12/31	4.74 CFS	
	Totals	* 4.74 CFS	* 1066.5 AF

SOURCE

GROUNDWATER

Priority: 04/16/1965

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 30, Township 02N, Range 02E
NENE , Sec. 32, Township 02N, Range 02E
SENE , Sec. 32, Township 02N, Range 02E
NWSE , Sec. 32, Township 02N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N 02E 32	NENE 2	SENE 3	NESW 40	
	NWSW 40	NWSE 40		125
		Total number of acres irrigated:		125

PLACE OF USE: DOMESTIC

<u>TWN RGE SEC</u>			
02N 02E 31	NENE	NWNE	SWNE
	SENE	NENW	SENW
32	NENE	SENE	

PLACE OF USE: FIRE PROTECTION, same as DOMESTIC use

WELL NO. 2 - TRANSFER

TRANSFER NO. 5314
WATER RIGHT NO. 63-03445

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 5. The total instantaneous diversion of water from all points of diversion under Transfer 5314 shall not exceed 4.74 cfs, nor a total combined annual volume of 1066.5 af.
6. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
7. If Right 63-03445 is ever regulated, the domestic use under this right shall assume a priority date of August 11, 1998.
8. The water used for domestic use under this transfer approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used for domestic use as authorized by the water right.
9. Domestic use is for a prison facility located within the E1/2NE, S32, T02N, R02E.

Dated this 29th day of

October

, 1998


Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)

License of Water Right No. 63-8088 Priority February 27, 1975 Amount 4.8 cfs

THIS IS TO CERTIFY, that Idaho State Dept. of Corrections
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 63-8088 issued pursuant to Application for Permit dated February 21, 1975
and has submitted proof to the Department of Water Resources on March 7, 1980
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.86 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 1 to November 1</u>	<u>4.8 cfs</u>	<u>1404.0 acre feet</u>
_____	_____	_____	_____
_____	_____	_____	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.8 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1404.0 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30 Twp.
2N, Rge. 2E in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	2E	29											23	40	20	40	15	40	178
		30													40	14	40	40	134

Total number of acres irrigated 312

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of

June, 19 83.

Director

WELL NO. 5