

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-09245

Date Received: 8-23-89

Receipt No: C010112

Received By: CP

CS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EAGLE WATER CO.
Address: P.O. BOX 455
EAGLE, ID

208-939-0242

83616

2. Date of Priority: JUN 08, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	9	NE	SE	NE		ADA
			NE	SW	NW		ADA
			SW	SW	NW		ADA

5. Description of diverting works:
3 WELLS, INTERCONNECTED WITH U.G. MAINLINES, 90,000 GALLON TANK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FIRE PROTECTION	01/01	12/31	3.500		
MUNICIPAL	01/01	12/31	1.100		

7. Total Quantity Appropriated is:
3.500 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MUNICIPAL, CITY OF EAGLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	8			MUNI	
		9			MUNI	
		10			MUNI	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
63-07368 & 63-07618

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do x do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of Title

EAGLE WATER CO. , that I have signed the foregoing Organization document in the space below as PRESIDENT of Title

EAGLE WATER CO. and that the statements contained in the Organization foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

PRESIDENT EAGLE WATER CO.
Title and Organization

8-15-89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of August 19 89

Betty E. Halt
Notary Public

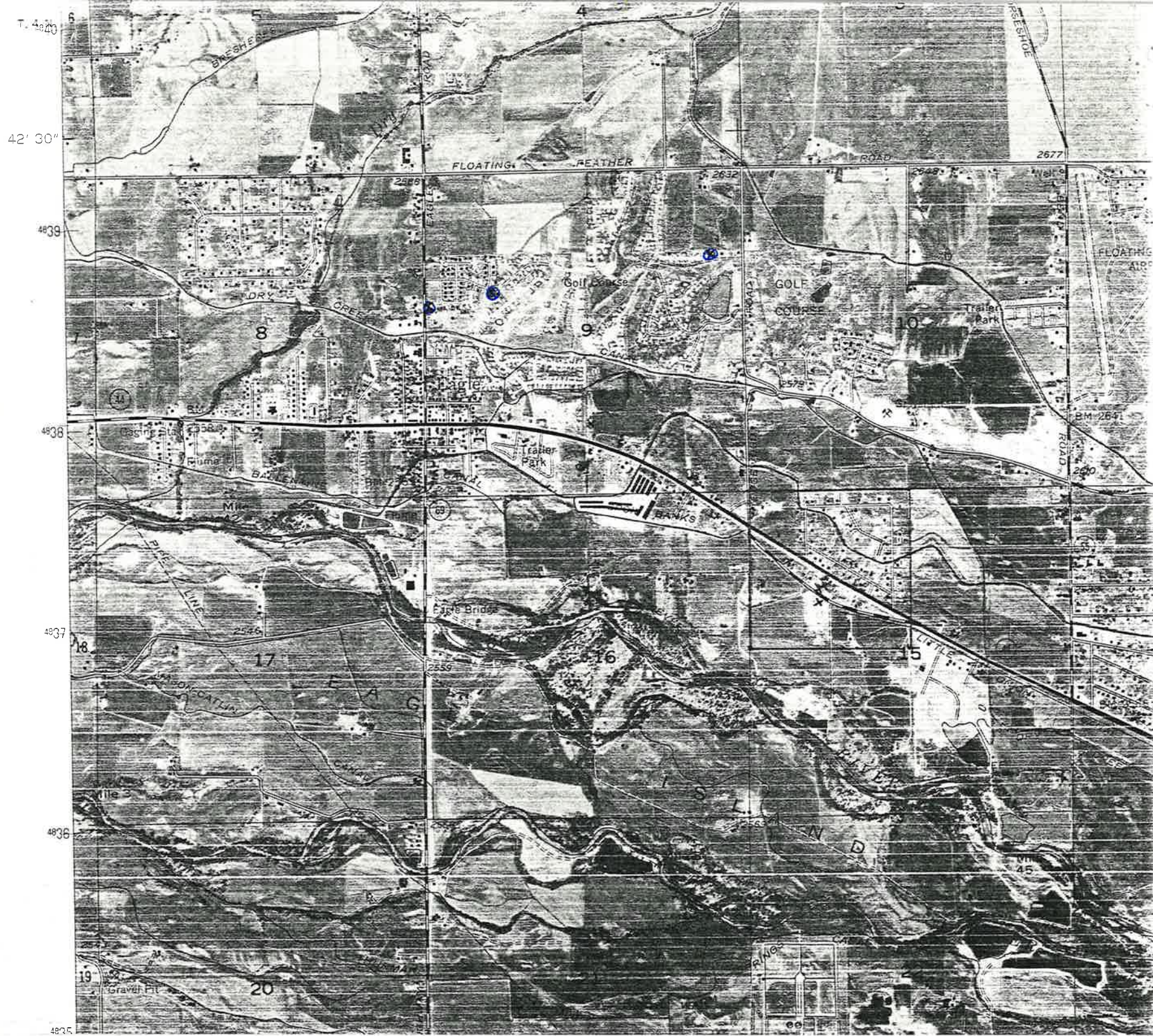
Seal

Residing at Bain, Idaho

My Commission Expires 12/1/92

T 4N
R 1E

MICROFILMED
AUG 24 1992



4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Eagle Water

CLAIM IDENT. NO.

AL3-09245

DATE RECEIVED

8/23/89

CK #

601012

AMOUNT \$

160⁰⁰

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ *
Is the consumptive use correct? ☒ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ *
N/A ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ *
N/A ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ *
N/A ☒ YES ☐ NO ☐ *
10 fee incl
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ *
Exempt ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ *
N/A ☒ YES ☐ NO ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by: BDate: 6/13/90

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

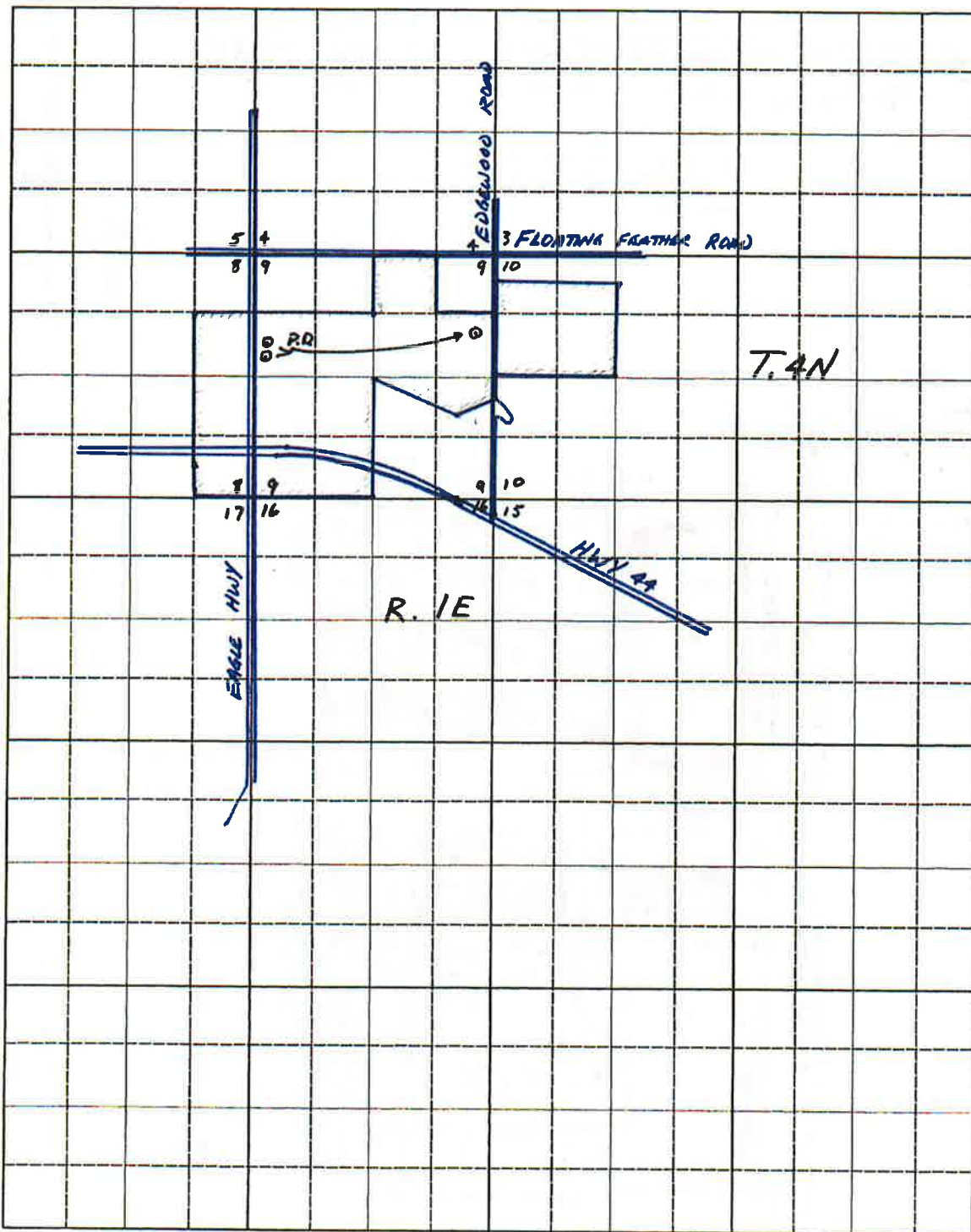
Date:

Comments:

MICROFILMED

AUG 24 1992

11. 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.

Emily B. De Shazo for Eagle Ranch
(Applicant) Water Co. Inc.

1733

EAGLE RANCH SUBDIVISION NO. 1

IN THE S. $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec 9, T.4N, R.1E, B.M.

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation, if any, with another or re-survey.

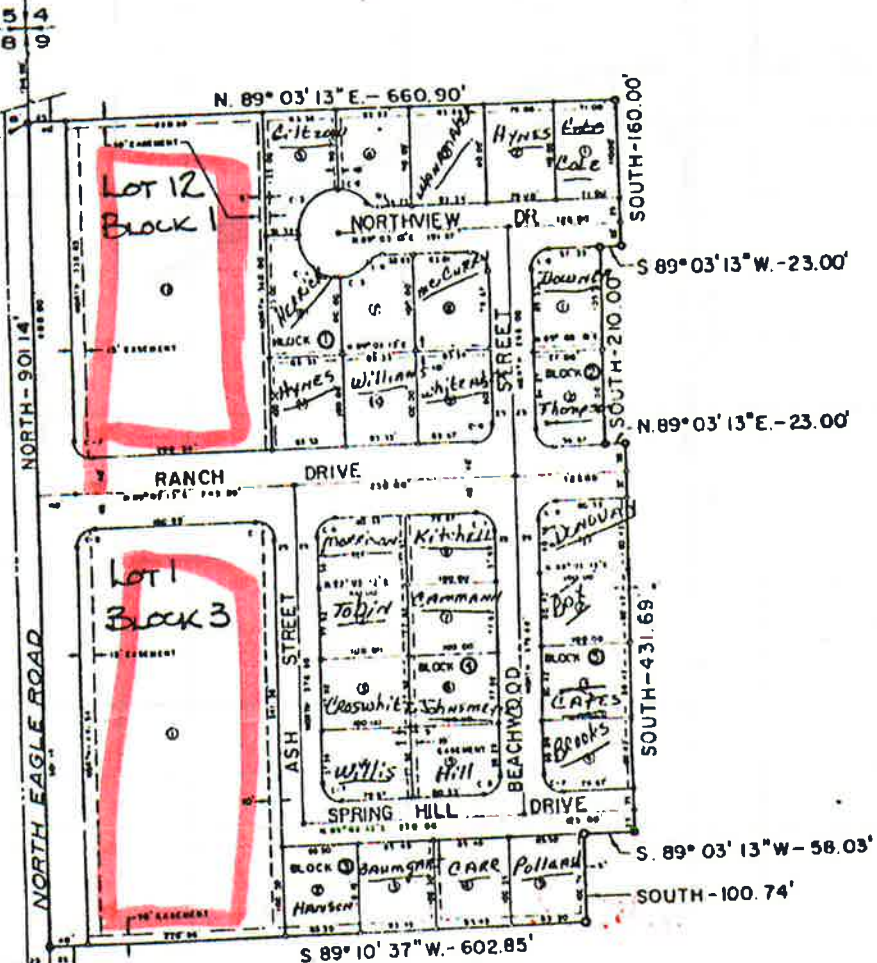
RECORDED
JUN 19 1990



Department of Water Resources

FLOATING
FEATHER ROAD

INITIAL POINT
N. $\frac{1}{4}$ cor. Sec 889



MICROFILMED

JUN 21 1990

Exhibit 7

RECEIVED

OCT 08 2008

WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Water Right: 63-9245

Case No. 39576

AMENDED NOTICE OF
COMPLETED
ADMINISTRATIVE
PROCEEDING

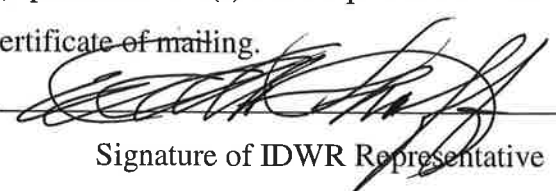
IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ IC § 42-222 transfer
- ☒ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☒ Other: Conditions & Remarks

IDWR certifies that it has completed its investigation into the changes to the elements of the water right listed above as set forth in the attached *Amended Director's Report* for said water right. No other changes have been made to the elements of this water right except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Oct 3, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10/7, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

3. Copies to all parties to the subcase:

Eagle Water Co., Inc.
P.O. Box 455
Eagle, ID 83616-0455



Signature of person mailing this document

10/02/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9245

NAME AND ADDRESS: EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.500 CFS

This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.

PRIORITY DATE: 06/08/1979

POINT OF
DIVERSION:

T04N R01E S9 NESENE Within ADA County
T04N R01E S9 NESWNW Within ADA County
T04N R01E S9 SWSWNW Within ADA County
T04N R01E S15 NESW Within ADA County
~~T04N R01E S15 SWNESW Within ADA County~~

To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, the new well used as a point of diversion for this water right located within the NESW, S15, T4N, R1E shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	3.500 CFS
MUNICIPAL	01/01 12/31	1.100 CFS

PLACE OF USE:

~~The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.~~

Place of use is within the service area of the Eagle Water Company municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

The right holder shall accomplish the change authorized by Transfer 75035 within one year of the date of the approval.

~~The right holder shall accomplish the change authorized by Transfer 74820 within one year of the date of the approval.~~

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9245

NAME AND ADDRESS: EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.500 CFS

This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.

PRIORITY DATE: 06/08/1979

POINT OF DIVERSION:

T04N R01E S9 NESENE Within ADA County

T04N R01E S9 NESWNW Within ADA County

T04N R01E S9 SWSWNW Within ADA County

T04N R01E S15 NESW Within ADA County

~~T04N R01E S15 SWNESW Within ADA County~~

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PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	3.500 CFS
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Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Water Rights: 63-9245

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- XX IC § 42-222 transfer

- | | | | |
|--------------------------|----------------------|--------------------------|---------------------|
| XX | Point of diversion | ☐ | Place of use |
| ☐ | Period of use | ☐ | Nature of use |
| ☐ | Split of water right | ☐ | Change in ownership |

XX Other – Conditions & Remarks

- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: August 27, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 27, 2008 I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

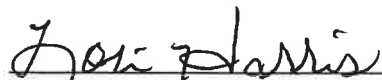
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Eagle Water Co. Inc.
PO Box 455
Eagle ID 83616-0455

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 27, 2008

EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455

Re: Water Right No. 63-9245

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

WATER RIGHT NO. 63-9245
As Modified by Transfer No. 75035

In accordance with the approval of Transfer No. 75035, Water Right No. 63-9245 is now described as follows.

Right Holder: EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455

Priority Date: June 08, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
FIRE PROTECTION	01/01	to 12/31	3.50 CFS
MUNICIPAL	01/01	to 12/31	1.10 CFS
			3.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENE	Sec. 9 Twp 04N Rge 01E ADA County
GROUND WATER	NESWNW	Sec. 9 Twp 04N Rge 01E ADA County
GROUND WATER	SWSWNW	Sec. 9 Twp 04N Rge 01E ADA County
GROUND WATER	NESW	Sec. 15 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the Eagle Water Company municipal water supply system as provided for under Idaho Law.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 63-9245
As Modified by Transfer No. 75035

CONDITIONS OF APPROVAL

7. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, the new well used as a point of diversion for this water right located within the NESW, S15, T4N, R1E shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of August, 20 08


John Westra, Western Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75035

This is to certify that: EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455
(208)939-0242

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-9245	AJC/License	06/08/1979	3.5 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-9245	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-9245	63-9245	3.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		3.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of August, 20 08


John Westra, Western Regional Manager

RECEIVED

Page 1 of 6 **AUG 22 2008**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75035

WATER RESOURCES
WESTERN DIVISION
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant EAGLE WATER COMPANY

Phone (208) 939-0242-office
(208) 939-0267 - Mr. De
shdzo

Mailing address P.O. Box 455 Eagle, Id. 83616

Email N/A

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other:

2. Describe the reason for the proposed changes See attachment

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|----------|--------------------|-----------------|----------------|
| A63-09245 | 6-8-1979 | 3.5 cfs | Fire Protection | 01/01 to 12/31 |
| A63-09245 | 6-8-1979 | 1.1 cfs | Municipal Use | 01/01 to 12/31 |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred .0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water tributary to N/A
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	SW	SW	NW	9	4N	1E	Ada	Eagle Water Company
	NW	SW	NW	9	4N	1E	Ada	Eagle Water Company
	NE	SE	NE	9	4N	1E	Ada	Eagle Water Company
→		NE	SW	15	4N	1E	Ada	Eagle Water Company

5. Lands irrigated on place of user.

5. Lands irrigated or place of use:

[illegible]

TO CORRECT THE RECORD & TRANSFER 748201 ^{Total Acres} _____
NEW WELL IN 40 ACRES, NOT IN 10 ACRES, SEE
REVIEW ANSWER

PART 1

6. General Information:

a. Description of diversion system Well & Pump

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
N/A

d. Remarks:
N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

(SEE ATTACHED)

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above N/A

Transfer No. _____

- B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED *N/A*

(If the entire right is to be changed by the applicant omit part B and C.)

2. Point(s) of Diversion:

3. Lands irrigated or place of use:Total Acres _____

- C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

2. Point(s) of Diversion:

3. Lands irrigated or place of use:[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

SEE QUAD MAP COPY
(1 1/2" MIN. U.S.G.S. NEXT SHEET)

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE N/A

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

ROBERT DESHAZO Jr.
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 22nd day of August, 2008

Melissa A Shirley
 My Commission Expires On December 17, 2010
 (Notary Public)

My commission expires _____



FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments

Received by [Signature] Date 8-22-08 Protest filed by _____

Prelim. Check by [Signature] Fee \$370-

Receipted by DB/W036851 Date 8-22-08

Published in > N/A no Ads required Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74820

This is to certify that: EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455
(208)939-0242

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-9245	AJC/License	06/08/1979	3.5 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

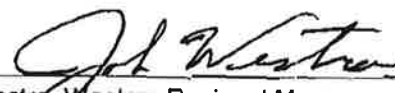
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-9245	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-9245	63-9245	3.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		3.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 25th day of July, 2008


John Westra, Western Regional Manager

Attachment A (3 pgs)

SCANNED
JUL 25 2008

WATER RIGHT NO. 63-9245
As Modified by Transfer No. 74820

In accordance with the approval of Transfer No. 74820, Water Right No. 63-9245 is now described as follows.

Right Holder: EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455

Priority Date: June 08, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
FIRE PROTECTION	01/01 to 12/31		3.50 CFS
MUNICIPAL	01/01 to 12/31		1.10 CFS
			3.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENE	Sec. 9 Twp 04N Rge 01E ADA County
GROUND WATER	NESWNW	Sec. 9 Twp 04N Rge 01E ADA County
GROUND WATER	SWSWNW	Sec. 9 Twp 04N Rge 01E ADA County
GROUND WATER	SWNESW	Sec. 15 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the Eagle Water Company municipal water supply system as provided for under Idaho Law.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

A2

SCANNED
JUL 25 2008

WATER RIGHT NO. 63-9245
As Modified by Transfer No. 74820

CONDITIONS OF APPROVAL

6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to Boise River, the new well used as a point of diversion for this water right located within the SWNESW, S15, T4N, R1E shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs.

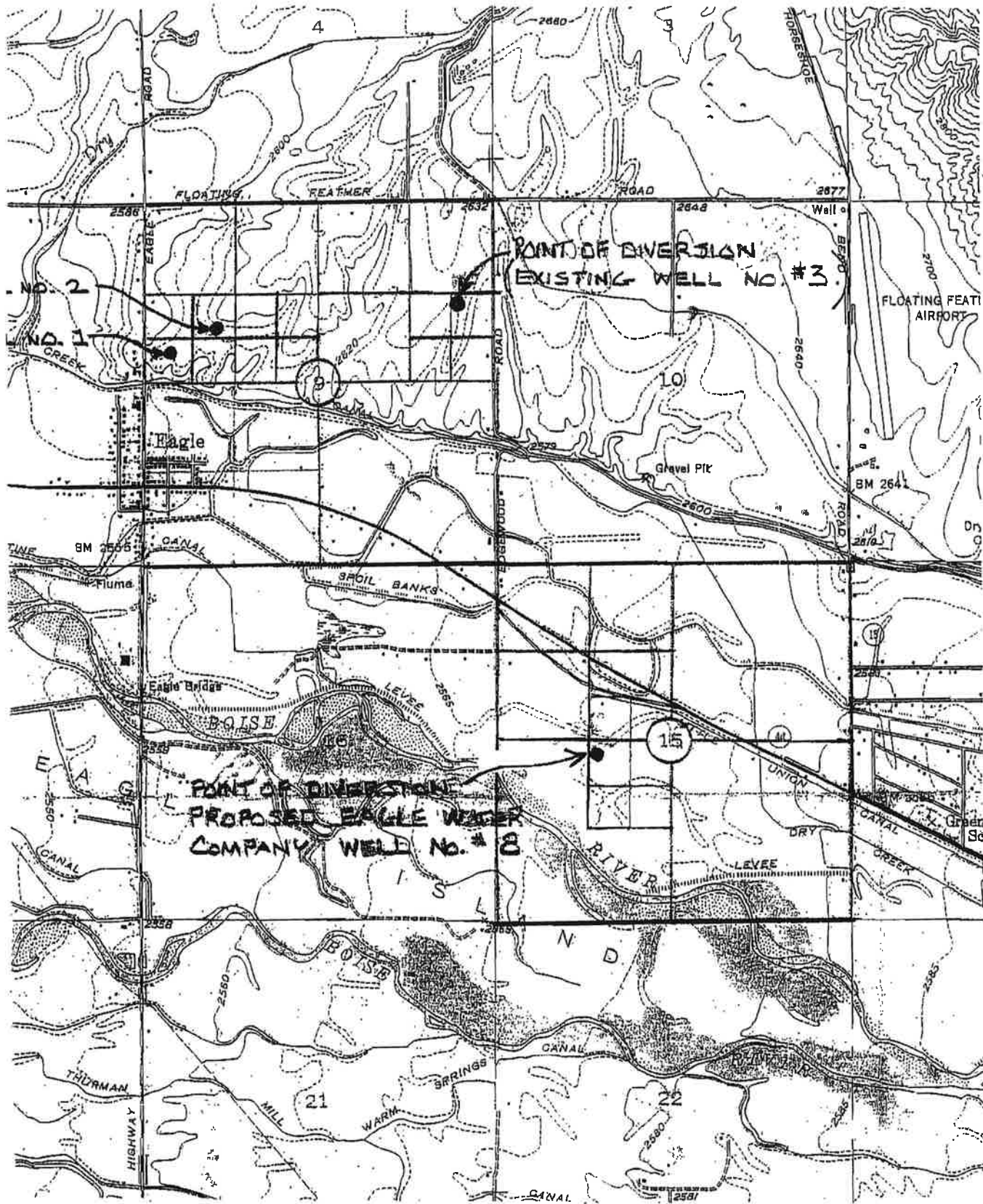
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of July, 20 08


John Westra, Western Regional Manager

A₂

SCANNED
JUL - 2008



- U.S.G.S. MAP -

ATTACHMENT B

A. Purpose of Transfer

2. Well No. 3 Eagle Water Company's System

Well No. 3 of the Eagle Water Company's System was originally drilled by the developer of Eagle Hills West No. 1 Subdivision, which was recorded in 1976. It was well No. 1 of the Eagle Hill Water System. In 1977, due to the development of subdivisions 2, 3, and 4, the well was deepened to 466 feet to produce 600 G.P.M. at 118 feet. When Eagle Water Company acquired the Eagle Hill Subdivision Water System this well became Well No. 3 in its system. Due to problems of sand production at high flow above 350 G.P.M. it is currently used only during high demand periods. Although it has been equipped with a sand separator, which minimized the sand problem, it is normally operated at less than half of its capacity.

Because the location is near a golf course utilizing chemicals for weed control and fertilization, it would be extremely difficult to drill a replacement well and meet the present requirement of the State Department of Environmental Quality and the 50-foot separation from potentially hazardous substance.

An existing water system at a trailer park in Eagle Water's service area which is adjacent to one of Eagle Water's mains was tested and found Radium or Uranium above DEQ standards. They now desire to connect to the Eagle Water System; however, at the present time the Department of Environmental Quality (DEQ) has issued a moratorium on additional hookups to the Eagle Water System until Eagle Water demonstrates that it has sufficient water pressure throughout its system to handle fireflow pressure demands in a worst-case scenario.

Consequently, it is imperative that Eagle Water be allowed to develop this additional point of diversion to: (1) get the DEQ moratorium lifted; (2) provide access to safe drinking water to the residents of the afore-mentioned trailer park; and (3) allow numerous development projects that are waiting to go forward once the moratorium is lifted to proceed in a timely and cost-effective manner.

We would greatly appreciate any assistance your office could give to expedite the approval of this diversion point as it is in the best interest of the citizens of Eagle for Eagle Water to proceed as quickly as possible.

Attachment C

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9245

NAME AND ADDRESS: EAGLE WATER CO INC
172 W STATE ST
PO BOX 455
EAGLE ID 83616-0455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.500 CFS

This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.

PRIORITY DATE: 06/08/1979

POINT OF DIVERSION:

T04N R01E S9 NESENE Within ADA County

T04N R01E S9 NESWNW Within ADA County

T04N R01E S9 SWSWNW Within ADA County

T04N R01E S15 SWNESW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	3.500 CFS
MUNICIPAL	01/01 12/31	1.100 CFS

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the service area of the Eagle Water Company municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted

and shall annually report the information to the Department.

The right holder shall accomplish the change authorized by Transfer 74820 within one year of the date of the approval.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Water Rights: 63-9245

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

XX Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

XX Other – Conditions & Remarks

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 30, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on July 30, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Eagle Water Co Inc
172 W State St
PO Box 455
Eagle ID 83616-0455

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 30, 2008

EAGLE WATER CO INC
172 W STATE ST
PO BOX 455
EAGLE ID 83616-0455

Re: Water Right No. 63-9245

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in black ink that reads "Lori Harris". The signature is written in a cursive, flowing style.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

WATER RIGHT NO. 63-9245
As Modified by Transfer No. 74820

In accordance with the approval of Transfer No. 74820, Water Right No. 63-9245 is now described as follows.

Right Holder: EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455

Priority Date: June 08, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
FIRE PROTECTION	01/01	to 12/31	3.50 CFS
MUNICIPAL	01/01	to 12/31	1.10 CFS
			3.50 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENE	Sec. 9 Twp 04N Rge 01E	ADA County
GROUND WATER	NESWNW	Sec. 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWSWNW	Sec. 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWNESW	Sec. 15 Twp 04N Rge 01E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the Eagle Water Company municipal water supply system as provided for under Idaho Law.
2. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

SCANNED

JUL 25 2008

WATER RIGHT NO. 63-9245
As Modified by Transfer No. 74820

CONDITIONS OF APPROVAL

6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to Boise River, the new well used as a point of diversion for this water right located within the SWNESW, S15, T4N, R1E shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 25th day of July, 20 08


John Westra, Western Regional Manager

SCANNED

JUL 25 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 74820

This is to certify that: EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455
(208)939-0242

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-9245	AJC/License	06/08/1979	3.5 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-9245	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-9245	63-9245	3.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		3.5 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 25th day of July, 20 08


John Westra, Western Regional Manager

SCANNED
JUL 25 2008

PART 1

6. General Information:

a. Description of diversion system Well and pump

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
NA Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NA

d. Remarks:
NA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

 For the Director

SCANNED
 JUN 28 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

SEE ATTACHED

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above

63-7368 - 7618 - 11748 - 12147 - 12559 (perhaps 1 more)

SCANNED

JUN 26 2008

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

Total Acres _____

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

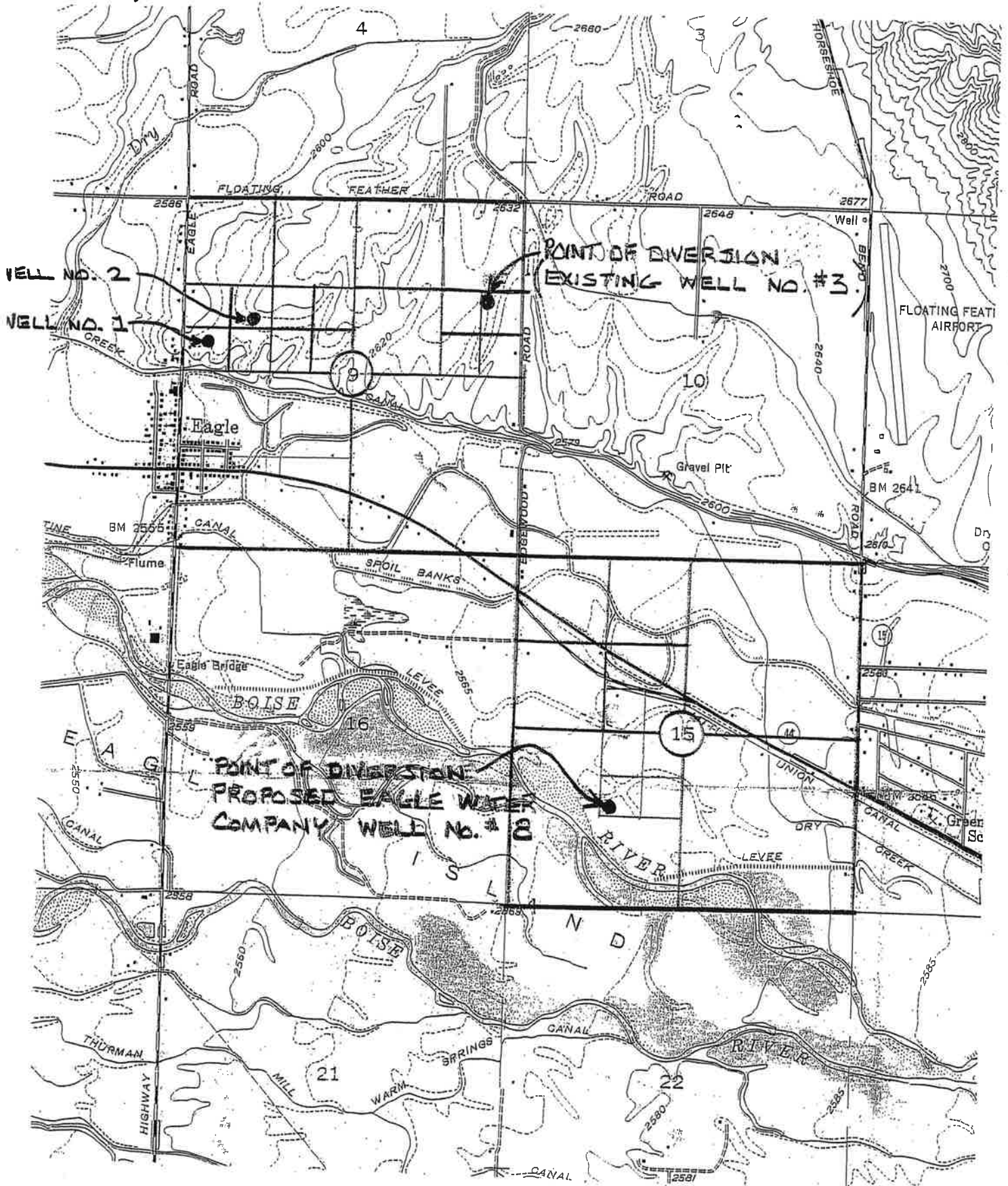
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

SCANNED

JUN 26 2008

Pg 5 of 6



- U.S. G. S. MAP -

SCANNED

JUN 26 2008

PART 3

B. CHANGES IN NATURE OF USE

N/A

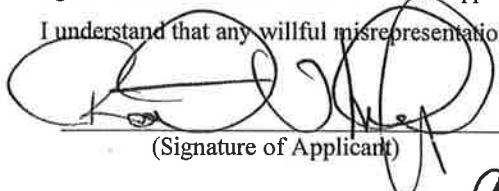
1. New Nature of Use _____ Amount(cfs/af-ft) _____ Hours/days/year _____ Period of Use _____
_____ to _____
_____ to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.


(Signature of Applicant)

ROBERT DE SHAZO JR.
Print Name (and title, if applicable)

Subscribed and sworn to before me this 9th day of May, 2008

Melissa A Shirley
(Notary Public)



My commission expires _____
My Commission Expires On
December 17, 2010

(W036456)

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments
Received by Van O-er Date May 9, 08 Protest filed by _____
Prelim. Check by SL Fee \$100.00 W036456 } plus \$ 270 W036631
Received by SL Date May 9, 08 } 6/23/08
Published in IDAHO STATESMAN DB Copies of protest forwarded by _____
Pub. Dates JULY 3 & 10, 2008 Hearing held by _____ Date _____
Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____
Copy of transfer sent to lien holder _____

TOTAL \$ 370 paid - ok - SL

SCANNED
JUN 26 2008

A. Purpose of Transfer

2. Well No. 3 Eagle Water Company's System

Well No. 3 of the Eagle Water Company's System was originally drilled by the developer of Eagle Hills West No. 1 Subdivision, which was recorded in 1976. It was well No. 1 of the Eagle Hill Water System. In 1977, due to the development of subdivisions 2, 3, and 4, the well was deepened to 466 feet to produce 600 G.P.M. at 118 feet. When Eagle Water Company acquired the Eagle Hill Subdivision Water System this well became Well No. 3 in its system. Due to problems of sand production at high flow above 350 G.P.M. it is currently used only during high demand periods. Although it has been equipped with a sand separator, which minimized the sand problem, it is normally operated at less than half of its capacity.

Because the location is near a golf course utilizing chemicals for weed control and fertilization, it would be extremely difficult to drill a replacement well and meet the present requirement of the State Department of Environmental Quality and the 50 -foot separation from potentially hazardous substance.

An existing water system at a trailer park in Eagle Water's service area which is adjacent to one of Eagle Water's mains was tested and found Radium or Uranium above DEQ standards. They now desire to connect to the Eagle Water System; however, at the present time the Department of Environmental Quality (DEQ) has issued a moratorium on additional hookups to the Eagle Water System until Eagle Water demonstrates that it has sufficient water pressure throughout its system to handle fireflow pressure demands in a worst-case scenario.

Consequently, it is imperative that Eagle Water be allowed to develop this additional point of diversion to: (1) get the DEQ moratorium lifted; (2) provide access to safe drinking water to the residents of the afore-mentioned trailer park; and (3) allow numerous development projects that are waiting to go forward once the moratorium is lifted to proceed in a timely and cost-effective manner.

We would greatly appreciate any assistance your office could give to expedite the approval of this diversion point as it is in the best interest of the citizens of Eagle for Eagle Water to proceed as quickly as possible.

Attachment A

SCANNED

JUN 26 2008

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Water Rights: 63-9245

**NOTICE OF ADMINISTRATIVE
PROCEEDING**

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

- ☐ Substitution of Party (waiting for documentation)
- ☐ Substitution of Party/Split Water Right
- ☒ Amended Transfer Pending

IDWR projects the Administrative Proceeding shall be completed not later than: July 1, 2009

Dated July 1, 2008



Signature of IDWR Representative

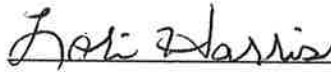
INSTRUCTIONS FOR MAILING

Mail this form to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

CERTIFICATE OF MAILING

I certify that on July 1, 2008, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707
2. One copy to Claimant:
Eagle Water Co.
172 W. State St.
PO Box 455
Eagle ID 83616-0455
3. One copy to:
Each party in the subcase, or attorney of record:



Signature of person or attorney mailing the form



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 1, 2008

EAGLE WATER CO
172 W STATE ST
PO BOX 455
EAGLE ID 83616-0455

Re: Water Right No. 63-9245

Dear Sir or Madam:

Enclosed is a copy of the Notice of Administrative Proceeding regarding your water right(s) that have been sent to the Snake River Basin Adjudication Court in Twin Falls. This document is required to be filed by the Department in order to notify the Court of any contemplated changes to your water right(s).

The SRBA Court or Water Resources will notify you of any future action on your water right(s).

Please contact this office if you have any questions concerning this notification.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region

LH:I
Enclosure

11/18/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9245

NAME AND ADDRESS: EAGLE WATER CO INC
172 W STATE ST
PO BOX 455
EAGLE ID 83616-0455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.500 CFS

This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.

PRIORITY DATE: 06/08/1979

POINT OF DIVERSION:

T04N R01E S9 NESENE Within ADA County

T04N R01E S9 NESWNW Within ADA County

T04N R01E S9 SWSWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	3.500 CFS
MUNICIPAL	01/01 12/31	1.100 CFS

PLACE OF USE:

Place of use is within the service area of the Eagle Water Company municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/07/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9245

NAME AND ADDRESS: EAGLE WATER CO INC
172 W STATE ST
PO BOX 455
EAGLE ID 83616-0455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.500 CFS

This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.

PRIORITY DATE: 06/08/1979

POINT OF DIVERSION:

T04N R01E S9 NESENE Within ADA County

T04N R01E S9 NESWNW Within ADA County

T04N R01E S9 SWSWNW Within ADA County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	3.500 CFS
MUNICIPAL	01/01 12/31	1.100 CFS

PLACE OF USE:

Place of use is within the service area of the City of Eagle municipal water supply system as provided for under Idaho Law. *Eagle Water Co., Inc.*

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/07/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9245

NAME AND ADDRESS: EAGLE WATER CO INC
172 W STATE ST
PO BOX 455
EAGLE ID 83616-0455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.500 CFS

This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.

PRIORITY DATE: 06/08/1979

POINT OF DIVERSION:

T04N R01E S9 NESENE Within ADA County
T04N R01E S9 NESWNW Within ADA County
T04N R01E S9 SWSWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION	01/01 12/31	3.500 CFS
MUNICIPAL	01/01 12/31	1.100 CFS

PLACE OF USE:

Place of use is within the service area of the City of Eagle municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Dr

09/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9245

NAME AND ADDRESS: EAGLE WATER CO INC
172 W STATE ST
PO BOX 455
EAGLE ID 83616-0455

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.500 CFS

PRIORITY DATE: 06/08/1979

POINT OF DIVERSION:

T04N R01E S9 NESENE Within ADA County

T04N R01E S9 NESWNW Within ADA County

T04N R01E S9 SWSWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
OK →	~~FIRE PROTECTION~~	~~01/01 12/31~~	~~3.500 CFS~~
	MUNICIPAL	01/01 12/31	1.100 CFS

PLACE OF USE:

Place of use is within the service area of the City of Eagle municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Quantity This right when combined with Right Nos. 63-7368
Condition and 63-7618 shall not exceed 4.5 cfs.

Memo To File 63-9245

From: D. T. Thill

Date: 5 Nov 06

Re: Rate of Flow

The key to the rate of flow for this water right is the following condition on the license:

" This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs. "

63-7368	provides	2 cfs	for	municipal
63-7618	"	<u>1.4 cfs</u>	for	"
		3.4		

Thus, water rt. no 63-9245 can effectively provide no more than 1.1 cfs for municipal. This is the reason for the claimant providing a filing fee of only \$160 for this claim:

$$\begin{array}{rcl} 1.1 \text{ cfs} \times \$100 & = & \$110 \\ \text{claim fee } \$50 & = & \$50 \\ & & \$160 \end{array}$$

Thus, recommend 3.5 cfs for fire prot but only 1.1 cfs for municipal

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that EAGLE RANCH WATER COMPANY

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
----------------	---------------	-------------------	---------------

Subject, however, to the condition that no more than 3.5 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 N/A acre feet per year, said waters to be diverted within the (2 points) SW 1/4 NW 1/4 (1 point) SE 1/4 NE 1/4, Sec. 9, T. 4N, R. 1E in the County of Ada

Description and location of place of use:

[illegible]

Total number of acres irrigated _____

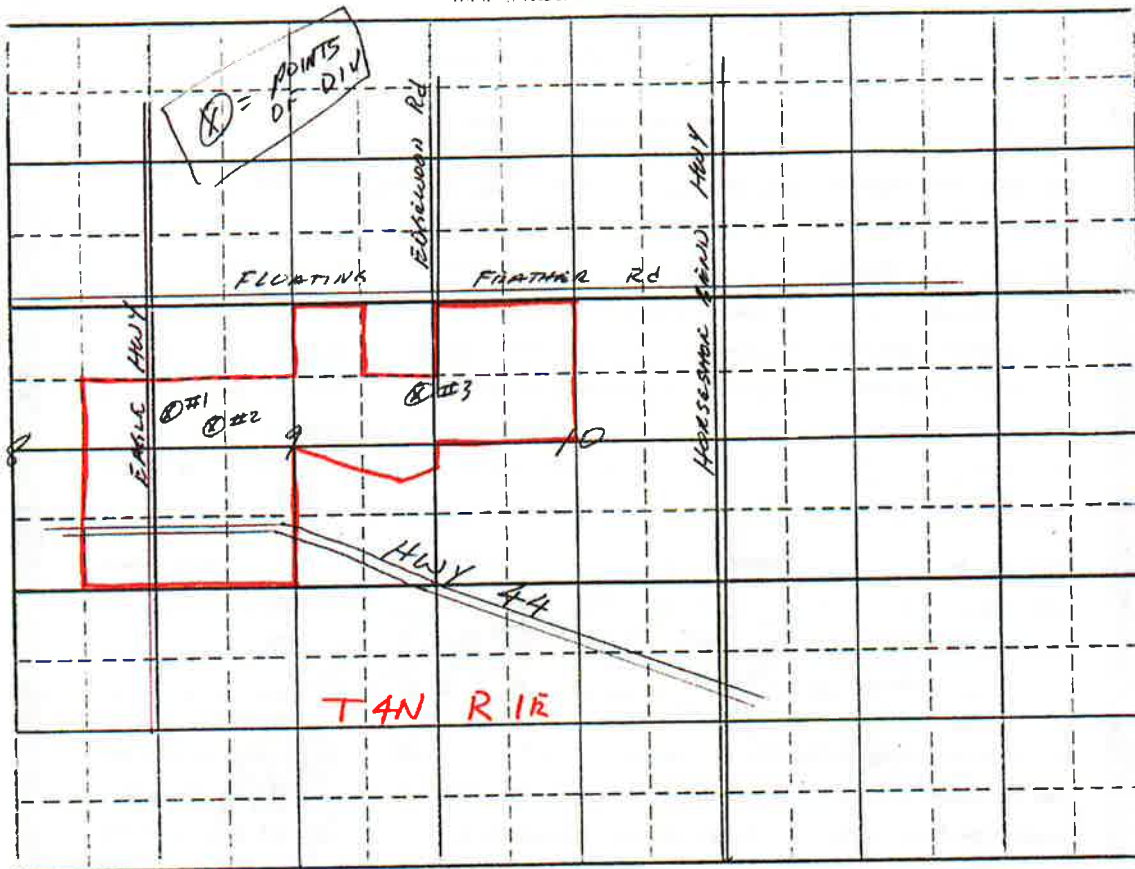
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24th day of May, 19 82.

Acting for the Director

WILDCAT

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

SIX INCH LINES FROM PUMPS TO EIGHT INCH SUBDIVISION AND MUNICIPAL LINES.

Point(s) of diversion: 2 POINTS SW 1/4 NW 1/4, Sec 9, T4N, R1E
1 POINT SE 1/4 NE 1/4 Sec 9, T4N, R1E

Place(s) of Use MUNICIPALITY OF EAGLE, IDAHO

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature Charles W. By - Jr.

Date 2/3/81

Checked by DFB

Date 5/11/81

Approved by [Signature]

Date 5/12/82



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 22, 2006

Eagle Water Co.
172 W State St.
PO Box 455
Eagle, ID 83616-0455

Attention: Robert DeShazo

Gentlemen:

RE: 63-7368, 63-7618 & ⁶³~~67~~-9245

Enclosed is a change of address form for claims that have been filed in the Snake River Basin Adjudication in the name of Eagle Water Co Inc. Before we can change our records, we require the enclosed Change of Address of Notice of Claim form be completed and returned to our office.

I have also enclosed a copy of a license and adjudication claim No. 63-9245 in the name of Eagle Water Co. In our telephone conversation, I pointed out the discrepancy in the quantity cfs claimed for the Municipal use from the licensed right of 3.5 cfs to the adjudication claim of 1.1 cfs. If you decide to amend the claim's quantity to the license, I have printed off a draft claim for your consideration leaving the city's address blank for you to fill in the correct address. The fee to make this change is \$200 per cfs; to increase the claim 2.4 cfs would be \$480.00. To file the amended claim, please make your check payable to the Idaho Department of Water Resources and send it along with the signed amended claim to the above address.

I am also enclosing for your information copies of claim Nos. 63-7368 and 63-7618. If you have any questions, please feel free to contact me at 287-4912 or email me at Anita.Warntjes@idwr.idaho.

Sincerely,

Anita L. Warntjes
Grants/Contract Specialist

ALW
Encls.

Note:
limited
to
1.1 cfs
for munic
See memo
in file



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 22, 2006

City of Eagle
C/O Vernon E. Brewer
PO Box 1520
Eagle, ID 83616

Attention: Vernon E. Brewer

Gentlemen:

Enclosed is a change of ownership form for claims that have been filed in the Snake River Basin Adjudication in the name of Eagle Water Co Inc. Before we can change our records, we require the enclosed Notice of Change in Water Right Ownership form be completed and returned to our office with the documents showing the change of ownership. Since the claims are still pending before the court, there is no fee to change the ownership.

Limited to 1.1 cfs

I have also enclosed a copy of a license and adjudication claim No. 63-9245 in the name of Eagle Water Co. In our telephone conversation, I pointed out the discrepancy in the quantity cfs claimed for the Municipal use from the licensed right of 3.5 cfs to the adjudication claim of 1.1 cfs. If you decide to amend the claim's quantity to the license, I have printed off a draft claim for your consideration leaving the city's address blank for you to fill in the correct address. The fee to make this change is \$200 per cfs; to increase the claim 2.4 cfs would be \$480.00. To file the amended claim, please make your check payable to the Idaho Department of Water Resources and send it along with the signed amended claim to the above address.

I am also enclosing for your information copies of claim Nos. 63-7368 and 63-7618. If you have any questions, please feel free to contact me at 287-4912 or email me at Anita.Warntjes@idwr.idaho. Please send the Change of Water Right Ownership and supporting documents to my attention at this office.

Sincerely,

Anita L. Warntjes
Grants/Contract Specialist

ALW
Encls.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RECEIVED

FEB - 8 2004

Department of Water Resources

RETURN SERVICE
REQUESTED

PRESS HERE
FIRST CLASS



63-7368

✓-7618

✓-9245

IMPORTANT WATER RIGHT INFORMATION

Eagle Water

January 16, 2004

CITY OF EAGLE
846 N EAGLE RD
EAGLE ID 83616

EAGLE 846 836162018 1803 18 02/04/04
RETURN TO SENDER
EAGLE WATER CO INC
172 W STATE ST
EAGLE ID 83616-4990
RETURN TO SENDER

KAGLE 846 83616



188 W STATE ST UNIT #4
PO Box 455

SCANNED

FEB 09 2004



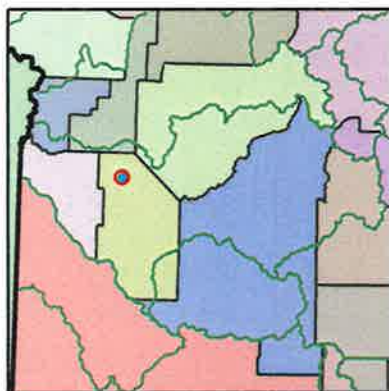
Eagle Water Co Inc

SRBA Recommendations: 63-7368, 63-7618, 63-9245

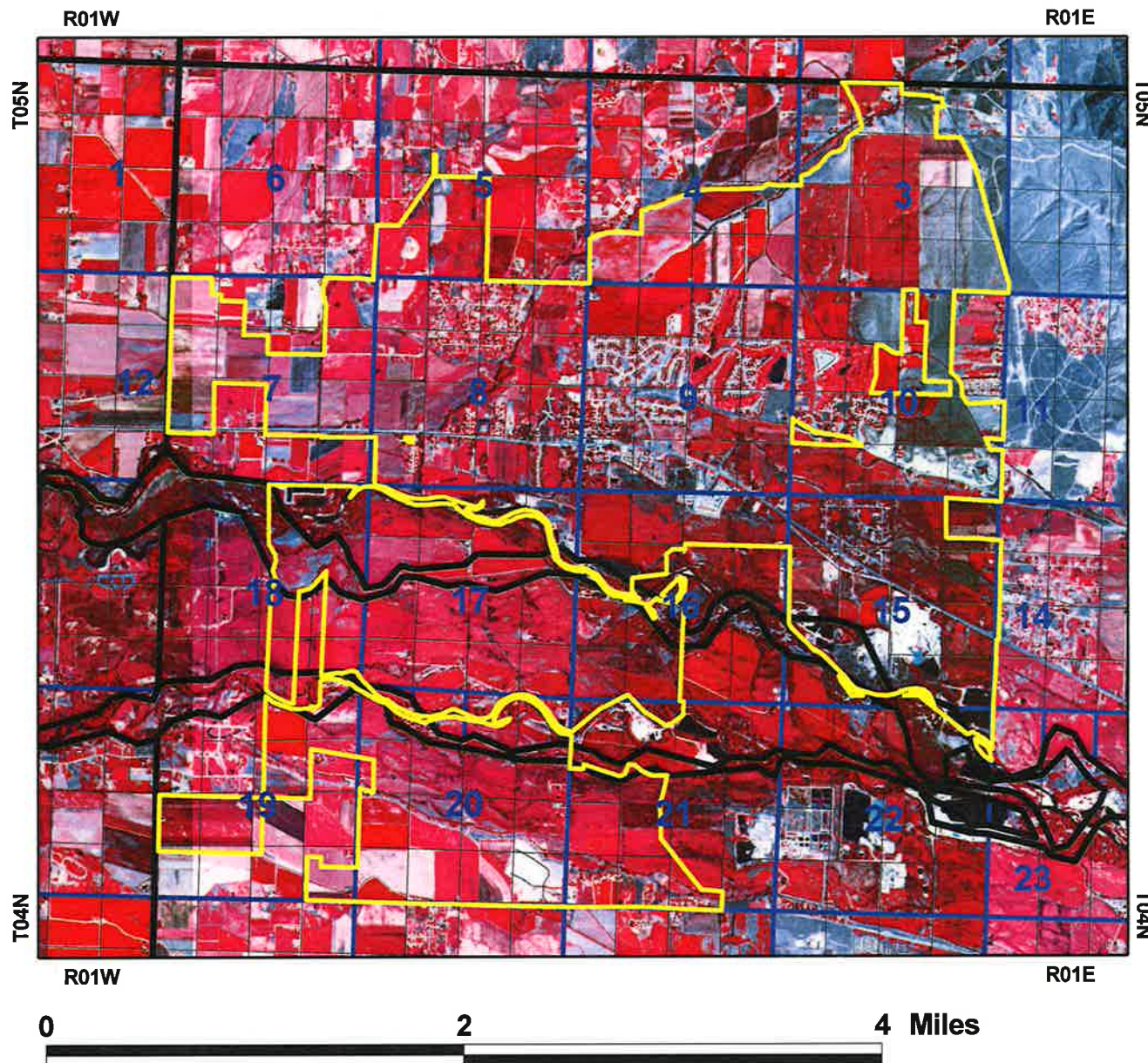
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



Prepared by A. Warntjes
On Friday, September 22, 2006
1987/88 Aerial Photography