

RECEIVED

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JAN 19 2022

42-222.POD - 07/18
JAN 20 2022DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAttorney: Mike P. Lawrence
Givens Pursley LLP
PO Box 2720, Boise 83701-2720
208.388.1294WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) SUEZ Water Idaho Inc Phone 208.362.13002. MAILING ADDRESS Attn: Robert Newbry, 8248 Victory Rd City BoiseState ID Zip 83709 Email Robert.Newbry@suez.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-7066

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 5.8 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			SW	SW	8	4N	1E	Ada	Ground Water	
Yes		NE	SE	NE	9	4N	1E	Ada	Ground Water	
Yes		NE	SW	NW	9	4N	1E	Ada	Ground Water	
Yes		SW	SW	NW	9	4N	1E	Ada	Ground Water	
Yes			NW	NW	15	4N	1E	Ada	Ground Water	
Yes			NE	SW	15	4N	1E	Ada	Ground Water	
Yes	3		NE	SW	15	4N	1E	Ada	Ground Water	
*										

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Each well is equipped with a totalizing flow meter and gate valve for control. In addition, electrical supply to pumps can be locked out.

- b. Who owns the property at the point(s) of diversion? Applicant (5 PODs)

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Easements held by Applicant (2 PODs)

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Marshall Thompson Marshall Thompson, VP & GM SUEZ Water Idaho 1/19/2022
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$900-00 Date 01/19/2022 Received by JS Receipt # C111730

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7066

Current Owner: UNITED WATER IDAHO INC

Priority Date: 2/28/1968

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	5.8 CFS	
	<u>Total Diversion</u>	5.8 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 3,	Twp 03N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 14,	Twp 03N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4SE1/4	Sec. 24,	Twp 03N,	Rge 01E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 36,	Twp 03N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4SE1/4	Sec. 36,	Twp 03N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NW1/4	Sec. 2,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 4,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4SW1/4	Sec. 7,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 8,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	SE1/4NW1/4	Sec. 9,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NW1/4	Sec. 10,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4NW1/4	Sec. 13,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	SE1/4NW1/4	Sec. 14,	Twp 03N,	Rge 02E B.M.
ADA County				

GROUND WATER	NW1/4NW1/4	Sec. 15,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NW1/4	Sec. 16,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NW1/4	Sec. 16,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NE1/4SW1/4	Sec. 17,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 18,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NE1/4SW1/4	Sec. 18,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 19,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NE1/4NW1/4	Sec. 19,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	SE1/4NE1/4	Sec. 20,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 21,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NE1/4	Sec. 22,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	SE1/4SE1/4	Sec. 22,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4NW1/4	Sec. 24,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4SE1/4	Sec. 25,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4SE1/4	Sec. 27,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NE1/4NE1/4	Sec. 28,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NW1/4	Sec. 28,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NE1/4NW1/4	Sec. 33,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4NE1/4	Sec. 36,	Twp 03N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4SW1/4	Sec. 27,	Twp 04N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4SW1/4	Sec. 34,	Twp 04N,	Rge 01E B.M.
ADA County				
GROUND WATER	NE1/4NW1/4	Sec. 35,	Twp 04N,	Rge 01E B.M.
ADA County				

Page _____ of _____

GROUND WATER	NE1/4NW1/4	Sec. 36,	Twp 04N,	Rge 01E B.M.
ADA County				
GROUND WATER	SW1/4SE1/4	Sec. 30,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4SW1/4	Sec. 31,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	NW1/4NW1/4	Sec. 32,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4NW1/4	Sec. 32,	Twp 04N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4NW1/4	Sec. 32,	Twp 04N,	Rge 02E B.M.
ADA County				

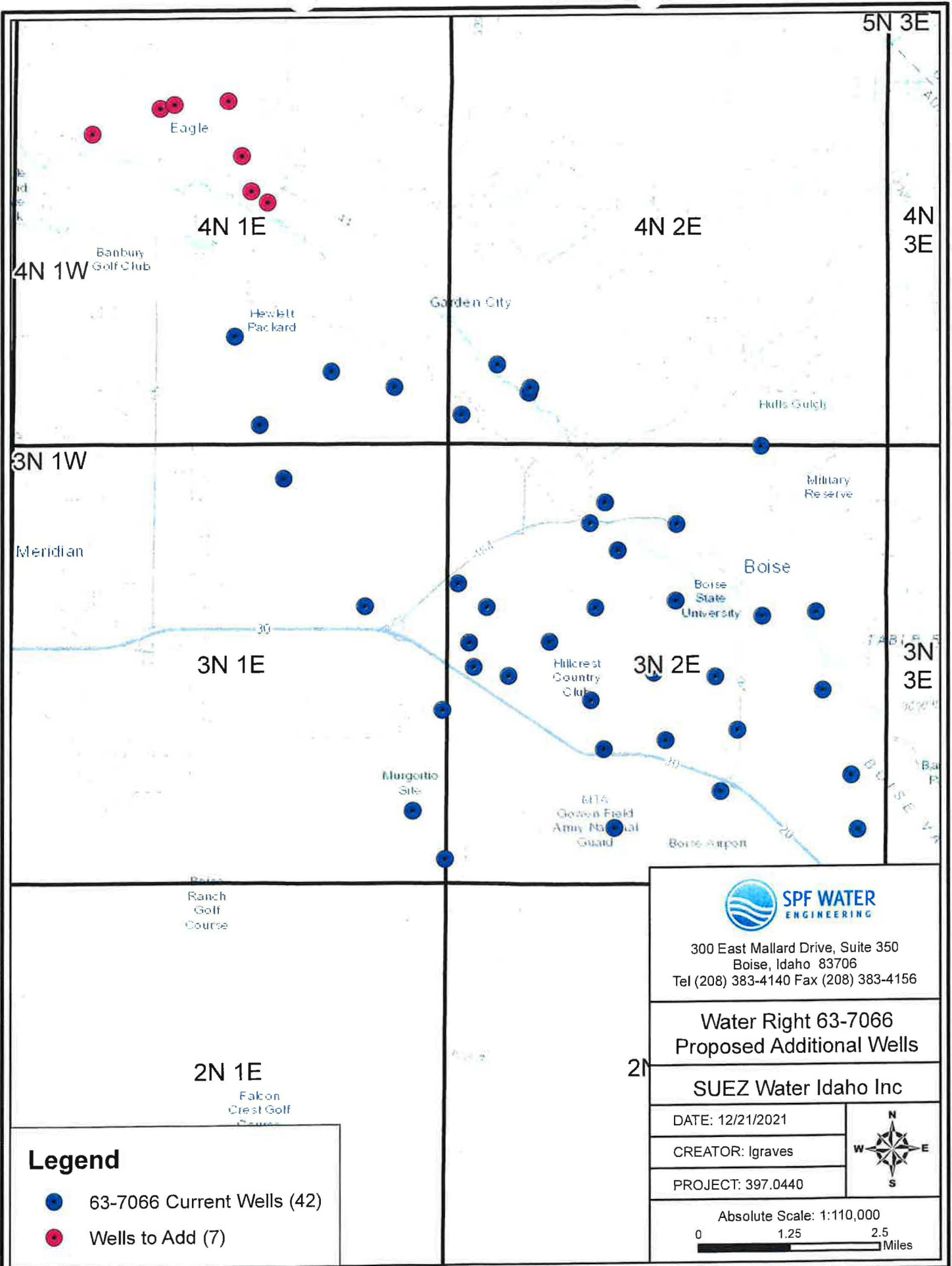
Place of Use

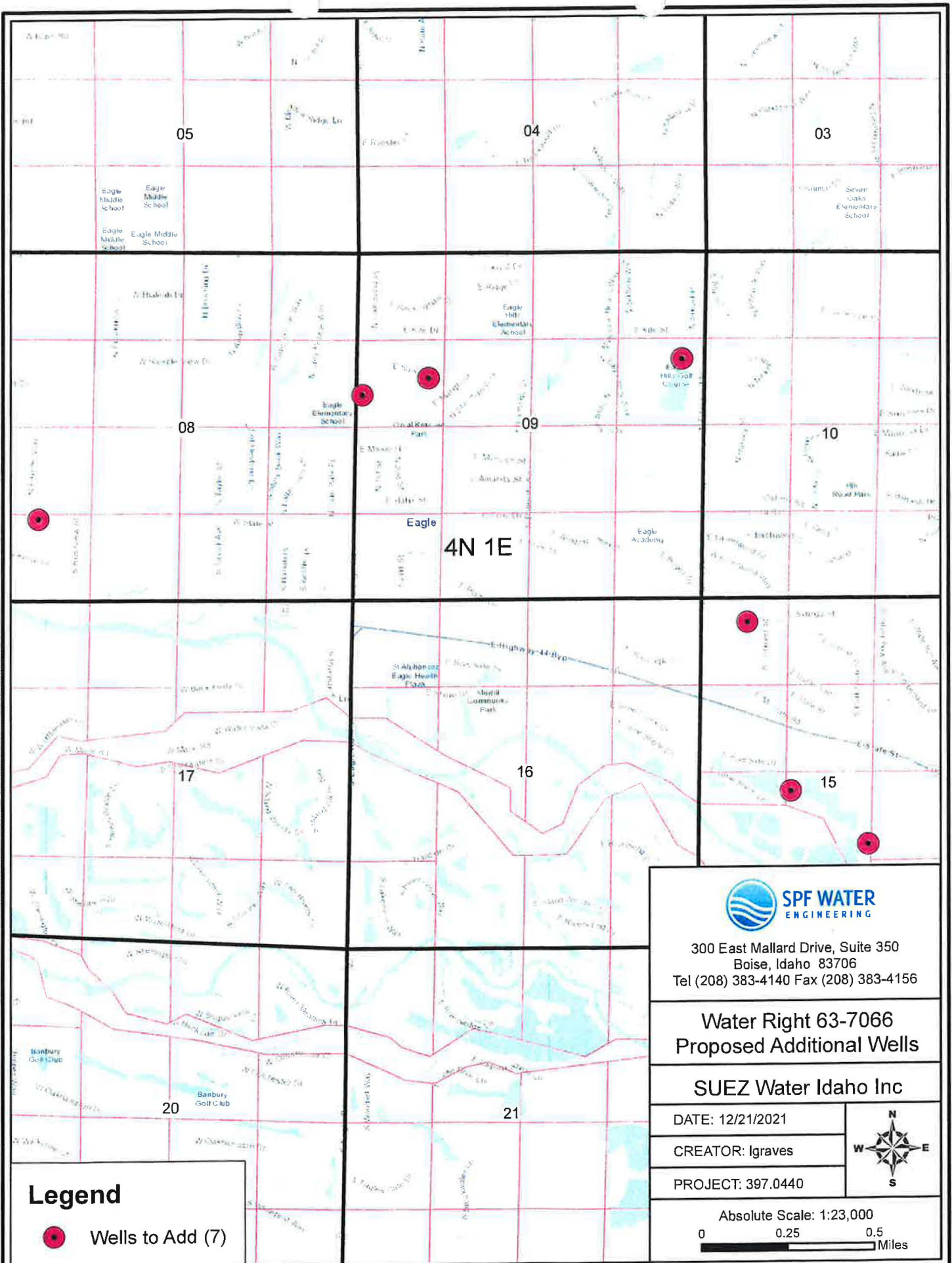
MUNICIPAL Within County

Conditions of Approval:

1. C18 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.
2. 125 Place of use is within the service area of United Water Idaho as provided for under Idaho law. The place of use is generally described as within the city limits of Boise and the surrounding service area.
3. 208 To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Goddard Well No. 2 located in T04N, R01E, S36, NENW.
4. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 11/18/2009







IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 26, 2022

VEOLIA WATER IDAHO INC
8248 W VICTORY RD
BOISE, ID 83709-4165

COPY

RE: Transfer No. 85719
Water Right No(s). 63-11798, 63-12147, 63-12559, 63-7368, 63-7618, 63-9245
Transfer No. 85720
Water Right No(s). 63-7066

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application for transfer 85719 has been prepared and is scheduled for publication in the IDAHO STATESMAN, TIMES NEWS, LEWISTON TRIBUNE, POST REGISTER on 6/2/2022 and 6/9/2022. A legal notice of the application for transfer 85720 has been prepared and is scheduled for publication in the IDAHO STATESMAN on 6/2/2022 and 6/9/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact the Western Region office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85719**

VEOLIA WATER IDAHO INC, 8248 W VICTORY RD, BOISE, ID 83709-4165 has filed Application No. 85719 for changes to the following water rights within ADA County(s): Right No(s). 63-11798, 63-12147, 63-12559, 63-7368, 63-7618, 63-9245; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

The transfer proposes to combine seven points of diversion for six ground water rights obtained from Eagle Water Co. into a common system and list all seven PODs on the municipal water rights totaling 16.24 cfs. Priority dates range from 1970 to 1999. Points of diversion will be added to for water rights 63-7368, 63-7618, 63-9245, 63-11798, 63-12147, and 63-12559. Water will be used in the current municipal place of use.

TRANSFER NO. 85720

VEOLIA WATER IDAHO INC, 8248 W VICTORY RD, BOISE, ID 83709-4165 has filed Application No. 85720 for changes to the following water rights within ADA County(s): Right No(s). 63-7066; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

The transfer proposes to add seven points of diversion from the six ground water rights obtained from Eagle Water Co. to water right 63-7066, as part of a common system currently consisting of 42 points of diversion and list all PODs on the municipal water right with a priority date of 1968. Total diversion rate will remain at 5.8 cfs. Water will be used in the current municipal place of use.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 6/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/2/2022 and 6/9/2022

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

63-35229

ALETTE BETTENCOURT

1032 S BLACK CAT RD

KUNA, ID 83634-1626

Point of Diversion SESE S28 T02N R01W ADA County

Source GROUND WATER

Use: IRRIGATION

03/01 to 11/15

1.6 CFS

Total Diversion:

1.6 CFS

Date Filed: 03-30-2022

Place Of Use: IRRIGATION

T02N R01W S27 NESW,NWSW

Total Acres: 80

Water bearing zone to be appropriated is from 150 to 250 feet.

63-35261

ROGER WORLEY

372 S EAGLE RD # 315

EAGLE, ID 83616-5908

Point of Diversion NESE S34 T05N R01E ADA County

Source GROUND WATER

Use: FIRE PROTECTION

01/01 to 12/31

0.08 CFS

Use: IRRIGATION

03/15 to 11/15

0.15 CFS

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.19 CFS

Date Filed: 05-05-2022

Place Of Use: DOMESTIC,FIRE PROTECTION,IRRIGATION

T05N R01E S34 NESE

Total Acres: 5

Water bearing zone to be appropriated is from 250 to 400 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 6/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/2/2022 and 6/9/2022

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85719**

VEOLIA WATER IDAHO INC, 8248 W VICTORY RD, BOISE, ID 83709-4165 has filed Application No. 85719 for changes to the following water rights within ADA County(s): Right No(s): 63-11798, 63-12147, 63-12559, 63-7368, 63-7618, 63-9245; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

The transfer proposes to combine seven points of diversion for six ground water rights obtained from Eagle Water Co. into a common system and list all seven PODs on the municipal water rights totaling 16.24 cfs. Priority dates range from 1970 to 1999. Points of diversion will be added to for water rights 63-7368, 63-7618, 63-9245, 63-11798, 63-12147, and 63-12559. Water will be used in the current municipal place of use.

For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 6/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/2/2022 and 6/9/2022

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, May 26, 2022 9:23 AM
To: legals@idahostatesman.com
Subject: Legal Notice for the Idaho Statesman
Attachments: Legal Notice 63-35261, 63-35229 transfer 85719, 85720.docx

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in the Idaho Statesman 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 the Western Region office, 2735 Airport Way, Boise, Idaho, 83705-5082-0098 before June 21, 2022. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 26, 2022

CITY OF EAGLE
PO BOX 1520
EAGLE ID 83616-6833

RE: Transfer No. 85719 and 85720

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from the City of Eagle regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

Please contact the Western Region office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

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Boise, ID 83701
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www.givenspursley.com

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Jeremy C. Chou
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Bradley J. Dixon
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Donald Z. Gray
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L. Edward Miller
Judson B. Montgomery
Deborah E. Nelson
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Randall A. Peterman
Blake W. Ringer
Michael O. Roe
Cameron D. Warr
Robert B. White
Michael V. Woodhouse

William C. Cole (Of Counsel)

Kenneth L. Pursley (1940-2015)
James A. McClure (1924-2011)
Raymond D. Givens (1917-2008)

RECEIVED RECEIVED

JAN 19 2022

JAN 20 2022

DEPARTMENT OF
WATER RESOURCES

WATER RESOURCES
WESTERN REGION

January 19, 2022

Via Hand Delivery

Idaho Department of Water Resources
322 E Front St, Ste. 648
Boise, Idaho 83702-7371

RE: SUEZ transfer applications following acquisition of Eagle Water Company

To Whom It May Concern:

This firm represents SUEZ Water Idaho Inc. ("SUEZ"). As you may know, the Idaho Public Utilities Commission approved SUEZ's acquisition of Eagle Water Company's assets ("EWC") in a final order dated December 9, 2021. That order was not subsequently challenged or appealed and, on December 30, 2021, SUEZ acquired EWC, including its water rights and facilities.

Enclosed with this letter are two Applications for Transfer of Water Right(s) (together, the "*Transfer Applications*") that SUEZ is filing to "clean up" some pre-existing issues with the EWC water rights. Each application is described below.

I also have enclosed checks in the amounts of \$2,440 (\$1,540 for the *EWC Transfer Application* plus \$900 for the 63-7066 *Transfer Application* filing fees) and \$150 (for the ownership change filing fee).

1. The "*EWC Transfer Application*"

The first of the *Transfer Applications* proposes changing the points of diversion ("PODs") for EWC's six water rights (63-7368, 63-7618, 63-9245, 63-11798, 63-12147, and 63-12559) to make their respective PODs alternate points of diversion ("APODs") for all six water rights. This will allow all of the EWC water rights acquired by SUEZ to be diverted from any of the EWC wells acquired by SUEZ. As part of an agreement with SUEZ and the City of Eagle,

SUEZ agrees to include the following condition on all of the water rights approved under this proposed transfer:

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from [name of well] located in [quarter-quarter legal description].

As part of the *EWC Transfer Application*, SUEZ also requests that IDWR correct a clerical error in the partial decree for water right no. 63-9245, as noted in the footnotes on pages 1 and 2 of the application. The 2009 partial decree for 63-9245 contains a remark stating that “[t]his right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.” However, the “per acre” text at the end of that remark was not in the 2008 approval of transfer no. 75035 that otherwise included the same remark. The addition of the “per acre” text in 63-9245’s partial decree appears to be a clerical error—a Notice of Completed Administrative Proceeding dated one day after the 2008 transfer approval inexplicably includes the “per acre” text. Moreover, it is not typical to limit municipal water rights on a “per acre” basis. Accordingly, SUEZ requests that the Department remove the “per acre” text in its approval of the *EWC Transfer Application*.

Also as part of the *EWC Transfer Application*, SUEZ requests that the Department change its ownership records for the EWC water rights to reflect SUEZ Water Idaho Inc. as the new owner. A copy of the Water Right Warranty Deed conveying the water rights to SUEZ is attached to the application.

Please note that the “Service Area Update” map attached to the *EWC Transfer Application* shows the EWC and SUEZ service areas as currently reflected in IDWR’s files. SUEZ plans to provide the Department with updated shape files for the entire current SUEZ service area (including the addition of the EWC service area) separately from this application as no transfer is required to update a municipal service area.

2. The “63-7066 Transfer Application”

The second of the *Transfer Applications* will allow SUEZ’s decreed water right no. 63-7066¹ to be diverted from any of the APODs created by the *EWC Transfer Application*. These will be in addition to the 42 APODs already authorized to be diverted under right no. 63-7066. SUEZ is filing the *63-7066 Transfer Application* because EWC’s water rights combined authorize a diversion rate that is less than the combined capacity of the EWC wells acquired by SUEZ.

¹ Water Right No. 63-7066 was withdrawn from SUEZ’s Integrated Municipal Application Package (“IMAP”) in 2010, and therefore can be the subject of its own transfer application.

Idaho Department of Water Resources
January 19, 2022
Page 3

Please contact me should you have any questions or concerns.

Best regards,

A handwritten signature in blue ink, appearing to read "MPL", with a long horizontal flourish extending to the right.

Michael P. Lawrence

Enclosures

cc (via email):

Cathy Cooper
Kurt Newbry
Terry Scanlan
Garrick Baxter

MPL

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