

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

82101

RECEIVED

FEB 05 2018

WATER RESOURCES
WESTERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) SUEZ Water Idaho Inc.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: Attachment 10 (referenced in Application Part 1.B.5.f) describes SUEZ's existing surface water rights authorized for diversion and use at the proposed POD and POU.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) SUEZ Water Idaho Inc. Phone 208-362-1300

Mailing address 8248 W Victory Rd., Boise, ID 83709 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Michael P. Lawrence Phone 208-388-1200

Mailing address 601 W. Bannock St., Boise, ID 83702 Email mpl@givenspursley.com

- ☒ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Gregory P. Wyatt, VP and Gen. Manager
Print Name and Title if applicable

FEB. 1, 2018
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

The proposed transfer will allow water right no. 63-123F to be diverted with SUEZ's existing surface water intakes for irrigation of lands within SUEZ's municipal service area.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	63-123F	1.385	Irrigation	3/1 to 11/15	Boise R., trib. to Snake R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.385 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.385 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N	6		NW	NE	4	2N	3E	ADA	Boise River	Columbia Plant
N	7		SE	NE	14	3N	2E	ADA	Boise River	Marden Plant

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			136.8 acres within SUEZ's certificated municipal service area																
Total Acres (for irrigation use)																			136.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. 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:
SUEZ's existing surface water intakes at the Columbia and Marden treatment plants have measuring devices and lockable controlling works installed.
- b. Who owns the property at the point(s) of diversion? SUEZ
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
 If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Water right no. 63-123F authorizes irrigation on lands currently not subject to irrigation due to pavement and other hardscape. Accordingly, the proposed transfer will have no effect to existing irrigated lands.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Existing POU: no other rights. Existing POD: other rights are diverted through the Farmer's Union Canal (see 63-123F conditions of approval). Proposed POU and POD: SUEZ has multiple decreed and permitted surface water rights authorized for diversion and use at the proposed POD and POU. See Attachment 10.
- g. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Water Right No. 63-123F was decreed by the SRBA Court on 9/4/2009. On 12/30/2011, an Application for Extension of Time to Avoid Forfeiture was submitted to IDWR. On 12/31/2015, IDWR approved the Application for Extension of Time to Avoid Forfeiture through 7/1/2020.

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

Current Water Right No.: 63-123F

Current Owner: LEXINGTON HILLS INC

Priority Date: 6/1/1864

Origin: Water Right

Status: Active

Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

1.385 CFS

Annual Volume

Total Diversion

1.385 CFS

Location of Point(s) of Diversion

BOISE RIVER

NE1/4SE1/4NE1/4

Sec. 5, Twp 03N, Rge 02E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T04N R01E S3	SWNE	T04N R01E S3	SWNW
T04N R01E S3	SENE	T04N R01E S3	NESW
T04N R01E S3	NWSW	T04N R01E S3	SWSW
T04N R01E S3	SESW	T04N R01E S3	NWSE
T04N R01E S3	SWSE		

Total Acres: 136.8

Conditions of Approval:

1. 135 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.
2. The right holder is entitled to the quantity of water decreed herein at the point of redirection from the Farmers Union Canal.
3. Use for this right does not overlap with the place of use for Right No. 63-123G.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. 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.
6. The ability to transfer this water right pursuant to Idaho Code Section 42-222 is contingent upon finding by the Department that such transfer will not be cause for the Department to further limit the use of water right 63-11413.
7. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
8. SD1 This right originated as all or part of right no. 2 in the Stewart Decree and the historic Boise River Water Masters records.
9. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
10. F01 WATER IS DELIVERED THROUGH THE FARMERS UNION CANAL
11. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-120G, 63-123C, 63-123D, 63-123E, 63-123G, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-21729, 63-18700, 63-31832, 63-31937
12. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 136.8 ACRES WITHIN THE BOUNDARY OF THE LEXINGTON HILLS SUBDIVISION, THE LEXINGTON HILLS EAST SUBDIVISION, AND LEXINGTON ON THE RIM.

Decreed Date: 9/4/2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (**GIS**) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 4 attachments.

Received by BS Date 2/5/18 Preliminary check by _____ Date _____

Fee paid \$580.⁰⁰ Date 2/5/18 Received by BS Receipt # W046020

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Attachment 3

January 11, 2018

Idaho Department of Water Resources
The Idaho Water Center
322 E Front St
Boise, ID 83702

Dear Sir or Madam:

I am the President of Lexington Hills, Inc., which is the owner of decreed water right no. 63-123F. This letter authorizes you to allow SUEZ Water Idaho Inc. to file and seek approval of the Application for Transfer of water right no. 63-123F to which this letter is attached.

If you have any questions concerning this authorization, please contact me at 208-939-6000.

Sincerely,

A handwritten signature in black ink, appearing to read "Duane Stueckle", with a stylized flourish at the end.

Duane Stueckle, President
Lexington Hills, Inc.

Attachment 7a



Date:	1/17/2018	
Drawn By:	lrs	
Scale:	As Shown	Sheet 1 of 1

SUEZ

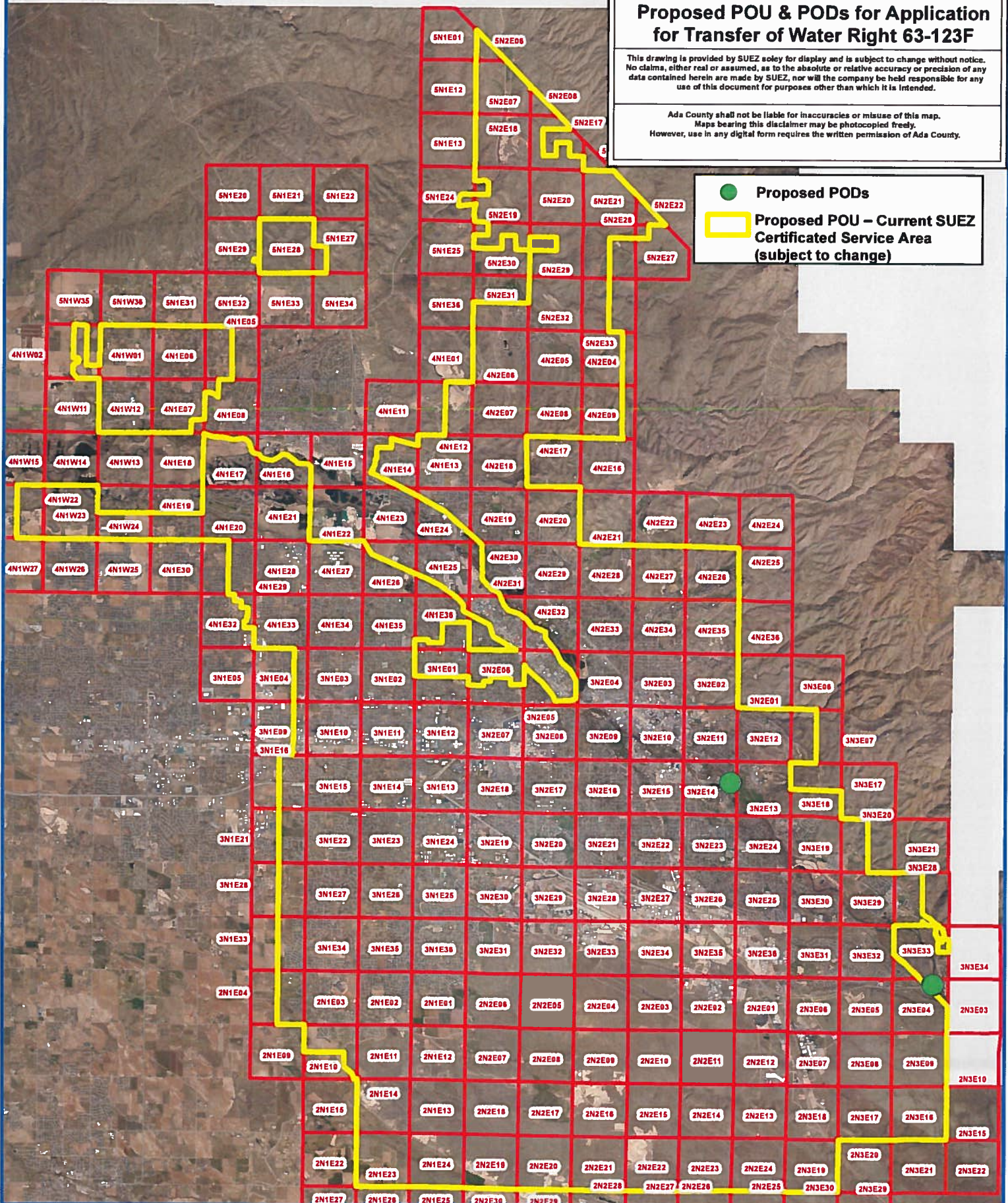
8248 West Victory Road Boise, Idaho 83708 Phone: 208-362-7304

Proposed POU & PODs for Application for Transfer of Water Right 63-123F

This drawing is provided by SUEZ solely for display and is subject to change without notice. No claims, either real or assumed, as to the absolute or relative accuracy or precision of any data contained herein are made by SUEZ, nor will the company be held responsible for any use of this document for purposes other than which it is intended.

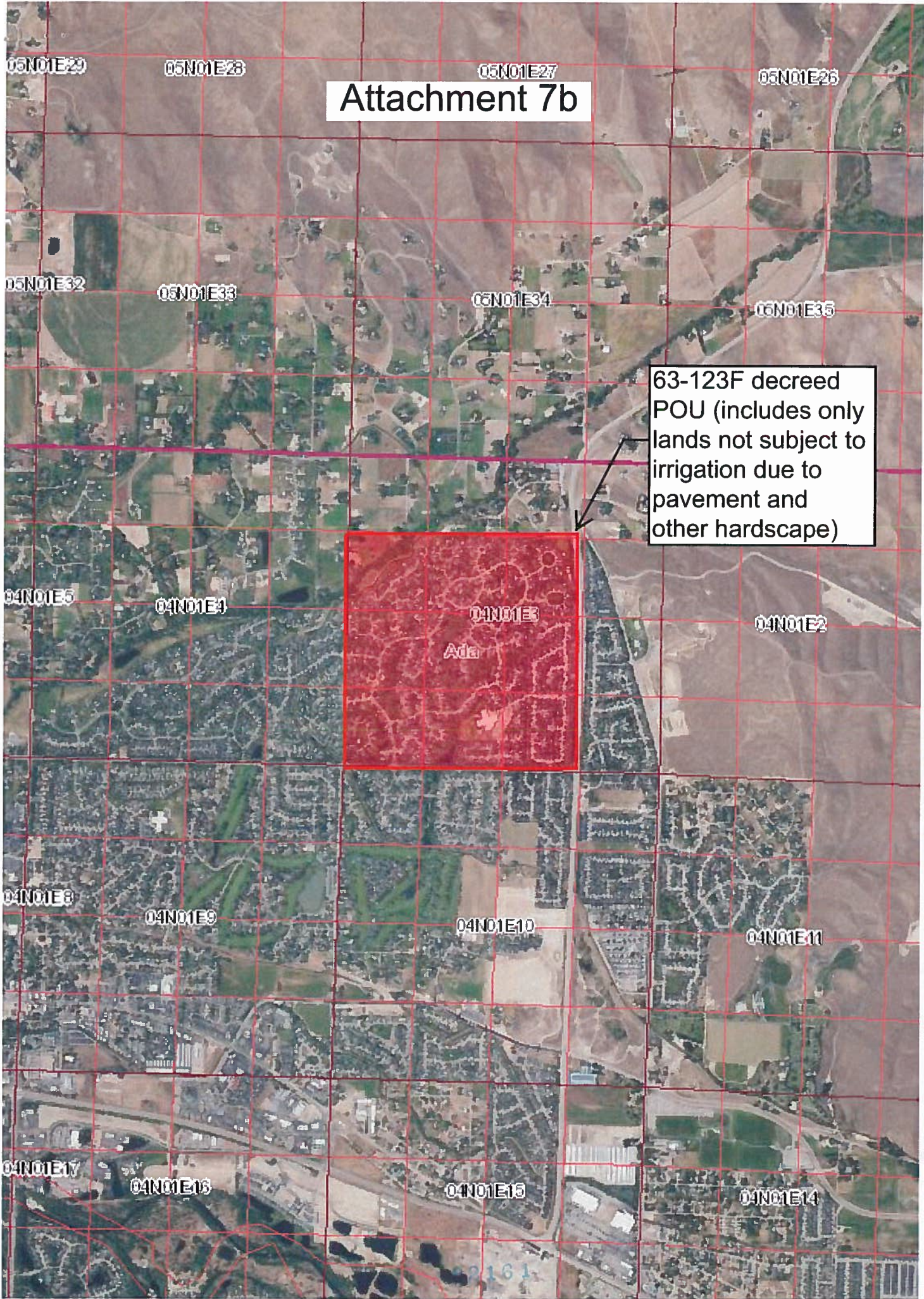
Ada County shall not be liable for inaccuracies or misuse of this map. Maps bearing this disclaimer may be photocopied freely. However, use in any digital form requires the written permission of Ada County.

- Proposed PODs
- Proposed POU – Current SUEZ Certificated Service Area (subject to change)



Attachment 7b

63-123F decreed
POU (includes only
lands not subject to
irrigation due to
pavement and
other hardscape)



Attachment 10

Right No.	Source	Priority	Purpose of Use	CFS	Current POD(s)	Period of Use	Current basis
2-02339	Boise River (per Exchange)	12/7/1964	Irrigation	11	T3N, R2E, S.14, SENE (lot 7) (Marden)	3/15-11/15	Partial decree (Wilson Exchange)
2-02341	Boise River (per Exchange)	12/28/1964	Irrigation	12.52	Diverted at PODs for 63-31871 per Exchange	3/15-11/15	Partial decree (Initial Butte Exchange)
2-02358	Boise River (per Exchange)	7/28/1964	Irrigation	14.5	Diverted at PODs for 63-31871 per Exchange	3/15-11/15	Partial decree (Initial Butte Exchange)
2-02420	Boise River (per Exchange)	12/31/1963	Irrigation	14.08	Diverted at PODs for 63-31871 per Exchange	3/15-11/15	Partial decree (Initial Butte Exchange)
63-20041	Boise River	6/1/1866	Municipal	0.68	T3N, R2E, S.14, SENE (lot 7) (Marden)	3/1-11/15	Partial decree
63-00169F	Boise River	6/1/1868	Municipal	0.81	T3N, R2E, S.14, SENE (lot 7) (Marden)	3/1-11/15	Partial decree
63-00243E	Boise River	5/1/1889	Municipal	3.3	T3N, R2E, S.14, SENE (lot 7) (Marden)	3/1-11/15	Partial decree
63-00243H	Boise River	5/1/1889	Municipal	0.93	T3N, R2E, S.14, SENE (lot 7) (Marden)	3/1-11/15	Partial decree
63-12055	Boise River	9/8/1993	Municipal	24.8	T3N, R2E, S.14, SENE (lot 7) (Marden)	1/1-12/31	Permit
63-31409	Boise River	11/16/2001	Municipal	20	T3N, R2E, S.14, SENE (lot 7) (Marden); T2N, R3E, S.4, NWNE (lot 6) (Columbia)	1/1-12/31	Permit
63-31871	Boise River	12/31/1963	Irrigation	35.21	T3N, R2E, S.14, SENE (lot 7) (Marden); T2N, R3E, S.4, NWNE (lot 6) (Columbia)	3/15-11/15	Initial Butte Exchange
Anderson Ranch Storage	Boise River				T3N, R2E, S.14, SENE (lot 7) (Marden); T2N, R3E, S.4, NWNE (lot 6) (Columbia)	1/1-12/31	40-year storage contract
Lucky Peak Storage	Boise River				T3N, R2E, S.14, SENE (lot 7) (Marden); T2N, R3E, S.4, NWNE (lot 6) (Columbia)	1/1-12/31	40-year storage contract



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BLTCH" OTTER
Governor

GARY SPACEMAN
Director

April 27, 2018

SUEZ WATER IDAHO
8248 W VICTORY RD
BOISE, ID 83709

MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720

RE: Transfer No. 82161
Water Right No(s). 63-123F

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 has been prepared and is scheduled for publication in the IDAHO STATESMAN on 5/3/2018 and 5/10/2018. 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 this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Friday, April 27, 2018 11:22 AM
To: 'BOI Legals'
Subject: Ada Legal Ads
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 5/3/2018 & 5/10/2018.

Please confirm these are okay to publish as shown.

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

April 27, 2018

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-34447
Application for Permit No. 63-34516
Application for Transfer No. 82161

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/21/2018. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34447

STAR WEST GRAVEL LLC

737 N 7TH ST

BOISE, ID 83702

Point of Diversion SWSE S11 T04N R02W CANYON County Source GROUND WATER Tributary BOISE RIVER

Point of Diversion NWNE S14 T04N R02W CANYON County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 2526.1 AF

Use: RECREATION STORAGE 01/01 to 12/31 2526.1 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 2526.1 AF

Total Diversion: 2526.1 AF

Date Filed: 9/7/2017

Places of Use: AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE

T04N R02W S11 NESW SESW NWSE SWSE

T04N R02W S14 NE(ALL) NENW L3(SENW)

Water bearing zone to be appropriated is from 0 to 40 feet.

63-34516

WEST ADA SCHOOL DISTRICT

1303 E CENTRAL DR

MERIDIAN, ID 83642-7991

Point of Diversion NESE S3 T02N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.36 CFS

Total Diversion: 0.36 CFS

Date Filed: 3/2/2018

Place of Use: IRRIGATION

T02N R01E S3 NESE

Total Acres: 6

Water bearing zone to be appropriated is from 50 to 250 feet.

The proposed rate is higher than the statutory standard, 0.02 cfs per acre, so that irrigation may occur within an eight hour period to ensure school activities will not be affected.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 82161

MICHAEL P LAWRENCE, GIVENS PURSLEY LLP 601 W BANNOCK ST PO BOX 2720, BOISE, ID 83701-2720; SUEZ WATER IDAHO, 8248 W VICTORY RD, BOISE, ID 83709; has filed Application No. 82161 for changes to the following water rights within ADA County(s): Right No(s). 63-123F. This application proposes to change the point of diversion and place of use of the right to an existing Suez Water Idaho Inc diversion and delivery system. One of the proposed points of diversion is located near the intersection of Marden St and E Warm Springs Ave and the other is near where State Highway 21 crosses the Boise River. The water diverted under this right would then be delivered within the service area of the irrigation company.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 5/21/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/3/2018 and 5/10/2018

Neely, Rachel

From: Neely, Rachel
Sent: Friday, April 27, 2018 11:36 AM
To: 'Rex Barrie'
Subject: Application for Transfer No. 82161
Attachments: Watermaster Recommendation Form_F.pdf; Application for Transfer No. 82161.pdf

April 27, 2018

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Application for Transfer No. 82161

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the application are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **May 21, 2018**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2018

FARMERS UNION DITCH CO
2153 N POLLARD LN
STAR ID 83669

CITY OF EAGLE
PO BOX 1520
EAGLE ID 83616

LEXINGTON HILLS INC
1815 E STONYBROOK CT
EAGLE ID 83616

Re: Application for Transfer No. 82161

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Idaho Statesman* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **May 21, 2018**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures

Hummer, Phill

From: Michael P. Lawrence <mpl@givenspursley.com>
Sent: Thursday, March 29, 2018 9:26 AM
To: Hummer, Phill
Cc: Miller, Nick
Subject: RE: Suez Water Application for Transfer [IWOV-GPDMS.FID739356]
Categories: More Info Emails

Phill,

Thanks for your email.

As you point out, Greg Wyatt is the Vice President and General Manager of SUEZ Water Idaho Inc., whose corporate parent is SUEZ Group (a global enterprise with over 80,000 employees operating in 70 countries under 50 different brands).

In short, Mr. Wyatt is in charge of SUEZ Water Idaho Inc.'s operations. As part of his duties, he regularly executes documents (including contracts and filings with governmental agencies) on behalf of SUEZ Water Idaho Inc.

Yesterday, I happened to speak to Nick Miller, IDWR's Western Region Manager (copied on this email). When I mentioned this issue to him, he suggested that sending this email explaining Mr. Wyatt's role would suffice as a response to your request. If not, please let me know.

And please do not hesitate to contact me if you have any further questions.

Thanks,
Mike

MICHAEL P. LAWRENCE
GIVENS PURSLEY LLP

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CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: Hummer, Phill <Phill.Hummer@idwr.idaho.gov>
Sent: Wednesday, March 28, 2018 9:15 AM
To: Michael P. Lawrence <mpl@givenspursley.com>
Subject: Suez Water Application for Transfer

Hi Michael,

I am beginning to work on the transfer application submitted by Suez Water Idaho Inc. to change the point of diversion and place of use of water right no. 63-123F. There is one issue that must be addressed before the application can be advertised. The application was signed by Gregory Wyatt who has the listed title of VP and General Manager. The issue is that individual is not listed as an officer on the annual report submitted to the Secretary of State, which is what IDWR uses to make sure people are actually authorized to act on behalf of companies. Since Gregory Wyatt is not listed as a member of Suez Water the application will need to be signed by an authorized member of the company or I will need something from an authorized member that show he has the authority to act on behalf of the company. I have attached the most recent annual report for Suez Water Idaho Inc. for your reference, let me know if you have any questions about this or the transfer application in general.

Phill Hummer

Water Resource Agent

Idaho Department of Water Resources

Phone: (208) 334-2190

Email: phill.hummer@idwr.idaho.gov

GIVENS PURSLEY LLP

Attorneys and Counselors at Law

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WATER RESOURCES
WESTERN REGION

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

February 5, 2018

Via Hand Delivery

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

Re: SUEZ Water Idaho Inc. Transfer Application – water right no. 63-123F

Dear Nick,

Enclosed with this letter please find SUEZ Water Idaho Inc.'s Application for Transfer of Water Right no. 63-123F, together with attachments and a check for the \$580 filing fee.

Please do not hesitate to contact me if you have any questions about this application.

Sincerely,



Michael P. Lawrence

cc: John Marshall (via email)

Enclosures