

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 09 2016
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Falls Water Company, Inc Phone 208 522 1300

Mailing address 2180 North Deborah Dr Idaho Falls ID 83401 Email scott1@fallswater.com

- ☐ 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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.

K. Scott Bruce
Signature of Applicant or Authorized Representative

K. Scott Bruce, General Manager 8/9/2016
Print Name and Title if applicable 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**.
Drill one new well and update large POU to reflect current 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 ☒ ☐	25-7418	1.0 cfs	Municipal	01/01 to 12/31	Ground Water
☒ ☐	25-7509	0.17/15.2	Municipal	01/01 to 12/31	Ground Water
☒ ☐	25-14035	0.59 cfs	Municipal	01/01 to 12/31	Ground Water
☒ ☐	25-14055	1.16 cfs	Municipal	01/01 to 12/31	Ground Water
☒ ☐	25-14114	9.56 cfs	Municipal	01/01 to 12/31	Ground Water
☒ ☐	25-14326	1.2/327.5	Municipal	04/01 to 10/31	Ground Water
☒ ☐	25-14327	4.57/912.5	Municipal	04/01 to 11/01	Ground Water
☒ ☐	25-7148	1.89/145.9	Municipal	01/01 to 12/31	Ground Water
☒ ☐	25-7191	3.0/1578.0	Municipal	01/01 to 12/31	Ground Water

Total authorized under rights 21.94 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 21.94 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 #
No			SW	SW	14	02N	38E	Bonneville	Ground Water	Well #1
No			NE	SW	14	02N	38E	Bonneville	Ground Water	Well #2
No			NE	SW	14	02N	38E	Bonneville	Ground Water	Well #4
No			NE	SW	14	02N	38E	Bonneville	Ground Water	Well #6
No			SE	SW	10	02N	38E	Bonneville	Ground Water	Well #8

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	
02N	38E	2	X(L1)	X(L2)	X	X	X(L3)	X(L4)	X	X	X	X	X	X	X	X	X	X	
02N	38E	3	X(L1)	X(L2)	X	X									X	X		X	
02N	38E	9				X													
02N	38E	10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
02N	38E	11	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
02N	38E	13					X	X	X	X	X	X	X						
02N	38E	14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or well/diversion tag #
☐ Yes	02N	38E	11			SW	NW	Bonneville	Ground Water	Well #5
☐ Yes	02N	38E	10			NE	SE	Bonneville	Ground Water	Well #9
☒ Yes	02N	38E	2	4		NW	NW	Bonneville	Ground Water	Well #10
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	38E	15	X	X	X	X	X	X	X	X					X	X	X	X	
02N	38E	16	X	X															
02N	38E	22	X	X		X									X				
02N	38E	23	X	X	X	X	X	X	X	X		X			X	X			
02N	38E	24							X										
03N	38E	35									X	X	X	X					

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application.

Page _____

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:

Will have 8 wells serving a municipal area.

- b. Who owns the property at the point(s) of diversion? Applicant, except for well #8

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Lease agreement for well #8 attached.

- 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:

N/A

- 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:

- 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:

8/9/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALLS WATER CO INC 2180 N DEBORAH DR IDAHO FALLS, ID 83401 (208)522-1300

Status: Active

Tributary

Volume
145.9 AF

145.9 AF

GROUND WATER	SESESW	Sec. 10, Twp 02N, Rge 38E,	BONNEVILLE County
GROUND WATER	SENESW	Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County
GROUND WATER	SWSWSW	Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County
GROUND WATER	SWSWNW	Sec. 11, Twp 02N, Rge 38E,	BONNEVILLE County
GROUND WATER	SENESW	Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County
GROUND WATER	NENESE	Sec. 10, Twp 02N, Rge 38E,	BONNEVILLE County
GROUND WATER	SENESW	Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County
GROUND WATER	NESE	Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County

MUNICIPAL within BONNEVILLE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	38E	2	X L1	X L2	X	X	X L3	X L4	X	X	X	X	X	X	X	X	X	X	
02N	38E	2	X L1	X L2			X L3	X L4											
02N	38E	3	X L1		X	X								X	X	X	X	X	
02N	38E	3	X L1																
02N	38E	9															X	X	
02N	38E	10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
02N	38E	11	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
02N	38E	13					X	X	X	X	X	X	X	X					
02N	38E	14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
02N	38E	15	X	X	X	X	X	X	X	X					X	X	X	X	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/9/2016

02N	38E	16	X	X														
02N	38E	22	X	X														
02N	38E	23	X	X	X	X	X	X	X	X	X	X			X	X		
02N	38E	24							X			X						

Conditions of Approval:

1. X35 Rights 25-7148, 25-7191, and 25-7509 when combined shall not exceed a total annual maximum diversion volume of 1739.1 af.
2. X35 Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 131 Prior to the diversion and use of water under Transfer approval 78220, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
7. X01 Municipal use is for 118 homes.
8. G20 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, water was first appropriated or used from:
Well No. 1 located in T2N R38E S14 SWSWSW on 6/10/1958 in the amount of 0.59 cfs.
Well No. 2 located in T2N R38E S14 SENESW on 12/31/1962 in the amount of 1.16 cfs.
Well No. 4 located in T2N R38E S14 SENESW on 4/18/1980 in the amount of 3.00 cfs.
Well No. 5 located in T2N R38E S11 SWSWNW on 3/13/1978 in the amount of 1.89 cfs.
9. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
10. 128 Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within T02N, R38E, Sections 2, 3, 10, 11, 13, 14, 15, 16, 23, and 24.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. T19 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.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/9/2016

1. kmathews 10/30/2012 POD
Updated Shape
2. scox 12/7/2012 Transferred Right
This is now an approved transfer, transfer number = 78220
3. hbohac 2/26/2014 POD
Updated Shape

Dates and Other Information

Decreed Date: 9/30/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1,739.1	
25-7148 ,25-7191 ,25-7509		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	3,730.4	
25-7148 ,25-7191 ,25-7418 ,25-7509 ,25-14035 ,25-14055 ,25-14114		

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

8/9/2016

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALLS WATER CO INC 2180 N DEBORAH DR IDAHO FALLS, ID 83401 (208)522-1300

Status: Active

Tributary

1,578.0 AF

Sec. 10, Twp 02N, Rge 38E,	BONNEVILLE County
Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County
Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County
Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County
Sec. 11, Twp 02N, Rge 38E,	BONNEVILLE County
Sec. 10, Twp 02N, Rge 38E,	BONNEVILLE County
Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County
Sec. 14, Twp 02N, Rge 38E,	BONNEVILLE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	38E	2	X L1	X L2	X	X	X L3	X L4	X	X	X	X	X	X	X	X	X	X	
02N	38E	2	X L1	X L2			X L3	X L4											
02N	38E	3	X L1		X	X								X	X	X	X	X	
02N	38E	3	X L1																
02N	38E	9															X	X	
02N	38E	10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
02N	38E	11	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
02N	38E	13					X	X	X	X	X	X	X	X					
02N	38E	14	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
02N	38E	15	X	X	X	X	X	X	X	X					X	X	X	X	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/9/2016

02N	38E	16	X	X														
02N	38E	22	X	X														
02N	38E	23	X	X	X	X	X	X	X	X	X	X			X	X		
02N	38E	24							X			X						

Conditions of Approval:

1. X35 Rights 25-7148, 25-7191, and 25-7509 when combined shall not exceed a total annual maximum diversion volume of 1739.1 af.
2. X35 Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 131 Prior to the diversion and use of water under Transfer approval 78220, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
7. X01 Municipal use is for 1315 homes.
8. G20 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, water was first appropriated or used from:
Well No. 1 located in T2N R38E S14 SWSWSW on 6/10/1958 in the amount of 0.59 cfs.
Well No. 2 located in T2N R38E S14 SENESW on 12/31/1962 in the amount of 1.16 cfs.
Well No. 4 located in T2N R38E S14 SENESW on 4/18/1980 in the amount of 3.00 cfs.
Well No. 5 located in T2N R38E S11 SWSWNW on 3/13/1978 in the amount of 1.89 cfs.
9. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
10. 128 Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within T02N, R38E, Sections 2, 3, 10, 11, 13, 14, 15, 16, 23, and 24.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. T19 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.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/9/2016

1. kmathews 10/30/2012 POD
Updated Shape
2. scox 12/7/2012 Transferred Right
This is now an approved transfer, transfer number = 78220
3. hbohac 2/26/2014 POD
Updated Shape

Dates and Other Information

Decreed Date: 9/30/2005
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	1,739.1	
25-7148 ,25-7191 ,25-7509		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	3,730.4	
25-7148 ,25-7191 ,25-7418 ,25-7509 ,25-14035 ,25-14055 ,25-14114		

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/5/2016

WATER RIGHT NO. 25-14035

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALLS WATER CO INC 2180 N DEBORAH DR IDAHO FALLS, ID 83401 (208)522-1300

Priority Date: 06/10/1958

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	0.59 CFS	
Total Diversion			0.59 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NENESE	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWNW	Sec. 11	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

GROUND WATER	SENE SW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWSW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

Place(s) of use: Large POU Info

Conditions of Approval:

1. X35 Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
Use of water under this right will be regulated by a watermaster with responsibility for the
2. R05 distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
A lockable device subject to the approval of the Department shall be maintained on the
3. R02 diverting works in a manner that will provide the watermaster suitable control of the diversion.
Prior to the diversion and use of water under Transfer approval 78220, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized
4. 131 points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
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, water was first appropriated or used from: Well No. 1 located in T2N R38E S14 SWSWSW
6. G20 on 6/10/1958 in the amount of 0.59 cfs. Well No. 2 located in T2N R38E S14 SENESW on 12/31/1962 in the amount of 1.16 cfs. Well No. 4 located in T2N R38E S14 SENESW on 4/18/1980 in the amount of 3.00 cfs. Well No. 5 located in T2N R38E S11 SWSWNW on 3/13/1978 in the amount of 1.89 cfs.
7. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
Place of use is within the area served by the public water supply system of Falls Water
8. 128 Company Inc. The place of use is generally located within T02N, R38E, Sections 2, 3, 10, 11, 13, 14, 15, 16, 23, and 24.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general
11. T19 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.

Dates:

Licensed Date:

Decreed Date: 10/07/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 3730.4

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/5/2016

WATER RIGHT NO. 25-7418

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALLS WATER CO INC 2180 N DEBORAH DR IDAHO FALLS, ID 83401 (208)522-1300

Priority Date: 09/23/1987

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	1 CFS	
Total Diversion			1 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NENESE	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWNW	Sec. 11	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

GROUND WATER	SENE SW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWSW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

Place(s) of use: Large POU Info

Conditions of Approval:

1. X35 Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
Use of water under this right will be regulated by a watermaster with responsibility for the
2. R05 distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
A lockable device subject to the approval of the Department shall be maintained on the
3. R02 diverting works in a manner that will provide the watermaster suitable control of the diversion.
Prior to the diversion and use of water under Transfer approval 78220, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized
4. 131 points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
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, water was first appropriated or used from: Well No. 1 located in T2N R38E S14 SWSWSW
6. G20 on 6/10/1958 in the amount of 0.59 cfs. Well No. 2 located in T2N R38E S14 SENESW on 12/31/1962 in the amount of 1.16 cfs. Well No. 4 located in T2N R38E S14 SENESW on 4/18/1980 in the amount of 3.00 cfs. Well No. 5 located in T2N R38E S11 SWSWNW on 3/13/1978 in the amount of 1.89 cfs.
7. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
Place of use is within the area served by the public water supply system of Falls Water
8. 128 Company Inc. The place of use is generally located within T02N, R38E, Sections 2, 3, 10, 11, 13, 14, 15, 16, 23, and 24.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general
11. T19 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.

Dates:

Licensed Date:

Decreed Date: 09/30/2005

Permit Proof Due Date: 12/1/1989

Permit Proof Made Date: 10/3/1989

Permit Approved Date: 11/6/1987

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/23/1987

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 3730.4

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/5/2016

WATER RIGHT NO. 25-7509

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALLS WATER CO INC 2180 N DEBORAH DR IDAHO FALLS, ID 83401 (208)522-1300

Priority Date: 08/10/1989

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	0.17 CFS	15.2 AFA
Total Diversion			0.17 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NENESE	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWNW	Sec. 11	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

GROUND WATER	SENE SW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWSW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

Licensed Diversion Capacity: 0.25

MUNICIPAL Use:

Number of homes: 12

Place(s) of use: Large POU Info

Conditions of Approval:

1. X35 Rights 25-7148, 25-7191, and 25-7509 when combined shall not exceed a total annual maximum diversion volume of 1739.1 af.
2. X35 Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
Use of water under this right will be regulated by a watermaster with responsibility for the
3. R05 distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
Prior to the diversion and use of water under Transfer approval 78220, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized
5. 131 points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
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, water was first appropriated or used from: Well No. 1 located in T2N R38E S14 SWSWSW
7. G20 on 6/10/1958 in the amount of 0.59 cfs. Well No. 2 located in T2N R38E S14 SENESW on 12/31/1962 in the amount of 1.16 cfs. Well No. 4 located in T2N R38E S14 SENESW on 4/18/1980 in the amount of 3.00 cfs. Well No. 5 located in T2N R38E S11 SWSWNW on 3/13/1978 in the amount of 1.89 cfs.
8. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
Place of use is within the area served by the public water supply system of Falls Water
9. 128 Company Inc. The place of use is generally located within T02N, R38E, Sections 2, 3, 10, 11, 13, 14, 15, 16, 23, and 24.
10. 004 This right does not grant any right-of-way or easement across the land of another.

11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:

Licensed Date: 12/15/1992

Decreed Date:

Permit Proof Due Date: 2/1/1991

Permit Proof Made Date: 12/6/1990

Permit Approved Date: 1/17/1990

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 08/10/1989

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 1739.1

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/5/2016

WATER RIGHT NO. 25-14055

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALLS WATER CO INC 2180 N DEBORAH DR IDAHO FALLS, ID 83401 (208)522-1300

Priority Date: 12/31/1962

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	1.16 CFS	
Total Diversion			1.16 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NENESE	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWNW	Sec. 11	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

GROUND WATER	SENE SW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWSW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

Place(s) of use: Large POU Info

Conditions of Approval:

1. X35 Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
Use of water under this right will be regulated by a watermaster with responsibility for the
2. R05 distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
A lockable device subject to the approval of the Department shall be maintained on the
3. R02 diverting works in a manner that will provide the watermaster suitable control of the diversion.
Prior to the diversion and use of water under Transfer approval 78220, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized
4. 131 points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
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, water was first appropriated or used from: Well No. 1 located in T2N R38E S14 SWSWSW
6. G20 on 6/10/1958 in the amount of 0.59 cfs. Well No. 2 located in T2N R38E S14 SENESW on 12/31/1962 in the amount of 1.16 cfs. Well No. 4 located in T2N R38E S14 SENESW on 4/18/1980 in the amount of 3.00 cfs. Well No. 5 located in T2N R38E S11 SWSWNW on 3/13/1978 in the amount of 1.89 cfs.
7. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
Place of use is within the area served by the public water supply system of Falls Water
8. 128 Company Inc. The place of use is generally located within T02N, R38E, Sections 2, 3, 10, 11, 13, 14, 15, 16, 23, and 24.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general
11. T19 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.

Dates:**Licensed Date:****Decreed Date:** 10/07/2005**Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:****Owner Name Connector:****Water District Number:** 120**Generic Max Rate per Acre:****Generic Max Volume per Acre:****Combined Acres Limit:****Combined Volume Limit:** 3730.4**Combined Rate Limit:****Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan:** False**Close**

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/5/2016

WATER RIGHT NO. 25-14114

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALLS WATER CO INC 2180 N DEBORAH DR IDAHO FALLS, ID 83401 (208)522-1300

Priority Date: 08/26/2004

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	9.56 CFS	
Total Diversion			9.56 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NENESE	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWNW	Sec. 11	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

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GROUND WATER	SENESE	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWSW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

Place(s) of use: Large POU Info

Conditions of Approval:

1. 022 The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
2. X35 Rights 25-7148, 25-7191, 25-7418, 25-7509, 25-14035, 25-14055 and 25-14114 when combined shall not exceed a total annual maximum volume of 3730.4 af.
Use of water under this right will be regulated by a watermaster with responsibility for the
3. R05 distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
Prior to the diversion and use of water under Transfer approval 78220, the right holder shall
5. 131 install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 075 Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when
7. 102 the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
Place of use is within the area served by the public water supply system of Falls Water
9. 128 Company Inc. The place of use is generally located within T02N, R38E, Sections 2, 3, 10, 11, 13, 14, 15, 16, 23, and 24.
10. 004 This right does not grant any right-of-way or easement across the land of another.
The use of water under this right shall not give rise to any claim against the holder of a senior
11. water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:

Licensed Date: 10/19/2012

Decreed Date:

Permit Proof Due Date: 10/1/2010

Permit Proof Made Date: 9/27/2010

Permit Approved Date: 10/7/2005

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 08/26/2004

Protest Deadline Date: 10/25/2004

Number of Protests: 2

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 3730.4

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/5/2016

WATER RIGHT NO. 25-14326

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALLS WATER CO INC 2180 N DEBORAH DR IDAHO FALLS, ID 83401 (208)522-1300

Priority Date: 10/31/1986

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	04/01	10/31	1.2 CFS	327.5 AFA
Total Diversion			1.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NENESE	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWNW	Sec. 11	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESEW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

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GROUND WATER	SENE SW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSW SW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NE SE	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

MUNICIPAL Use:

Acre Limit: 81.9

Place(s) of use: Large POU Info

Conditions of Approval:

1. X35 Rights 25-14326 and 25-14327 when combined shall not exceed a total diversion rate of 4.57 cfs, a total annual maximum diversion volume of 1240.0 af at the field headgate, and the irrigation of 310.0 acres.
2. K02 This right is based upon an enlargement of Right No. 25-14327 pursuant to Section 42-1426, Idaho Code.
3. K09 This right is for an enlargement of 81.9 acres within the place of use described for this right.
4. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
5. 228 Municipal use under rights 25-14326 and 25-14327 is for irrigation of 310.0 acres within the authorized place of use in a single irrigation season.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
7. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. 131 Prior to the diversion and use of water under Transfer approval 78220, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
10. 128 Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within T02N, R38E, Sections 2, 3, 10, 11, 13, 14, 15, 16, 23, and 24.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. T19 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.

Dates:

Licensed Date:

Decreed Date: 09/12/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 310

Combined Volume Limit: 1240

Combined Rate Limit: 4.57

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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Water Right Report

8/5/2016

WATER RIGHT NO. 25-14327

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FALLS WATER CO INC 2180 N DEBORAH DR IDAHO FALLS, ID 83401 (208)522-1300

Priority Date: 01/27/1976

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	04/01	11/01	4.57 CFS	912.5 AFA
Total Diversion			4.57 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NENESE	Sec. 10	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWNW	Sec. 11	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SENESW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

GROUND WATER	SENESW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	SWSWSW	Sec. 14	Township 02N	Range 38E	BONNEVILLE County
GROUND WATER	NESE	Sec. 14	Township 02N	Range 38E	BONNEVILLE County

MUNICIPAL Use:

Acre Limit: 228.1

Place(s) of use: Large POU Info

Conditions of Approval:

1. X35 Rights 25-14326 and 25-14327 when combined shall not exceed a total diversion rate of 4.57 cfs, a total annual maximum diversion volume of 1240.0 af at the field headgate, and the irrigation of 310.0 acres.
2. X27 This right is limited to the irrigation of 228.1 acres within the authorized place of use in a single irrigation season.
3. K01 Right No. 25-14326 is an enlargement of this right pursuant to Section 42-1426, Idaho Code. Use of water under this right will be regulated by a watermaster with responsibility for the
4. R05 distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 131 Prior to the diversion and use of water under Transfer approval 78220, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. The irrigation component of municipal use under this right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate.
8. 228 Municipal use under rights 25-14326 and 25-14327 is for irrigation of 310.0 acres within the authorized place of use in a single irrigation season.
9. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
10. 128 Place of use is within the area served by the public water supply system of Falls Water Company Inc. The place of use is generally located within T02N, R38E, Sections 2, 3, 10, 11, 13, 14, 15, 16, 23, and 24.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. T19 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.

Dates:

Licensed Date:

Decreed Date: 09/12/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 310

Combined Volume Limit: 1240

Combined Rate Limit: 4.57

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

8/9/2016

The total volume diverted from rights 25-7509, 25-7148, 25-7191, 25-7418, 25-14035, 25-14055, 25-14114, 25-14326, and 25-14327 from the eight points of diversion listed in the transfer submitted 8/9/2016, will not exceed the total volume of those water rights, which is 4,970.10 acre feet annually.

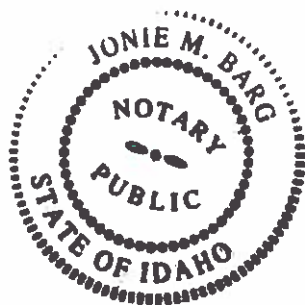
K. Scott Bruce

K. Scott Bruce

General Manager of Falls Water Company, Inc.

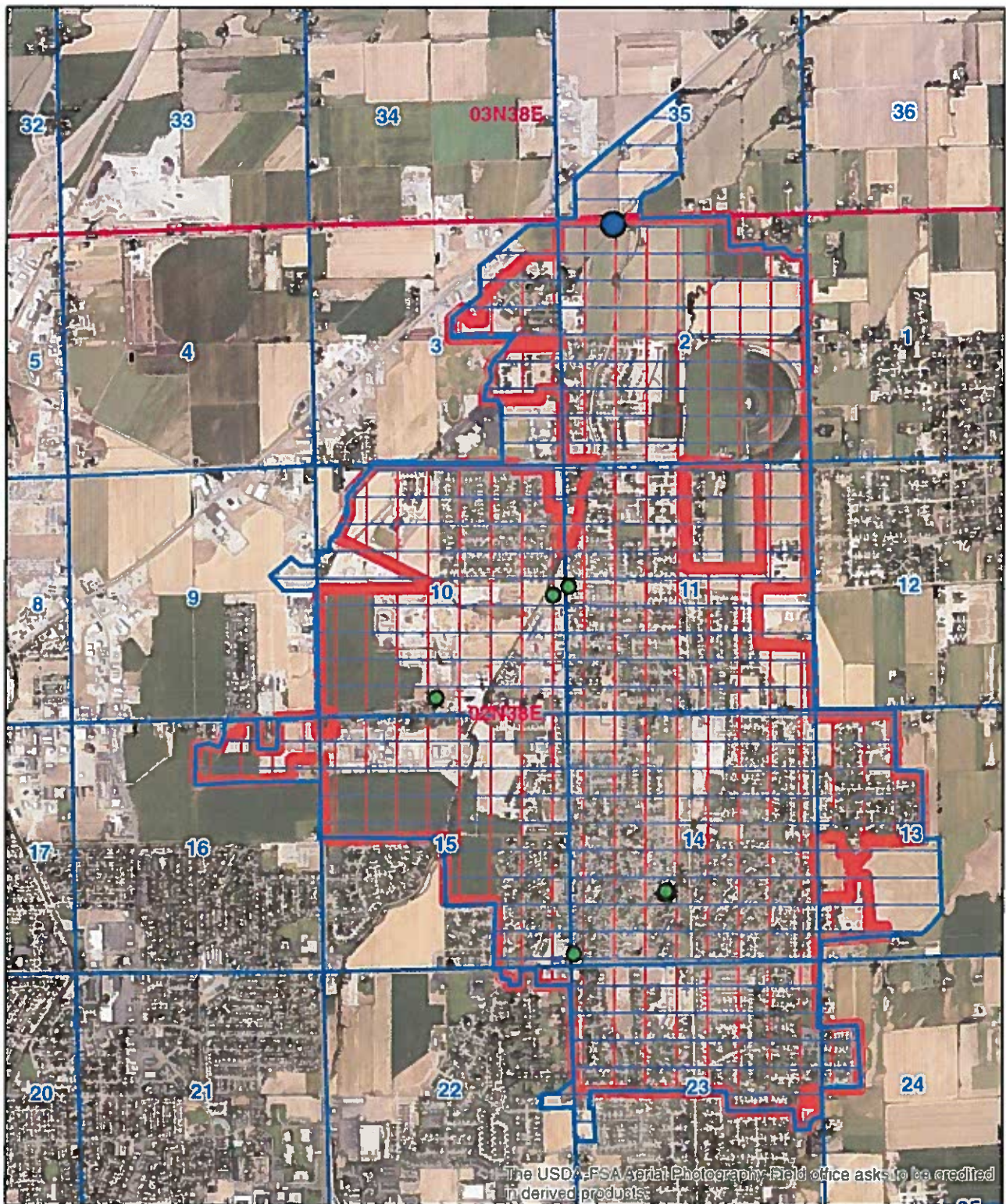
State of Idaho
County of Bonneville

On this day 9TH day of August 2016,
personally appeared before me the
Signors of the above instrument who
duly acknowledged to me that he
executed the same.



Jonie M Bagg
Idaho Falls Id
expiration date:
July 24, 2019

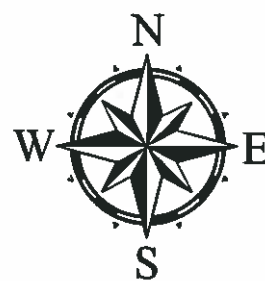
Falls Water Company Transfer



2015 Imagery

Legend

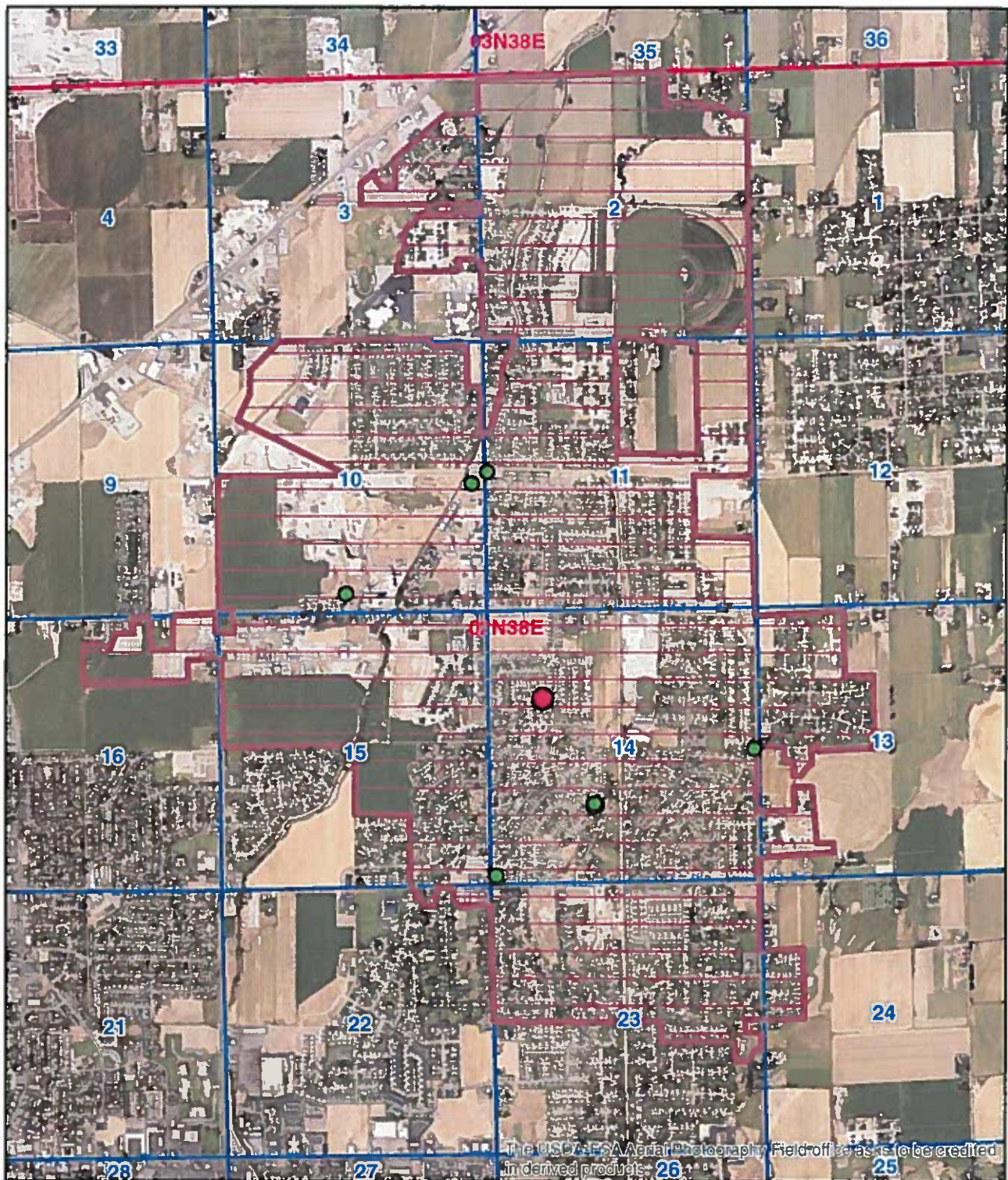
- Existing Wells
- New Point of Diversion
- Pre-Transfer Large POU
- Post-Transfer Large POU
- Township/Range
- Sections



0 0.35 0.7 1.4 Miles

8 1 1 21

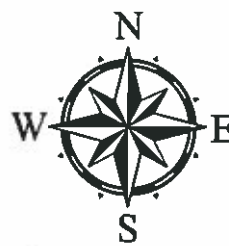
Pre-Transfer PODs and POU



2015 Imagery

Legend

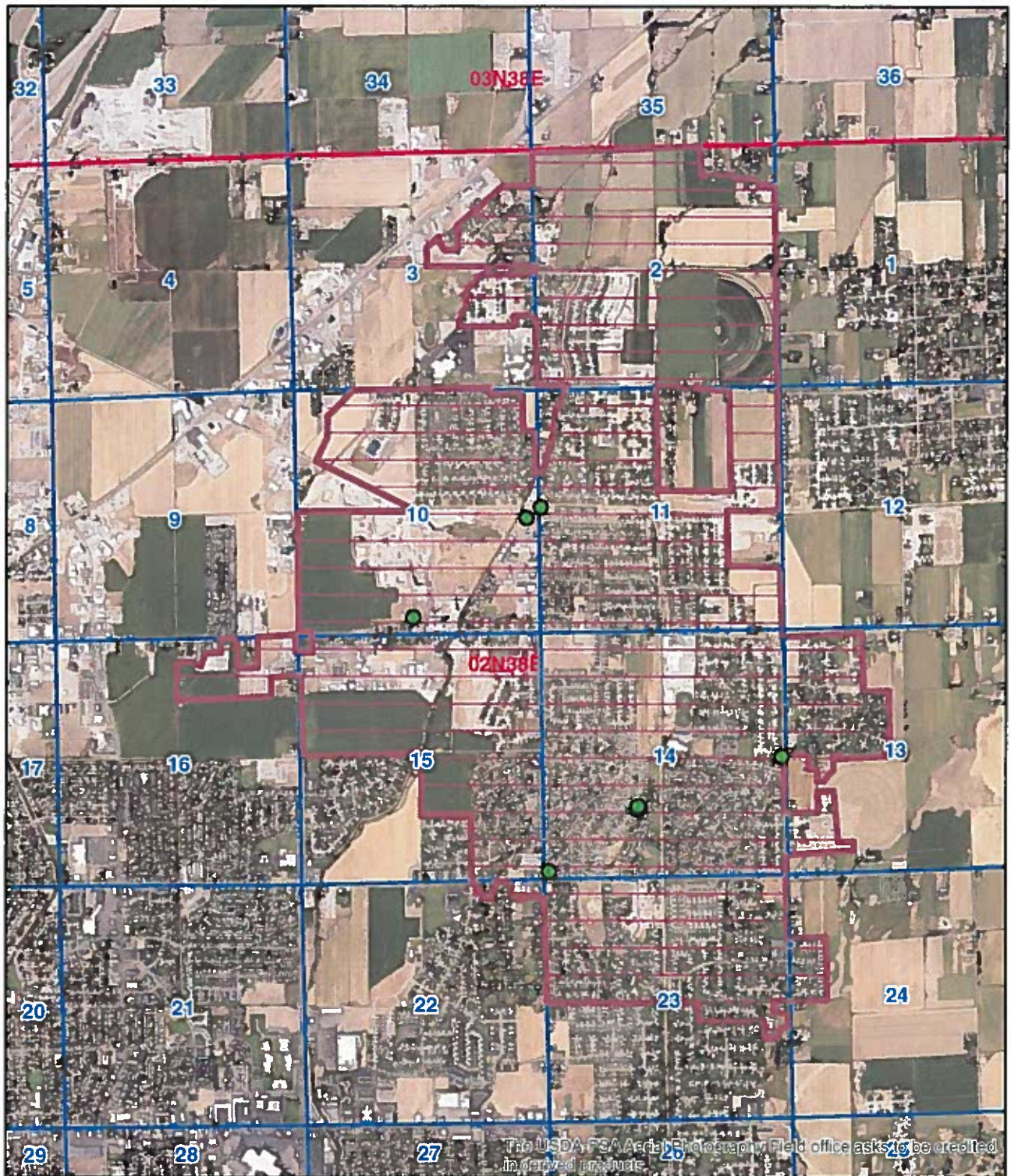
- Mean Center of Pre-Transfer Wells
- Pre-Transfer PODs
- ▭ Pre-Transfer POU
- ▭ Township/Range
- ▭ Sections



8 1 1 2 1

0 0.35 0.7 1.4 Miles

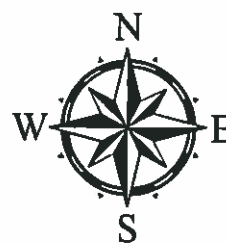
Pre-Transfer PODs and POU



2015 Imagery

Legend

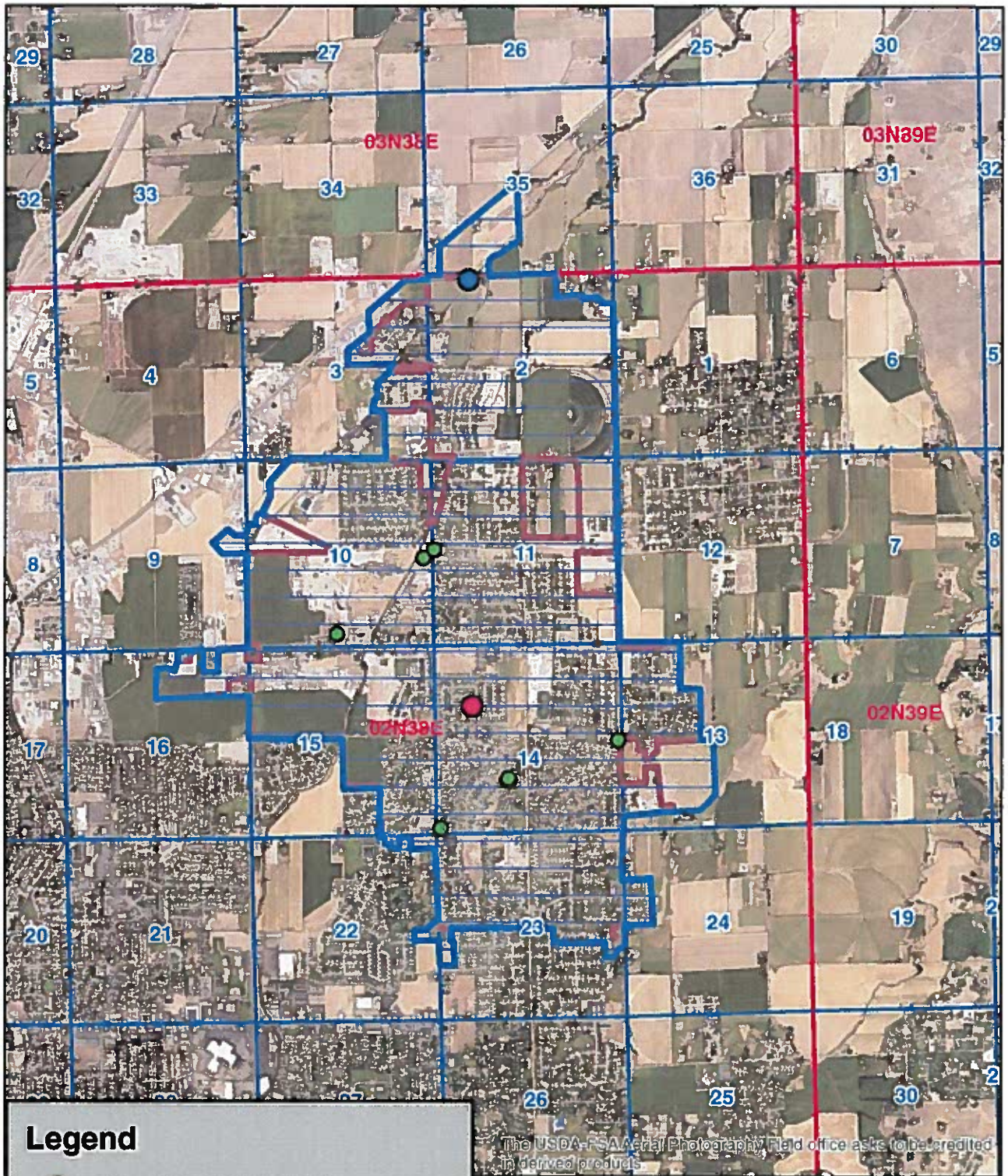
- Pre-Transfer PODs
- Pre-Transfer POU
- Township/Range
- Sections



0 0.4 0.8 1.6 Miles

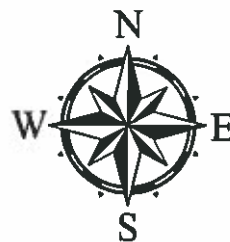
8 1 1 2 1

Modeling Information



Legend

- New Point of Diversion
- Mean Center of Pre-Transfer Wells
- Pre-Transfer PODs
- ▭ New Large Place of Use
- ▭ Pre-Transfer POU
- ▭ Township/Range
- ▭ Sections



0 0.5 1 2 Miles

ENHANCED GROUND-W

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEA

Cells this color are
set up for user entries

ENTER STARTING DATE FOR
SIMULATION. THEN PUSH

"UPDATE DATES" BUTTON

TRANSFER NO:

81121

YEAR

1958

TRANSFER NAME:

SEASON

SPRING

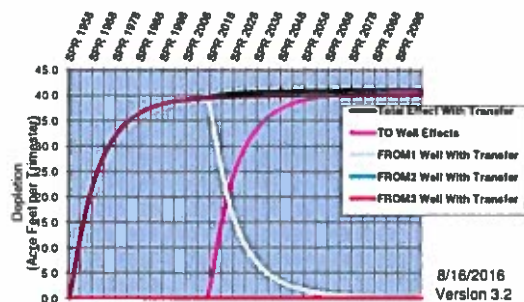
Falls Water Co

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	72	74		
COLUMN	165	164		

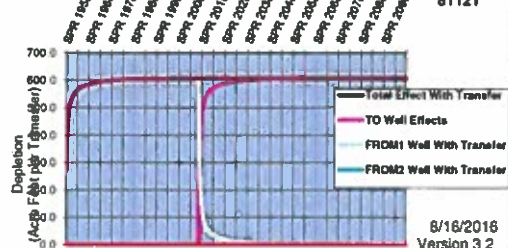
TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 W
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER
SPR 1958	0	1,457	1,457	
SUM 1958	0	1,457	1,457	
WIN 1958	0	1,457	1,457	
SPR 1959	0	1,457	1,457	
SUM 1959	0	1,457	1,457	
WIN 1959	0	1,457	1,457	
SPR 1960	0	1,457	1,457	
SUM 1960	0	1,457	1,457	
WIN 1960	0	1,457	1,457	
SPR 1961	0	1,457	1,457	
SUM 1961	0	1,457	1,457	
WIN 1961	0	1,457	1,457	
SPR 1962	0	1,457	1,457	
SUM 1962	0	1,457	1,457	
WIN 1962	0	1,457	1,457	
SPR 1963	0	1,457	1,457	
SUM 1963	0	1,457	1,457	
WIN 1963	0	1,457	1,457	
SPR 1964	0	1,457	1,457	

Hydrologic Response--Ashton to Rexburg
Customer Name: Falls Water Transfer No: 81121



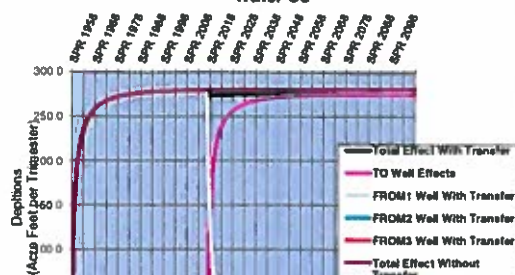
8/16/2016
Version 3.2

Hydrologic Response--Halse to Shelley
Customer Name: Falls Water Co Transfer No: 81121



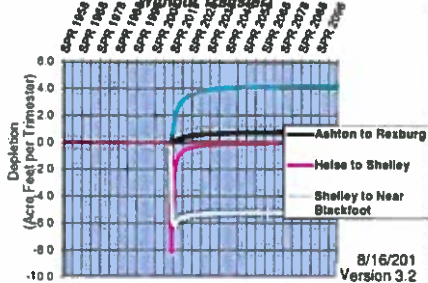
8/16/2016
Version 3.2

Hydrologic Response--Shelley to Near Blackfoot
Customer Name: Falls Water Co Transfer No: 81121



8/16/2016
Version 3.2

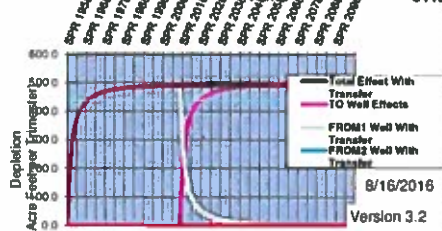
Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)



8/16/2016
Version 3.2

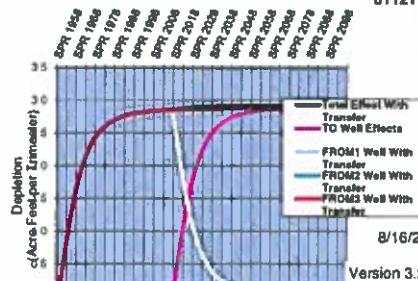
Customer Falls Water Co Transfer No: 81121

Hydrologic Response--Near Blackfoot to Neeley
Customer Name: Falls Water Co Transfer No: 81121



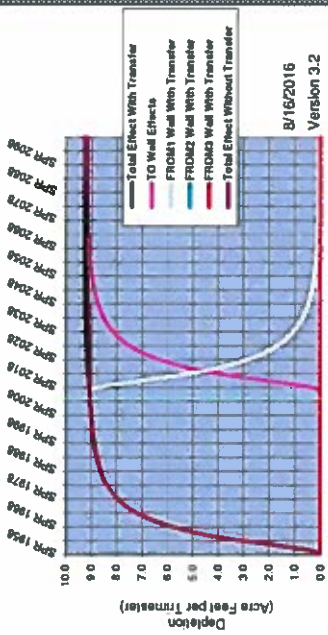
8/16/2016
Version 3.2

Hydrologic Response--Neeley to Minidoka
Customer Name: Falls Water Co Transfer No: 81121



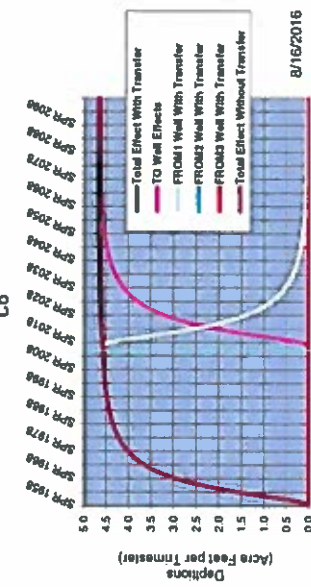
8/16/2016
Version 3.2

Hydrologic Response--Devil's Washbowl to Buhl
Customer Name: Falls Water Co Transfer No: 81121



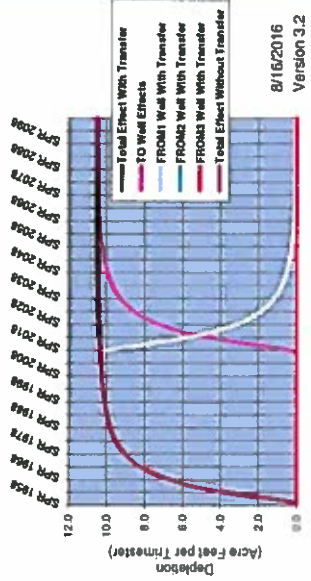
8/16/2016
Version 3.2

Hydrologic Response--Thousand Springs
Customer Name: Falls Water Co Transfer No: 81121



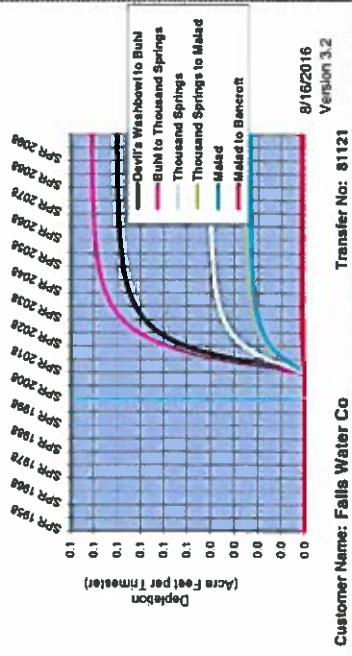
8/16/2016
Version 3.2

Hydrologic Response--Buhl to Thousand Springs
Customer Name: Falls Water Co Transfer No: 81121



8/16/2016
Version 3.2

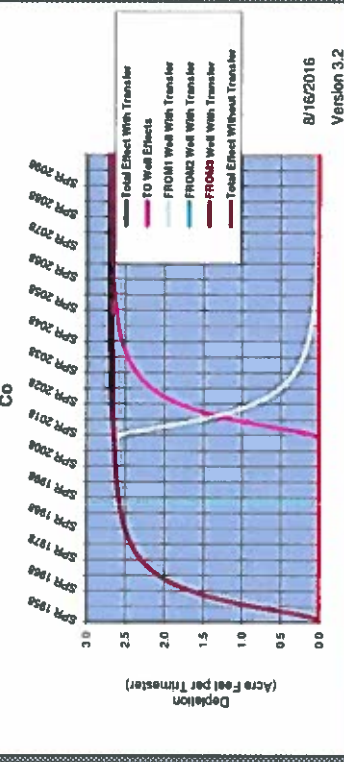
Net Transfer Effect Below Minier
(Total Effect With Transfer - Total Effect Without Transfer)



8/16/2016
Version 3.2

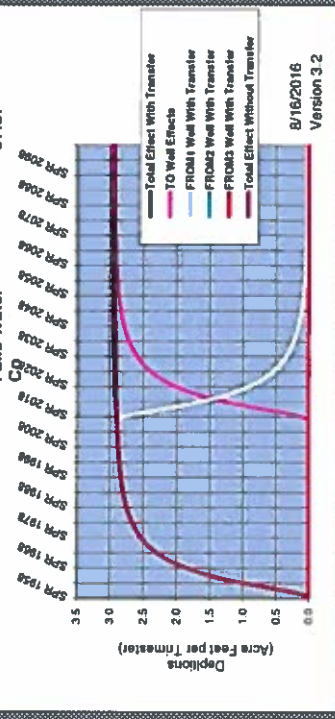
Customer Name: Falls Water Co
Transfer No: 81121

Hydrologic Response—Maled to Bancroft
Customer Name: Falls Water Co



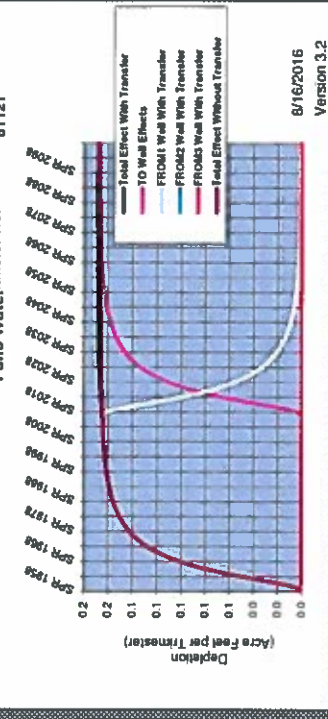
8/16/2016
Version 3.2

Hydrologic Response—Thousand Springs to Maled
Customer Name: Falls Water Co



8/16/2016
Version 3.2

Hydrologic Response—Maled to Bancroft
Customer Name: Falls Water Co



8/16/2016
Version 3.2

LEASE AGREEMENT FOR WATER RIGHT

This agreement is made on this 7th day of June, 2010 by and between Lincoln Land Company LLC, P.O. Box 1768, Idaho Falls, ID 83403, an Idaho Limited Liability Company and BECO Construction Co., Inc., P.O. Box 1768, Idaho Falls, ID 83403, an Idaho Corporation ("Lessors"), and Falls Water Co., Inc., 2180 N. Deborah Dr., Idaho Falls, ID 83401 ("FWC"), an Idaho corporation.

Instrument # 1367806

IDAHO FALLS, BONNEVILLE, IDAHO

7-8-2010 02:46:20 No. of Pages: 4

Recorded for : SCOTT BRUCE

RONALD LONGMORE

Ex-Officio Recorder Deputy

Index to AGREEMENT

Fee: 19.00

WITNESSETH

That for and in consideration of the mutual covenants and promises herein set forth, the parties agree as follows:

1. LESSORS are the holders of water right license no. 25-02119, a right to divert 33 acre feet annually of ground water by means of a well located in the SWSE Section 10, T2N, R38E, Bonneville County, Idaho, for domestic use at the same location, with a priority of June 10, 1955. LESSORS are the holder of water right license nos. 25-10226 and 25-4114, rights to divert a total of 64.07 acre feet annually of ground water.
2. FWC is a water service corporation organized and existing under and by virtue of the laws of the State of Idaho, with its principle place of business in Bonneville County, Idaho. FWC provides water for domestic purposes from several wells to numerous homes in the Idaho Falls area.
3. By separate agreement executed simultaneously with the execution of this agreement, FWC has leased the above referenced well of LESSORS and desires to lease the referenced water rights also. Water right license no. 25-02119 currently has its diversion point at the well leased by the separate agreement executed simultaneously with the execution of this agreement and the place of use is currently within FWC service area. The parties understand and agree that to comply with Idaho law, in order for FWC to legally use water under water right nos. 25-10226 and 25-4114 for domestic purposes within the FWC service area, the place of diversion and place of use of such water rights must be changed pursuant to the provision of Idaho Code Sections 42-108 and 42-222.
4. LESSORS make no guarantee or warranties relating to the water right which is the subject of this agreement or the use of water pursuant thereto for any purpose. FWC recognizes and accepts the inherent risk associated with the use of water pursuant to such water right and agrees to save and hold LESSORS harmless from any loss, claim or cost by reason of a liability claim brought by any person or entity including FWC allegedly suffering a personal injury or property damage in some way attributable to the water right or the use of water pursuant thereto.
5. FWC agrees to maintain a policy of liability insurance in a minimum amount of One Million Dollars (\$1,000,000) to be effective at all times while this agreement is in effect. LESSORS will be named as an additional insured on FWC's policy and receive a certificate of insurance annually indicating the policy is in effect.

6. Immediately upon the execution of this agreement, the parties shall cooperatively cause the appropriate application for transfer of said water right to be filed pursuant to said sections of the Idaho Code with the Idaho Department of Water Resources and shall continue to cooperate to the end that formal approval of such transfer by IDWR may be obtained at the earliest possible date.
7. Upon receipt of formal approval by IDWR, the terms of this lease shall be that FWC will lease said water rights in the amount approved up to a total of 97.07 acre feet per year for a period of three years from the date of such approval, at the rate of \$34 per year per acre foot, the first of which payments has been paid upon the execution hereof, and each subsequent payment of which shall be paid on or before August 1st, the anniversary date of the lease year. This lease shall be renewable at the option of LESSORS for two additional three year periods on the same terms and conditions.
8. Upon the expiration or termination of this lease for any reason, FWC agrees to cooperate with LESSORS in any effort of LESSORS to change the point of diversion, place of use, nature of use or season of use of said water rights in accordance with the provisions of Idaho Code sections 42-108 and 42-222, and this agreement constitutes FWC's formal consent thereto. In the event the transfer of water right nos. 25-10226 and 25-4114 contemplated by this agreement is unsuccessful in whole or in part or should LESSORS not renew the water right lease during the lease term of the well lease, FWC may transfer the point of diversion for any or all of its existing water rights to the referenced well and LESSORS agrees to cooperate in such effort as provided in the lease of said well executed simultaneously herewith.
9. This lease shall not be assigned nor subleased to any other party without the prior written consent of LESSORS.
10. If LESSORS's property is sold during the term of this lease, LESSORS's rights hereunder may be assigned to the new owner of the property by LESSORS.
11. Failure to strictly comply with the provisions of this agreement shall constitute a default. Upon default, either party may pursue any lawful remedy without prior notice. In addition to any other remedies allowed by law, either party may terminate this lease upon default provided that prior to termination, the party claiming default shall give written notice specifying the grounds upon which termination will be effected and providing a ten day period upon which such default may be cured. If the default is not cured the party may proceed with termination.
12. In the event of default, the defaulting party shall pay all costs and attorney's fees incurred by the other in enforcing the provisions of this agreement, whether or not an actual lawsuit is filed. Failure to pay such fees and costs shall constitute a default.
13. This agreement supersedes all prior lease negotiations between the parties and is based upon no representation or warranties except as expressly set forth herein.

14. Any notice by either party pursuant to the provisions of this lease shall be mailed to the proper address provided above, by certified mail, return receipt requested. Notice shall be effective as of the date of the first attempted delivery by the postal service.

Dated this 7th day of June 2010.

FALLS WATER CO., INC.

K. Scott Bruce

By K. Scott Bruce, Title General Mgr

Lincoln Land Company LLC

DH Beck

By DH Beck, Title MGR

BECO Construction Co., Inc.

DH Beck

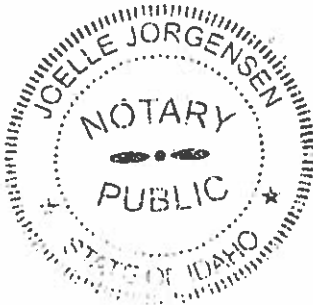
By DH Beck, Title Pres

STATE OF IDAHO)
) ss
County of Bonneville)

On the 7th day of June 2010, before me the undersigned, a notary public in and for the said State, personally appeared K. Scott Bruce, known or identified to me to be one of the members of Falls Water Co., Inc. or an authorized representative of Falls Water Co., Inc., and acknowledged to me that he/she executed the same in said corporation name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)



Joelle Turner/Jorgensen
Notary Public for Idaho
Residing at Bonneville County
My commission expires: Apr. 19th 2013

STATE OF IDAHO)
) ss
County of Bonneville)

On the 7th day of June 2010, before me the undersigned, a notary public in and for the said State, personally appeared Doyle Beck, known or identified to me to be one of the members of Lincoln Land Company LLC and the president of BECO Construction Co Inc, and acknowledged to me that he/she executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)



Joelle Turner/Jorgensen
Notary Public for Idaho
Residing at Bonneville County
My commission expires: Apr. 19th 2013

LEASE AND EASEMENT AGREEMENT

This agreement is made on this 7th day of June, 2010 by and between Lincoln Land Company LLC, P.O. Box 1768, Idaho Falls, ID 83403, an Idaho Limited Liability Company and BECO Construction Co., Inc., P.O. Box 1768, Idaho Falls, ID 83403, an Idaho Corporation ("Lessors"), and Falls Water Co., Inc., 2180 N. Deborah Dr., Idaho Falls, ID 83401 ("FWC"), an Idaho corporation.

FWC operates several wells pumping water through pipelines to service the water needs of many municipal water users in the Idaho Falls area. LESSORS owns property in Lincoln which has a well located on it that FWC desires to lease.

- 1) For and in consideration of the mutual promises and the payments specified herein, LESSORS hereby agrees to lease the well located on its property described in Exhibit "A" attached hereto to FWC. LESSORS also hereby grants to FWC in connection with the lease a temporary easement upon and across the property described in Exhibit "A" for the location and installation of a pump and other essential equipment and facilities to divert water from said well, and a buried pipeline to transport such water from said well to a point where such water will be introduced into the existing system of FWC. The easement hereby granted includes the right of access to such property for the operation, maintenance, inspection, repair, rehabilitation or replacement of the well, diversion equipment and pipeline, and for the protection of such well and property as may be required of FWC by applicable Idaho Department of Health and Welfare regulations.
- 2) The term of the lease and temporary easements will be for ten (10) years. FWC shall pay to LESSORS \$1,700 as the lease amount for the first lease year due and payable on the first day of the lease. This lease amount shall be increased by \$50 each subsequent year of the lease term. Thus, the lease amount for the last year of the 10-year term would be \$2,150. All lease payments made later than 5 days past the first day of each lease year shall incur interest at the rate of 1 1/4% per month from the date it was due until paid. If the lease payment is not made within 30 days of the lease payment date this lease will be in default. This late payment penalty provision shall not limit LESSORS's right to terminate or otherwise pursue remedies upon default.
- 3) FWC shall maintain the area around the well. FWC shall be responsible for all maintenance deemed by them to be necessary to maintain the operational status of the well including the pump and all associated piping and easements. All utilities shall be paid by FWC.
- 4) LESSORS makes no guarantee or warranties relating to the operation of the well for any purpose. FWC recognizes and accepts the inherent risk associated with the land, the aged condition of the well, and the water, which will be received out of the well and agrees to save and hold harmless LESSORS against any loss, claim or cost by reason of a liability claim brought by any person or entity including FWC allegedly suffering a personal injury or property damage in some way attributable to the well, water, its equipment or operation thereof by reason of FWC's use.

- 5) FWC agrees to maintain a policy of liability insurance in a minimum amount of One Million Dollars (\$1,000,000) to be effective at all times while this agreement is in effect. LESSORS will be named as an additional insured on FWC's policy and receive a certificate of insurance annually indicating the policy is in effect.
- 6) This lease shall not be sub-leased or assigned to any other party without the prior written consent of LESSORS.
- 7) If LESSORS decides to sell its property which may include the well site, this lease may be assigned to the new owner of the property by LESSORS.
- 8) FWC shall use the well strictly for supplying water to domestic water users in the Falls Water service area.
- 9) FWC agrees to lease up to 97.07 acre feet of water from LESSORS each year. The water rights being leased include Water rights No 25-2119 (33 AF), No. 25-4114 (12.47 AF), No. 25-10226 (51.6 AF). The lease for the water rights will be for a 3-year term. The lease amount for the water would be \$34 per year per acre foot LESSORS is able to transfer to FWC up to the 97.07 acre feet. The water right lease will be renewable at LESSORS's option for 2 additional 3-year terms. The water right lease terms as noted above will be encompassed in a separate lease agreement. FWC agrees to cooperate with LESSORS and its attorney to effectuate the transfer of the water rights and to sign the water rights lease agreement.
- 10) Failure to strictly comply with the provisions of this agreement shall constitute default. Upon default, either party may pursue any lawful remedy without prior notice. In addition to other remedies allowed by law, either party may terminate this lease provided that prior to termination the party claiming default shall give written notice specifying the grounds upon which termination will be made and providing a ten (10) day period within which the default may be cured. If the default is not cured, the party may proceed with the termination.
- 11) In the event of default, the defaulting party shall pay all costs and attorney's fees incurred by the other in enforcing the provisions of this agreement, whether or not an actual lawsuit is filed. Failure to pay such fees and costs shall constitute a default.
- 12) This agreement supersedes all prior lease negotiations between the parties and is based upon no representation or warranties except as expressly set forth herein.
- 13) Any notice by either party pursuant to the provisions of this lease shall be mailed to the proper address provided above, by certified mail, return receipt requested. Notice shall be effective as of the date of the first attempted delivery by the postal service.

Dated this 7th day of June 2010.

FALLS WATER CO., INC.

K. Scott Bruce

By K. Scott Bruce, Title General Mgr.

Lincoln Land Company LLC

DA Beck

By DA Beck, Title MG-R

BECO Construction Co., Inc.

DA Beck

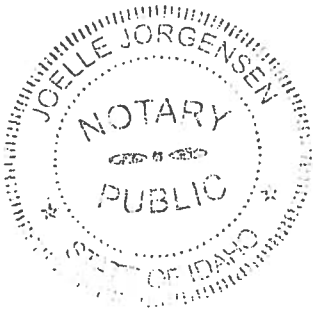
By DA Beck, Title Pres.

STATE OF IDAHO)
) ss
County of Bonneville)

On the 7th day of June 2010, before me the undersigned, a notary public in and for the said State, personally appeared K. Scott Bruce, known or identified to me to be one of the members of Falls Water Co., Inc. or an authorized representative of Falls Water Co., Inc., and acknowledged to me that he/she executed the same in said corporation name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)



Joelle Tanner/Jorgensen
Notary Public for Idaho
Residing at Bonnedille camp
My commission expires: Apr. 1 19th 2013

STATE OF IDAHO)
) ss
County of Bonneville)

On the 7th day of June 2010, before me the undersigned, a notary public in and for the said State, personally appeared Doyle Beck, known or identified to me to be one of the members of Lincoln Land Company LLC and the president of BECO Construction Co., Inc., and acknowledged to me that he/she executed the same in said limited liability company name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)



Joelle Tanner/Jorgensen
Notary Public for Idaho
Residing at Bonnedille County
My commission expires: Apr. 1 19th 2013

Exhibit "A"

Legal Description of Lincoln Land Company LLC Land to be Leased by Falls Water Co., Inc.

Beginning at a point that is N 89° 52' 18" W 97.20 feet from the South quarter corner 1-1/4 of Section 10, Township 2 North, Range 38 East of the Boise Meridian, and running thence N 1° 53' 13" W 254.16 feet; thence N 22° 39' 18" W 84.55 feet; thence N 1° 53' 13" W 30.76 feet; thence N 88° 06' 47" E 60.67 feet; thence S 1° 53' 13" E 100.00 feet; thence S 88° 06' 42" W 7.69 feet; thence S 1° 53' 13" E 264.78 feet to the South line of said Section 10; thence N 89° 52' 18" W along said South line, 23.01 feet to the point of beginning, containing 0.26 acres more or less, all located in the County of Bonneville, State of Idaho