

**STARTING
LEFT
SIDE OF
FILE**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

AMENDMENT OF PERMIT
PERMIT NO. 63-12448

AMENDED

This is to certify, that CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: April 8, 1998

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	3.25 CFS	1455.0 AF
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		NWSW , Sec. 3, Township 04N, Range 01E SWSW , Sec. 3, Township 04N, Range 01E SESW , Sec. 5, Township 04N, Range 01E ADA County	

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 31, 1999.
2. Subject to all prior water rights.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. The issuance of this right does not grant any right-of- or easement across the land of another.

MICROF
APR 18

*Proof
Deadline
12/1/2003*

AMENDED

AMENDED

PERMIT NO. 63-12448

CONDITIONS OF APPROVAL AND REMARKS

8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
9. Rights 63-11413, 63-12017 and 63-12448 when combined shall not exceed a total diversion rate of 3.25 cfs and a total annual maximum diversion volume of 1455.0 af.
10. Points of diversion locally known as City of Eagle Wells #1 and 2, and Floating Feather Well.
11. Place of use is located within city limits of Eagle and surrounding service area.
12. Rights 63-11413 and 63-12017 are also diverted from the wells located in the NWSW and SWSW, S3, T4N, R1E.
13. Water bearing zone to be appropriated is from 183 to 602 feet.

Witness my hand this 7th day of April, 2000.

J. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED
APR 18 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 63-12448

This is to certify, that CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: April 8, 1998

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	3.25 CFS	915.0 AF

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	NWSW , Sec. 3, Township 04N, Range 01E
	SWSW , Sec. 3, Township 04N, Range 01E
	SESW , Sec. 5, Township 04N, Range 01E
	ADA County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 2003.
2. Subject to all prior water rights.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.

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DEC 02 1999

PERMIT NO. 63-12448

CONDITIONS OF APPROVAL AND REMARKS

8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
9. Rights 63-11413, 63-12017 and 63-12448 when combined shall not exceed a total diversion rate of 3.25 cfs and a total annual maximum diversion volume of 1455.0 af.
10. Points of diversion locally known as City of Eagle Wells #1 and 2, and Floating Feather Well.
11. Place of use is located within city limits of Eagle and surrounding service area.
12. Rights 63-11413 and 63-12017 are also diverted from the wells located in the NWSW and SWSW, S3, T4N, R1E.
13. Water bearing zone to be appropriated is from 183 to 602 feet.

Witness my hand this

18th

day of

October

, 1999

J. Glen Saylor

Chief, Water Allocation Bureau

MICROFILMED
DEC 02 1999

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION FOR)
AMENDMENT NO. 63-12448 IN THE NAME)
OF THE CITY OF EAGLE.)**

**ORDER
DISMISSING PROTEST**

The City of Eagle filed an application to amend permit no. 63-12448, seeking to add a point of diversion to the permit, and to delete two proposed points of diversion. The application for amendment was protested by Eagle Water Co. and by Eleanor Chase.

A prehearing conference was conducted on August 11, 1999. The applicant appeared by and through its attorney, Christopher Meyer. Eleanor Chase attended the prehearing conference. A representative of Eagle Water Co. did not attend.

Eleanor Chase withdrew her protest on August 17, 1999.

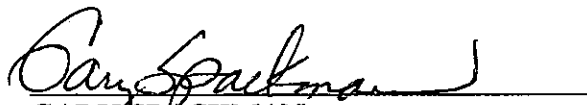
IDWR corresponded with Robert DeShazo, President of Eagle Water Co., asking him to show cause why Eagle Water Co. failed to appear at the prehearing conference. The letter stated that unless cause was shown within fourteen (14) days of the date of the letter, the protest of Eagle Water Co. would be dismissed.

DeShazo telephoned IDWR employees after the letter was sent, but did not show cause why he failed to appear.

ORDER

IT IS HEREBY ORDERED that the protest of Eagle Water Co. against the application to amend permit no. 63-12448, filed by the City of Eagle is DISMISSED.

Dated this 21st day of September, 1999.


GARY SPACKMAN
Western Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of September, 1999, I mailed a true and correct copy, postage prepaid, of this document to those listed below.

Aime Taylor

ROBERT DESHAZO JR
EAGLE WATER CO
PO BOX 455
EAGLE ID 83616

THE CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

CHRIS MEYER
277 N 6TH STE 200
BOISE ID 83702

MICROFILMED
DEC 02 1999

RECEIVED

DEC 04 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

OCT 06 1999

STATE OF IDAHO
Department of Water Resources

Receipt No. W004634
dated by AK
Date 12/4/98

APPLICATION FOR AMENDMENT OF A PERMIT

Applicant The City of Eagle¹ Phone 208-939-6813
Address 310 E. State Street, Eagle, ID 83616

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-12448, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment:

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Add volume limit per application²

1. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SW	\$3	T4N	R1E	Ada	City of Eagle Well #1
		NW	SW	\$3	T4N	R1E	Ada	City of Eagle Well #2
		SW	SE	\$5	T4N	R1E	Ada	Floating Feather Well

SE SW

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
amount 3.25 cfs³ for municipal (per Idaho Code § 42-202B(4)) purposes from 01/01 to 12/31
(cfs/acre feet per annum) (water use) (begin month) (end month)

3. Place of use or land to be irrigated:

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals						
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼							
					<i>See the City of Eagle's most recent Description of Municipal Service Area, filed separately with the Department.</i>																				

See the City of Eagle's most recent Description of Municipal Service Area, filed separately with the Department.

Total acres not applicable

4. a. Who owns the property at the point of diversion? The City of Eagle owns City of Eagle Wells 1&2 (the PODs in the permit).
United Water Idaho ("UWID") owns the Floating Feather Well (to be added by this amendment).
- b. Who owns the land to be irrigated at the place of use? Not applicable to a municipal water right.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Ownership of place of use is not applicable to a municipal water right. As for the third diversion point (Floating Feather Well), UWID consents to the issuance of this permit water right with the provision that permission of UWID be obtained before its use.

RECORDED
DEC 02 1999

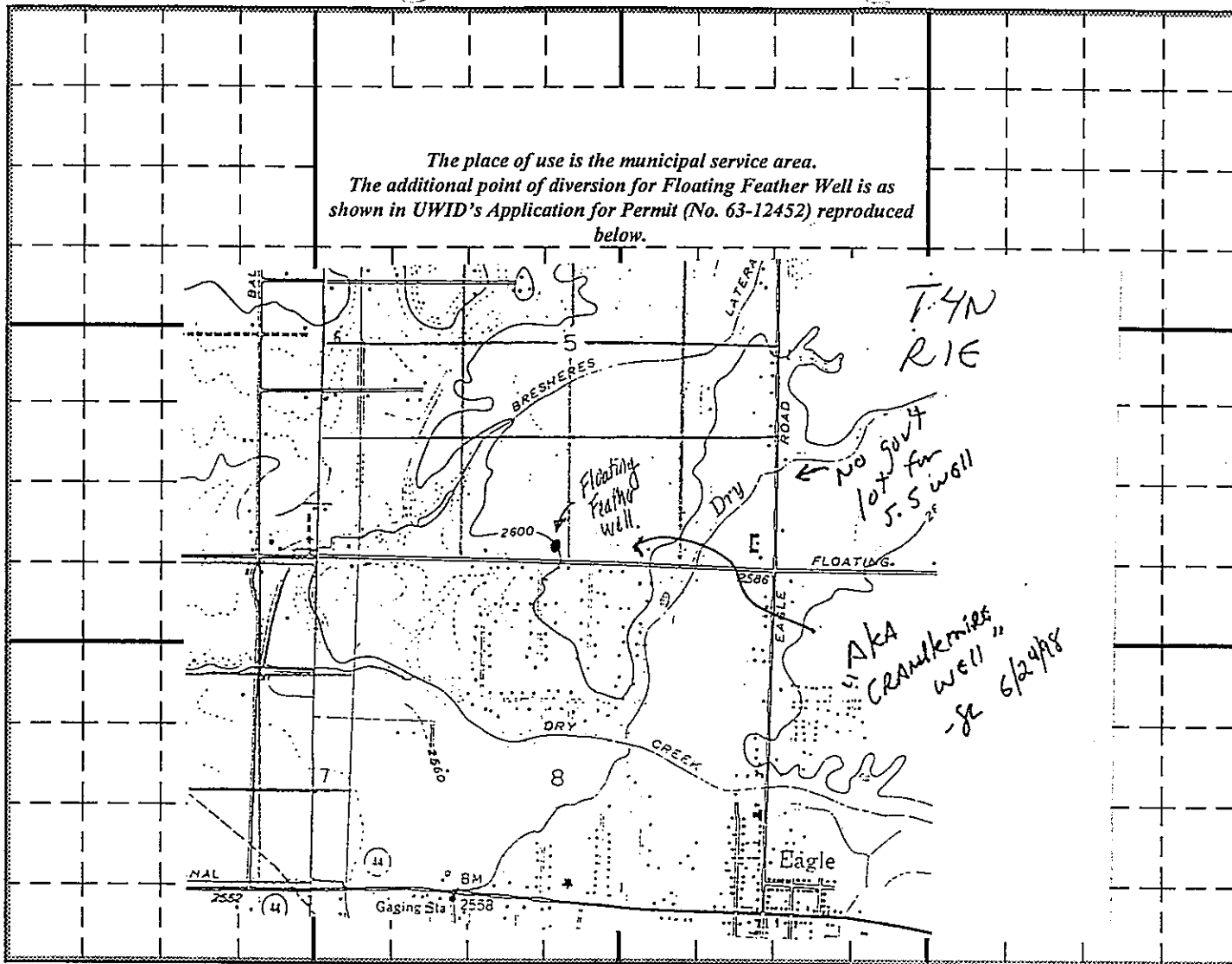
¹For city officials, see City of Eagle's most recent Description of Municipal Service Area, filed separately with the Department.

²The Application for Permit included a volume limit of 1,455 acre-feet per annum in total for Water Right Nos. 63-11413 and 63-12017. Although this is not a typical condition on a municipal water right, it was expressly included per an agreement between the City of Eagle and United Water Idaho, as described in my letter of November 19, 1998. Even though the two so-called Hormaechea points of diversion have been dropped from the permit, it is possible that they could added later by admendment. Consequently, the need for this limitation remains. The City requests that this limit be imposed as originally requested.

³As limited by Condition No. 11 in the Permit as issued (limiting the total combined diversion rate to 3.25 for Nos. 63-11413, 63-12017 and 63-12448).

* Floating Feather well is in SESW per IOWR file history.
-SL 2/9/99

Complete the following map by showing land and point of diversion as proposed by this amendment.
 Show 1/4 1/4, section, township, range and ditches. (The smallest subdivision represent 3 acres.)



I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 4th day of December, 1998.

Christopher H. Meyer
 Christopher H. Meyer
 Givens Pursley LLP
 277 N. 6th Street, Ste. 200
 P.O. Box 2720
 Boise, ID 83701-2720
 (208) 388-1200
 Attorney for Applicant

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by RL 2/9/99 Publication prepared by ST Date 2-10-99
 Published in Id Stateman Pub. dates 3-4 + 11-98
 I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____

MICROFILMED
 DEC 02 1999

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-12448

Proposed Priority: April 8, 1998

Maximum Diversion Rate:

3.25 CFS

This is to certify, that CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
MUNICIPAL	01/01 to 12/31	3.25 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 3, Township 04N, Range 01E
SWSW , Sec. 3, Township 04N, Range 01E
ADA County

PLACE OF USE: See Remarks

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 2003.
2. Subject to all prior water rights.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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FEB 16 1999

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 63-12448

CONDITIONS OF APPROVAL AND REMARKS

9. Points of diversion formerly locally known as Lexington Hills Well Nos. 1 & 2 are currently locally known as City of Eagle Well Nos. 1 & 2.
10. Place of use is located within city limits of Eagle and surrounding service area.
11. Rights 63-11413, 63-12017, and 63-12448, when combined, shall not exceed a total diversion rate of 3.25 cfs.
12. Prior to diverting water under this right, the right holder shall locate the existing wells within one-quarter mile of the proposed well near the intersection of Floating Feather Road and Eagle Road, and shall measure water levels semi-annually in one of the wells for ten years after the right holder's well is constructed. The monitoring well shall be selected based on depth, proximity, and permission to monitor from other landowners. This condition can be waived if the right holder cannot find a suitable well for monitoring or cannot gain access to a suitable well in the area.
13. Water bearing zone to be appropriated is from 215 to 602 feet.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

3rd day of December, 1998.

Karl J. Dreher
for Karl J. Dreher, Director

MICROFILMED

FEB 16 1999

Based on Form 202
2/96Ident. No. 63-12448

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant City of Eagle ("City") Phone 208-939-6813
Mailing address 310 E. State Street, Eagle, ID 83616
2. Source of water supply ground water which is a tributary of (not applicable)
3. Location of point(s) of diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Old name for diversion	New name for diversion
	SW	SW	SW	§3	T4N	R1E	Ada	Lexington Hills Well #1	City of Eagle Well #1
		NW	SW	§3	T4N	R1E	Ada	Lexington Hills Well #2	City of Eagle Well #2
		SW	SW	§4	T4N	R1E	Ada	Hormaechea Well #2	City of Eagle Well #3
		NE	SE	§4	T4N	R1E	Ada	Hormaechea Well #1	City of Eagle Well #4

4. Water will be used for the following purposes:
Amount 3.25 cfs² for municipal³ purposes from 01/01 to 12/31
(cfs/acre feet per annum) (water use) (both dates inclusive)
5. Total quantity to be appropriated is (a) 3.25² and/or (b) up to 1,455²
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of type and size of devices used to divert water from the source Up to four wells
and pumps. These will be interconnected with the City's integrated water supply
system.
- b. Height of storage dam n/a feet; active reservoir capacity n/a acre-feet; total
reservoir capacity n/a acre-feet
- City of Eagle Well #1:
- c. Proposed well diameter is 16 inches; proposed depth of well is 400 feet
- d. Is ground water with a temperature of greater than 85° F being sought? No
- e. If well is already drilled, when? 3/7/1991; Drilling firm Pete Cope Drilling, Inc.
Well was drilled for (well owner) Floating Feather Hills; Drilling Permit No. 63-91-W-044

¹For city officials, see the City's most recent Description of Municipal Service Area, filed separately with the Department.

²The City seeks the right to divert a total of up 1,455 acre-feet per annum, with a combined total flow rate of 3.25 cfs, from this water right and Water Right Nos. 63-11413 and 63-12017. This limitation is described more fully in Attachment B, the terms of which are incorporated here by reference.

³See Remarks section at end of form.

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FEB 16 1999

CONTACT PERSON = C. MEYER (SEE signature block) - 8/5/14/1

City of Eagle Well #2:

- c. ~~Proposed~~ well diameter is 18 inches; ~~proposed~~ depth of well is 400 feet
- d. Is ground water with a temperature of greater than 85° F being sought? No
- e. If well is already drilled, when? 4/14/1992; Drilling firm Pete Cope Drilling, Inc.

Well was drilled for (well owner) Lexington Hills Inc.; Drilling Permit No. 63-92-W-170

City of Eagle Well #3:

- c. Proposed well diameter is 14-18 inches; proposed depth of well is 300-500 feet
- d. Is ground water with a temperature of greater than 85° F being sought? No
- e. If well is already drilled, when? n/a; Drilling firm n/a

Well was drilled for (well owner) n/a; Drilling Permit No. n/a

City of Eagle Well #4:

- c. Proposed well diameter is 14-18 inches; proposed depth of well is 300-500 feet
- d. Is ground water with a temperature of greater than 85° F being sought? No
- e. If well is already drilled, when? n/a; Drilling firm n/a

Well was drilled for (well owner) n/a; Drilling Permit No. n/a

7. Time required for the completion of works and application of water to proposed beneficial use is five years (minimum 1 year).
8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in KW. n/a
 - Stockwatering; list number and kind of livestock. n/a
 - Municipal; show name of municipality. The City of Eagle
 - Domestic; show number of households. n/a
 - Other; describe fully. n/a
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

See the City's most recent Description of
Municipal Service Area, filed separately with
the Department.

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Total number of acres to be irrigated not applicable

10. Describe any other water rights used for the same purpose as described above. Water Right Nos. 63-11413 and 63-12017 are owed by the City and are used to serve customers within the City's municipal service area. See Appendix B regarding cap on the combined use of these water rights.
In addition, certain surface water rights (which may not be owned by the City) provide the primary source of water for lawn irrigation in some areas served by the City.
11. a. Who owns the property at the point of diversion? The City of Eagle
 b. Who owns the land to be irrigated or place of use? Not applicable to a municipal water right.
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Not applicable to a municipal water right. Ownership of land has no bearing on the City's service obligation.
- * 12. Remarks: The City seeks a municipal water right under the Municipal Water Right Act of 1996, Idaho Code §§ 42-202, 42-202B, 42-217, 42-219, 42-222. However, the City intends to use the water solely to meet current needs and does not assert any claim for a "future need" component to the right under the Municipal Water Right Act of 1996. *Comments*
13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.) (See Attachment A)

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Christopher H. Meyer

CHRISTOPHER H. MEYER
 Givens Pursley LLP
 277 N. 6th Street, Ste. 200
 P.O. Box 2720
 Boise, ID 83701-2720
 (208) 388-1200
 Special Attorney for City of Eagle

Received by SL for staff *no ✓ received* Date 4/7/98 Preliminary check by SL
 Fee \$ 160 Receipted by SL # 6023699 Date 4/9/98
 Publication prepared by AT Date 5-14-98 Published in Idaho Stateman
 Publication approved AT Date 7-7-98 *5-21-28-98*

* Remarks *add note e total use limit of 3.25 cfs = all rights these wells*
 Water bearing zone to be appropriated for 2 existing and 2 proposal wells is from 215 to 602 feet.
 Applicant agrees to mitigate consumptive use in the future as needed.
 (aka Lexington Hills & Hornacchen)

↑
 Note: check record 4/8/98 & receipted 4/9 -
 MICROFILMED priority date = 4/8/98
 FEB 16 1999

*w.b. zone per applicant's 4/10/98 letter
 mitij. info " " 5/5/98 "*

-SL

Attachment B

CITY OF EAGLE – 1998 WATER RIGHT APPLICATION

Calculation of Diversion Rate and Annual Volume Requirements for 1800 Homes with Water Amenities

The intent of this application is to provide sufficient water for 1800 homes, including water amenities, when this right is used in combination with other ground water rights now owned by the City of Eagle, also taking into account the availability of surface water rights.

The calculation of water requirements is based on the following assumptions:

- Total build out of Lexington Hills, Echo Creek and the Hormaechea property will entail approximately 1,250 homes (roughly 440 of which are already constructed).⁴
- These 1250 homes are or will be irrigated by surface rights, and do not require ground water.
- In addition, this application intends to accommodate another 550 homes at locations not yet determined.
- It is anticipated that the Department will require that any surface rights available be maintained where 550 new homes are constructed. Nonetheless, we are making the conservative assumption that surface water supplies may not be available for some or all of the additional 550 homes, and that they will require ground water for irrigation of lawns.
- To the extent that it turns out that surface water is available, then this calculation will need to be revised downward accordingly. Consequently, the table below contains parallel calculations for "with" and "without irrigation" conditions.
- IDWR standard use requirements show that a typical home requires 0.6 af/yr without irrigation and 1.2 af/yr with irrigation.
- UWID's actual use data for the area indicate that the average peak flow requirement per home is 0.5 gpm without irrigation and 1.5 gpm with irrigation.
- The existing water amenity right (No. 63-12017) was obtained by a "dry up" of 5 acres of irrigated land under Water Right No. 63-11413. At 4.5 acre-feet per acre (times five), this equates to a maximum of 22.5 acre-feet per annum.
- Since the original right (No. 63-11413) was for 900 homes, and the objective here is to increase the supply to serve up to 1,800 homes, we have also doubled the amount of water available for water amenities to 45 acre-feet per annum. Thus, the assumption is that the new areas to be added will have similar water amenities (at least in level of water demand).

Based on these assumptions, the application seeks a total (from this and the other two water rights) of 3.25 cfs and a maximum annual volume of between 1,125 and 1,455 acre-feet, depending on whether surface supplies are available for lawn irrigation. The calculation leading to this conclusion is presented in the table on the following page.

This calculation is intended to serve as the upper limit on the City's entitlement to divert under this water right. In the event that less water is required to fully and reliably serve 1800 homes, together with water amenities, the water right shall be so limited.

⁴This description is for explanatory purposes only, and is not intended to restrict the place of use under this water right.

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FEB 16 1999

CALCULATION OF WATER REQUIREMENTS FOR 1800 HOMES						
ITEM	CALCULATION	IF NO LAWN IRRIGATION WITH GROUND WATER			IF NEW HOMES IRRIGATED WITH GROUND WATER	
		PLANNED HOMES	ADDITIONAL HOMES	TOTAL	ADDITIONAL HOMES	TOTAL
Number of homes		1250	550	1800	550	1800
System wide average peak flow per home (gpm)	Based on UWID data	0.5 gpm per home	0.5 gpm per home		1.5 gpm per home	
System wide average peak flow for all homes (gpm)	Multiply by number of homes	625 gpm	275 gpm	900 gpm	825 gpm	1,450 gpm
System wide average peak flow for all homes (cfs)	Divide by 448.8			2.01 cfs		3.23 cfs
Average volumetric use rate per home	Based on IDWR chart	0.6 af/yr per home	0.6 af/yr per home		1.2 af/yr per home	
Total volumetric use for all homes	Multiply by number of homes	750 af/yr	330 af/yr	1,080 af/yr	660 af/yr	1,410 af/yr
Amenity Water				45 af/yr		45 af/yr
Grand Total				1,125 af/yr		1,455 af/yr

Description of Municipal Service Area For the City of Eagle

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APR 07 1998
WATER RESOURCES
WESTERN REGION

Submitted to the
Idaho Department of Water Resources
April 1998

RECEIVED
APR 07 1998
WATER RESOURCES
WESTERN REGION

Version

This is the first version of the City of Eagle's Description of Municipal Service Area. It is anticipated that, from time to time, the City may file revised descriptions of its service area.

Description of the City of Eagle

Eagle is located near the Boise River, in the vicinity of Eagle Island, seven miles northwest of the capital City. At the time the area was first settled, Bald Eagles were still prevalent in the Valley. An eagle's nest spotted in a tall cottonwood tree near the river lent its name to nearby "Eagle Island" and, ultimately, to the City. The City is noted for its mild climate, year round recreational opportunities and friendly people.

Although settled nearly a century earlier, the City had grown little by the time of its incorporation on November 2, 1971, with a population of 3,178. Since then, the City has experienced dramatic growth, yet its atmosphere remains pastoral, and its outlook progressive.

Eagle has a mayoral government with a mayor and four council members. In addition, the City is served by a Planning and Zoning Commission, a Design Review Board, a Historical Preservation Commission, a Parks Development Committee, a City Clerk, a Planning and Zoning Administrator, and a full time Building Official.

City services are provided by the Moscow District, the Eagle Fire Department,

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FEB 16 1999

and both private and municipal water providers.

Eagle has two developed parks and is developing a new park downtown. A fourth, to be known as Merrill Park, will be situated along the Boise River. Eagle is cooperating with Ada County on the development of the Ada County Sports Complex, and the City is planning to develop a skateboard park. The Eagle Golf Course is located within the City, while the Shadow Valley Golf Course is within three miles and the Plantation Golf Course is only seven miles away.

A sustained surge in home development over the last several years in turn has fueled a marked increase in commercial development. The largest concentration of new business development is at the intersection of Eagle Road and the Alternate Route. Robust private construction is complemented by the addition of the new City library and a new post office, now under construction.

Since the City's incorporation just over a quarter of a century ago, the population of the community has more than doubled to a figure of 6,590. All indications are that the vibrant and attractive community will continue to grow in size and population for the foreseeable future.

The City's boundaries, as well as its area of impact, are shown on the map attached as Appendix A. It is anticipated that both will widen substantially in the coming years.

City Government

The City's business address and principal officials, as of April 1998, are as follows:

City Hall
310 E. State Street
Eagle, Idaho 83616
Office: 208-939-6813
Facsimile: 208-939-6827
Mayor: Rick Yzaguirre
City Council Member: Nancy Merrill
City Council Member: Lynn Sedlacek
City Council Member: Steve Guerber
City Council Member: Stan Bastian

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FEB 16 1999

Purpose and Applicability of this Filing

This description is provided to the Idaho Department of Water Resources ("IDWR") in order to satisfy the description requirement contained in the Municipal Water Rights Act of 1996¹ and for any other purpose found in statute, judicial requirement or instruction of the IDWR.

In order to avoid confusion and to most effectively provide notice to other water users, regulatory agencies and other interested persons, the City is providing to the IDWR this single, universal description of its service area. The City intends this description (subject to any future amendments) be applicable to all water rights held now or later appropriated or acquired by the City for municipal use (whether based on common law or statute) unless the service area for such right is expressly stated not to include all of the City's municipal service area.²

The City asks that this and any future City of Eagle service area descriptions be filed or indexed in a manner that any person inquiring as to such may readily locate the latest version.

The City anticipates that from time to time it will file with the IDWR amendments to or replacements of this service area description. Those should be made a part of this universal, evolving description of the City's expanding service area. The description bearing the latest date shall control.

The City's Role in Water Service

The City of Eagle first became a water provider on July 24, 1992 when Lexington Hills, Inc. and Treasure Valley Village conveyed to the City Water Right No. 63-11413 together with the physical supply system supporting that right. This water supply system had been developed by these two development

¹Idaho Code §§ 42-202(2) (description of service area at time of application to appropriate water), 42-217 (revised description of service area at time of proof of beneficial use), and 42-222(1) (description of service area in connection with change of water right).

²The City also may acquire water rights held by others for purposes other than municipal use within the City's service area. These may be held in such other uses for some time, pursuant to contract or other arrangements with others, or they may be transferred to use within the City's municipal system.

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companies in connection with real estate projects now known as Lexington Hills and Echo Creek. Since 1992, the City has operated this system through a contract with Engineering, Management and Maintenance, Inc. (a subsidiary of United Water Idaho).

A related water right used for amenity purposes, Water Right No. 63-12017, was conveyed to the City on February 4, 1998.

The City's current service area is limited under those water rights to a discrete area within Lexington Hills and Echo Creek Subdivisions. However, the City has filed applications to amend its water right permits to allow it the flexibility to serve anywhere within its evolving service area. The City is also filing a new application for a water right to serve its evolving service area.

Other Service Providers within the City of Eagle

Other parts of the City are served by two other private companies, United Water Idaho and Eagle Water Company.

The current service mixture could change over time. The City may find it beneficial to continue to be served by both companies, or the service area of either company might grow or shrink. It is possible that the City could take over service currently provided by a private company. Were that to happen, the City's service area would grow accordingly. As the City grows, new areas might be served by one of the private companies or by the City.

Uses of Municipal Water Within the Service Area

The City's customers put municipal water provided to them to a broad range of uses. These include, without limitation, residential, culinary, commercial, industrial, irrigation of lawns, gardens, parks and open space, and related purposes (including aesthetic uses, such as maintenance of wetlands, wildlife areas, streams, ponds and lakes). Some water users may store water provided to them by the City before using it.

MICROFILMED

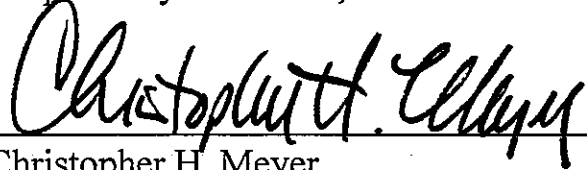
FEB 16 1999

Description of Area Served

As described above, the City currently serves customers and other water users within discrete parts of the City. To the extent deemed beneficial to the citizens of Eagle, the City may in the future choose to serve other parts of the City, nearby communities, unincorporated areas and rural customers within the Treasure Valley. Likewise, it may enter into leases or other agreements to provide water to others in the vicinity.

The population of the City of Eagle and the surrounding area is increasing at a rapid pace. While it is difficult to predict the exact course of future development, it is fair to assume that the City, and its service area, will continue to grow at a substantial and possibly accelerating pace in the foreseeable future.

Respectfully submitted,



Christopher H. Meyer
Special Attorney for the City of Eagle

Dated: April 7th, 1998

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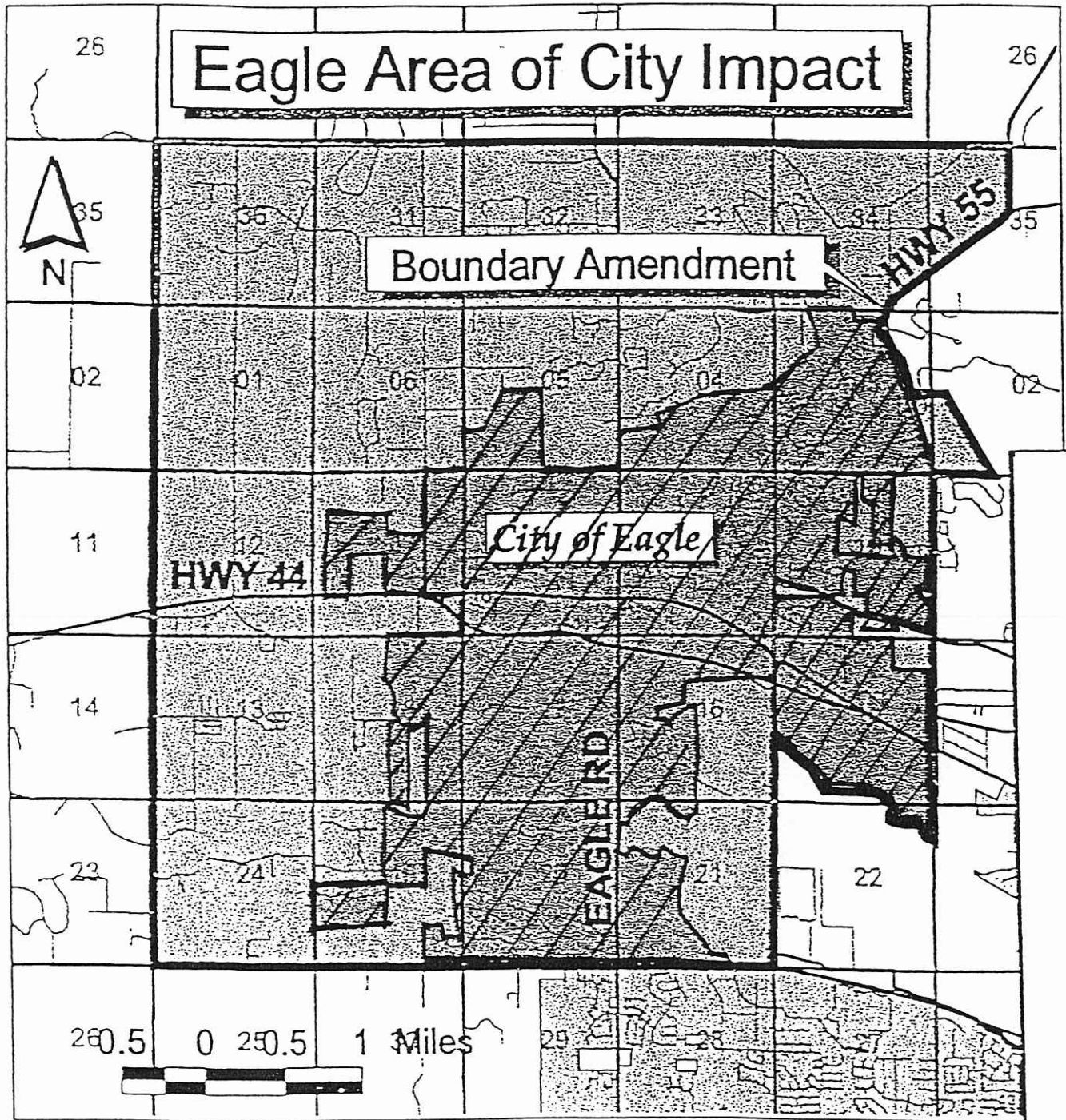
FEB 16 1999

EXHIBIT A

Map of City Boundary and Area of Impact

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FEB 16 1999



shaded area = city impact area
 = City limits

01/21/98 (mm)

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FEB 16 1999

Comments: Date: 5/14/1998 User-ID: SLESTER

Subject: IDWR PROCESSING NOTES

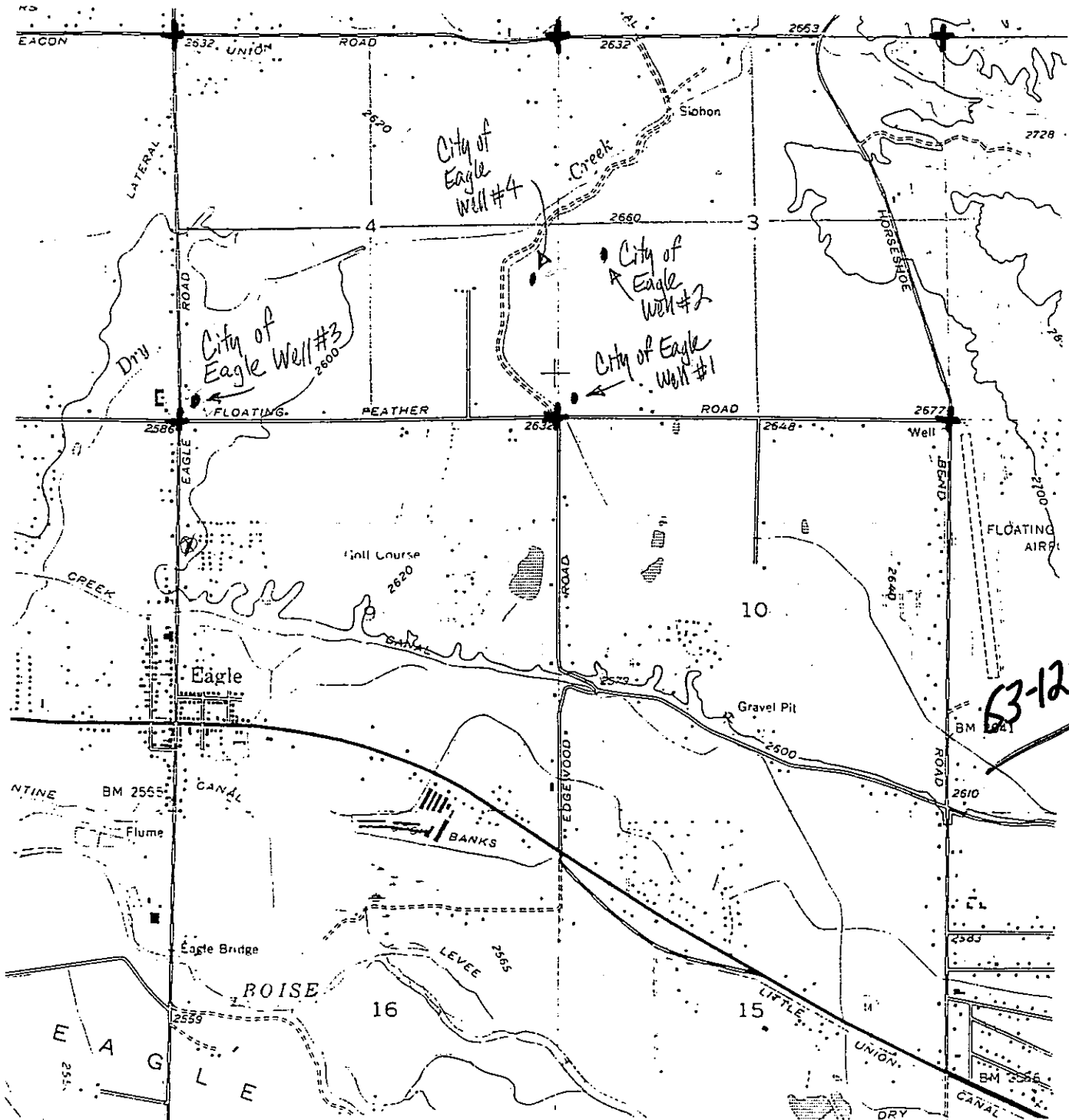
No future needs component of municipal use is sought. Combined rate for all rights from these wells is limited to 3.25 cfs by applicant's information. This is a new right filed for same wells (2 existing = Lexington Hills, 2 proposed = Hormaechea) listed in protested applications for amendment of permits 63-11413 and 63-12017.

CONTACT PERSON = CHRISTOPHER MEYER (ATTORNEY FOR CITY) @ Givens Pursley firm.

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FEB 16 1999

Attachment A (Map of Diversion Points)

T4N R16



Protested Appl.
for amendments

WELLS 1+2 = "Lexington Hills" wells already
in use (63-11413 & 63-12017).

WELLS 3+4 = "Normacchee" wells & 66 drilled.

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FEB 16 1999

no govt lots in pld tract.

Common pld's for
2 permits & New
Appl. for permit

-SL 4/14/98 pg
IOWA RECORDS &
Applicant's info

**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 10, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616

RE: Permit 63-12448

Dear Permit Holder(s):

The Department of Water Resources (IDWR) has issued the enclosed Amended Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amended Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions regarding this matter, you may call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

APR 18 2000

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of April, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Amended Amendment of Permit) to the person(s) listed below:

PERMIT 63-12448

**CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616**


Kari Lynn Townsend
Secretary

MICROFILMED

APR 18 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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APR 18 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

FAX TRANSMITTAL COVER SHEET

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DATE: 4.10.00

TO: Chris Meyer
388-1300

FROM: Jeff Peppersack
IDWR

DOCUMENT

DESCRIPTION: Amended Amendment of Permit
for City of Eagle #63-12448

COMMENTS:

COVER SHEET + 2 PAGES

PLEASE CONTACT Kari Ryan IF YOU DON'T RECEIVE THIS
ENTIRE DOCUMENT 327-7941

MICROFILMED

APR 18 2000

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300

DIRECT DIAL: (208) 388-1236
EMAIL: chm@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jacqueline M. Fearnside
Jeffrey C. Fereday
Richard W. Jankowski
Amanda L. Keating
Karl T. Klein
Debora K. Kristensen

Franklin G. Lee
David R. Lombardi
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery

Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stukel
Conley Ward
Stephanie C. Westemeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

Department of Water Resources

RECEIVED

APR 3 2000

March 31, 2000

Mr. Jeff Peppersack
Water Right Permit Section Manager
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: City of Eagle Water Right No. 63-12448
Our File No. 30-77

Dear Jeff:

I am the water attorney for the City of Eagle. I have just reviewed Amended Water Permit No. 63-12448 issued to the City of Eagle last October.¹ It appears that there is a small problem with the annual volume limitation. I spoke with Steve Lester in the Western Regional Office, and he suggested that I contact you.

The amended permit sets an annual volume limit of 915.0 acre-feet per year. I request, on behalf of the City of Eagle, that the volume limit be re-set to 1,455.0 acre-feet per year, subject to Condition No. 9 (which limits all three City of Eagle water rights to an annual volume of 1,455 acre-feet per year).²

¹I did not receive a copy of the amended permit until yesterday, in a meeting with the City Attorney and City Engineer. Although my name appears on the original application, the amendment application, and every other piece of communication as water attorney for the City, I was never provided a copy of the amended permit nor notified that it had been issued. The City assumed that I had been copied, and did not forward a copy to me. In the future, I would very much appreciate your copying me on any correspondence or other departmental action affecting this or the other water rights of the City of Eagle. Would you please enter my name in the appropriate Departmental data base to facilitate this? Please let me know if you need an authorization letter or formal request to put this into effect.

²As you know, municipal water rights do not ordinarily have annual volume limits. But these are (continued...)

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APR 18 2000

Mr. Jeff Peppersack
March 31, 2000
Page 2

This request is consistent with the original application,³ the application for amendment,⁴ and various correspondence directed to the Department.⁵

Yet the final amended permit was issued with a volume limit of 915 acre-feet. Apparently this was derived by subtracting the 540 acre-feet allowed under the 1991 water right, No. 63-11413, from the "total" of 1,455 acre-feet sought. (This calculation ignores the 15 acre-acre feet annual volume associated with the amenity right, No. 63-12017.)

The problem is that the City sought by its 1998 water right to be able to pump up to the full 1,455 acre-feet from any of its points of diversion. The points of diversion on the 1991 right do not match those on the 1998 right. Consequently, allocating the annual

²(...continued)

not typical municipal water rights. The 1991 water right (No. 63-11413) was originally created as a domestic right by the developer of Lexington hills. Domestic rights, of course, are subject to volume limits. When it was later converted to a municipal water right, it was capped by the Department of Water Resources at 540.0 acre-feet per year — the equivalent of 900 homes without municipal irrigation at 0.6 af/yr/home. In 1993 an "amenity" water right (No. 63-12017) was carved out of the 1991 right, and quantified at 15 acre-feet per year. The 1998 municipal water right (63-12448) was sought for an additional 800 homes. It was quantified at a higher level, on the assumption that surface irrigation water would be available only for the 1,250 homes within Lexington Hills, and that the additional 550 homes would require municipal water for irrigation. This water right was acquired subject to an annual volume limit (set at 1,455 acre-feet per year for all three water rights), which was negotiated with United Water Idaho. (I was not a part of that negotiation.) Because the City agreed to this annual volume cap, UWID agreed to allow the City to file first and acquire a senior priority over UWID's Floating Feather well water right.

³The original application states: "The City seeks the right to divert a total of up 1,455 acre-feet per annum, with a combined total flow rate of 3.25 cfs, from this water right and Water Right Nos. 63-11413 and 63-12017. This limitation is described more fully in Attachment B, the terms of which are incorporated here by reference." Attachment B reiterates that the figure, 1,455 acre-feet per annum, is the upper limit on annual volume from all three water rights owned by the City.

⁴The application for amendment stated: "The Application for Permit included a volume limit of 1,455 acre-feet per annum in total for [this and] Water Right Nos. 63-11413 and 63-12017. Although this is not a typical condition on a municipal water right, it was expressly included per an agreement between the City of Eagle and United Water Idaho, as described in my letter of November 19, 1998. ... The City requests that this limit be imposed as originally requested."

⁵See, for instance, my letter of December 6, 1998 in the file. Copy enclosed.

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APR 18 2000

Mr. Jeff Peppersack
March 31, 2000
Page 3

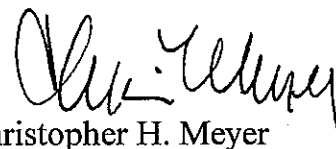
volume between the two water rights, would limit the quantity which could be pumped from the new well added by the amendment to the 1998 permit, making it financially unworkable.

Consequently, the City of Eagle requests that the Department re-issue the permit for Water Right No. 63-12448 with an annual volume limit of 1,455 acre-feet, subject to existing Condition No. 9.

Because the requested modification is in accordance with the original application and the application for amendment, and since both protests were withdrawn or abandoned, the City requests that this modification be made without further delay.

I very much appreciate your attention to this request.

Sincerely,



Christopher H. Meyer

cc: The Honorable Rick Yzaguirre, Mayor
Gary Spackman, Western Regional Manager
Steve Lester, Western Regional Office
Susan Buxton, Moore Smith Buxton & Turcke
Vern Brewer, Holladay Engineering
Scott Rhead, UWID

CHM:kd

S:\CLIENTS\30\77\CORR\2000-03-31 CHM Ltr to J.Peppersack - Re correct annual volume limit.wpd

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APR 18 2000

State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616

RE: Permit 63-12448

Dear Permit Holder(s):

The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions regarding this matter, you may call me at 208-327-7940.

Sincerely,

Jeff Peppersack
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

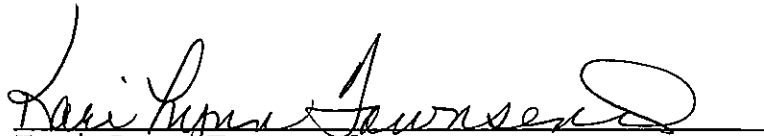
DEC 02 1999

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of October, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amendment of Permit)** to the person(s) listed below:

PERMIT 63-12448

**CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616**


Kari Lynn Townsend
Secretary

MICROFILMED

DEC 02 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

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FINAL ORDER

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Section 67-5246(5), Idaho Code, provides as follows:

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- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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DEC 02 1999

AMENDMENT OF PERMIT REVIEW

Review Date 10/11/99

PERMIT NO. 63-12448 NAME City of Eagle

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: _____ Mor _____ GWMA Trust/Non-trust

PROOF OF B/U RECEIVED? Yes No Due < 6 months? Yes No

GROUNDWATER:

Drilling Permit No. _____;
Drilled _____

rate 3.25 cfs

Swan Falls Flag _____

Conditions of Approval: 065, 079, 004, 046, 121

Remarks/Comments Eagle Wells 1 & 2 formerly Lexington Hills 1 & 2. (comment)
rem. P/u w/in city limits of Eagle & surrounding service area.

ck status/locations of 63-11413
conditions - 12017

MEMORANDUM

To: File no. 63-12448 in the name of the City of Eagle
From: Gary Spackman *Gay*
Date: October 4, 1999

Re: Conditions of Approval

Please see Steve Lester's memorandums dated February 9, 1999 and September 22, 1999.

Steve expresses some uncertainty about the annual volume that should be assigned to permit no. 63-12448 because of some past changes to permit no. 63-12017. Because permit no. 63-12017 is not before IDWR at the present time for a volume determination, but a volume will be probably be recommended at the time of licensing, I suggested that the higher volume within the range suggested by Steve be recommended for 63-12448. As a result, I recommend the following conditions of approval for applications no. 63-12448:

1. Total annual volume diverted for this right and right nos. 63-11413 and 63-12017 is shall not exceed 1455 acre feet.
2. Total annual volume of water diverted for this right shall not exceed 915 acre feet. The annual volume shall be reduced, however, by any annual volume assigned to permit no. 63-12017 at the time of licensing.

Condition no. 12 of permit no. 63-12448 should be deleted. It was placed on the permit when proposed points of diversion on the Hormachea property could have injured other water users. The wells proposed for the Hormachea property are no longer authorized points of diversion for any of the city's water rights, eliminating the need for the condition.

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DEC 02 1999

ADDENDUM TO 2-9-99 REVIEW MEMO FOR
APPLICATION FOR AMENDMENT OF 63-12448


Steve Lester

September 22, 1999

After discussing my early 1999 memo with Gary Spackman today, some revised thoughts are offered. Gary correctly pointed out that permit 63-12448 *does* add municipal volume to the "Lexington Hills/ Floating Feather scenario." I must admit to some confusion in the convoluted United Water and City of Eagle multiple filings that address their evolving interests in the Eagle area. Apparently I lost sight of the overall picture and came to the wrong conclusion as a result of my faulty vision.

I reviewed the original application for permit information in 63-12448. The applicant clearly desired a total of 3.25 cfs but not to exceed 1455 afa from the Lexington Hills scenario. The rate and volume limits were to include rights 63-11413, 63-12017 and 63-12448 in that scenario.

The former right was amended to municipal use with a volume limit of 540 afa (based on 900 homes at .6 afa/home internal use). Right 63-12017 remains as an amenity for Lexington Hills and Echo (or Trail) Creek subdivisions. That right was "carved out of" 63-11413 to allow the amenity within Basin 63 moratorium limitations. The permit owner gave up 5 acres of irrigation under 63-11413 to cover the 63-12017 amenity, even though the value of irrigation use in 63-11413 remains questionable.

Note that IDWR should correct 63-11413 to show 3.15 cfs, not 3.25 cfs, as correctly discussed in Attorney Meyer's 9-17-99 letter (see attached). This is an excellent time to correct that record.

The newest right, 63-12448, is a new municipal right "on top of" the other two permits.

The following table outlines the three rights. Note these items as you review the table:

- 63-11413 should be 3.15, not 3.25, cfs.
- diversion volume for 63-12017 is implied by the reduction of 5 acres in the former right.
- maximum volume for 63-12448 can range from 892.5 to 915 afa depending on the inclusion of the amenity volume from 63-12017 ($1455 - 540 = 915$ or $1455 - 540 - 22.5 = 892.5$).
- combined volume for all rights may be less than 1455, depending on the extent of development and how much surface water is available as development proceeds.

Right Number	Diversion Rate (CFS)	Diversion Volume (AFA)
63-11413	3.15	540
63-12017	1.56	22.5 (implied: 5 ac x 4.5 af)
63-12448	3.25	892.5 to 915
TOTAL (maximum)	3.25	1455

Amendment of 63-12448 should be approved. Permit 63-11413 should be corrected as noted.

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State of Idaho
Department of Water Resources
AMENDMENT ANALYSIS SHEET

RE:
"Lexington Hills"
AND
"Floating Feather"
Wells

Right Number 63-12448 WP File Name EAGLE
Initial Review By: RZ Date 2/9/99
Applicant City of Eagle

Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s)
☐ Increase amount. ☐ Change place of use. ☒ Other also wants volume cap

CHECK:

- ☒ Description of amended point(s) of diversion *no increase*
☒ Amount, nature and period of use. If increased, delay date of priority.
☒ Ownership of point of diversion ~~and place of use~~. *United Water owns Floating Feather Well. OK, see 12/6-7/98 ltr*
☒ Map.
☒ Signature (must be permit holder).
☒ Fee.
☒ Existing water rights from the same ~~source, amended place of use~~. *wells*
☒ Right number(s) see 2/9/99 memo
☒ Yes ☐ No Should amendment be advertised?
☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____
☒ Legal notice electronically transmitted to State Office.
☒ Additional analysis information attached. *see memo*

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. ☒ Amendment published correctly
☐ Protest processed.
☒ Comment letters to: see attached 2 lists
☒ Copy for region file: Always include application, staff analysis sheet, legal notice
☒ List other items to copy 2/9/99 memo*; 2 mailing lists
☒ Approve. *with its attachments plus 9/22/99 addendum memo*
☐ Deny.

Conditions See memos dated Oct 4, 1999, Feb 9, 1999 & Sept. 22, 1999.

By Bany Date 10/4/99

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete: By _____ Date _____
☐ Approved copy sent to applicant and to Region. By _____ Date _____ *pam*

* also file copy of memo in Region's 63-12452 file.
↳ without its attachments ✓

- | | | |
|---|---|--|
| 1
UNITED WATER IDAHO
8248 W VICTORY RD
PO BOX 7488
BOISE ID 83707 | 4
JOINT SCHOOL DIST NO 2
C/O DAN MARE
911 MERIDIAN ST
MERIDIAN ID 83642 | 7
ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616 |
| 2
EAGLE WATER CO
PO BOX 455
EAGLE ID 83616 | 5
JOANN BUTLER
SPINK & BUTLER
607 N 8TH ST #310
BOISE ID 83702 | 8
WAYLAND FISHER
657 E BEACON LIGHT RD
EAGLE ID 83616 |
| 3
WELDON FISHER
546 E BEACON LIGHT RD
EAGLE ID 83616 | 6
ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706 | |

Comment letter should include:
 You have been notified because you ARE on
 previous mailing lists associated with City wells
 1 & 2 ("Lexington Hills") and/or Floating Feather
 well.

Mailing list from 63-12452
 MICROFILMED
 DEC 02 1999 Floating Feather Well

9 LEXINGTON HILLS INC
& TREASURE VALLEY VILLAGE
1815 E STONEYBROOK CT
EAGLE ID 83616

11 ROBERT C DAY
11034 CULDESAC WY
BOISE ID 83703

14 NEIL D WILTON
632 N EDGEWOOD LN
EAGLE ID 83616

~~ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616~~

12 SAGE ACRES HOMEOWNERS ASN
11034 CULDESAC WY
BOISE ID 83703

15 DENNIS SUTHERLAND
11036 RUNWAY DR
BOISE ID 83703

10 SHERL CHAPMAN
410 S ORCHARD STE 144
BOISE ID 73705

13 AL THORNTON
9601 PRAIRIE RD
BOISE ID 83706

16 BILL PARDEW
PO BOX 699
EAGLE ID 83616

~~DEPT HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 63720
BOISE ID 83706~~

Post-it® Fax Note 7671		Date 2.9.99	# of pages 1
To Stone Lester	From	J. M. Schappo	
Co./Dept. Western	Co.		
Phone #	Phone #		
Fax #	Fax #		

Copy of mailing list from Amendment appls.
in 63-11413 & 63-12017.
Amendments filed 2/5/98.

Also add any protestants in Amendment
appls. if not already on this list.

-R 5/14/98

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DEC 02 1999

from → 63-12448

#2 of 2

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701

TELEPHONE: 208 388-1200

FACSIMILE: 208 388-1300

DIRECT DIAL: (208) 388-1236

EMAIL: chm@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Foreday
Richard W. Jankowski
Amanda L. Keating
Karl T. Klein
David R. Lombardi
Kimberly D. Maloney

John M. Marshall
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stuke

Conley Ward
Stephanie C. Westermeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

RECEIVED

SEP 20 1999

WATER RESOURCES
WESTERN REGION

September 17, 1999

Mr. Gary Spackman

Mr. Steve Lester

Idaho Department of Water Resources

2735 Airport Way

Boise, ID 83705-5082

Re: City of Eagle Water Right No. 63-11413
Our File No. 30-77

Dear Gary and Steve:

In reviewing the file for the above-captioned 1991 water right, I note what appears to be a discrepancy in the flow quantity.

The original permit was issued for 3.25 cfs. This was later reduced (administratively) to 3.15 cfs in accordance with a mitigation plan for the so-called amenity water right (No. 63-12017). The City's application for amendment of the 1991 water right failed to take note of this and identified the flow quantity as 3.25 cfs. This discrepancy was identified by Steve Lester during the course of processing, who advised us that the Department would adjust the number downward to 3.15. Yet, the final amended permit was issued for 3.25 cfs.

I have discussed this with Steve Lester, and he concurs that the water permit as issued does not reflect the correct quantity. Consequently, the City would like to have the permit re-issued stating the correct quantity. Obviously, we could simply wait for the flow quantity to be clarified at the time of proof. However, given the approaching SRBA review, it is in the City's interest to have the official file in this matter as straightforward and accurate as possible. I thank you for your attention and assistance.

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DEC 02 1999

Mr. Gary Spackman
Mr. Steve Lester
September 17, 1999
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Meyer", with a long horizontal flourish extending to the right.

Christopher H. Meyer

cc: Scott Rhead
Susan Buxton

CHM:baf

S:\Clients\30\77\Corr\1999-09-17 CHM Ltr to G.Spackman & S.Lester - Re flow quantity for 1991 water right.wpd

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Idaho Dept of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

Eagle, Idaho
Aug 14, 1999

Mr. Gary Spackman, Regional Manager.
or - To Whom It may Concern:

On Feb. 9, 1998, The City of Eagle filed with the Dept of Water Resources an application to Amend No 63-12448 in the name of the City of Eagle. I protested that application - After the pre-conference hearing on Aug. 11, 1999, I made the decision to withdraw the protest since I was assured that my senior water rights would be protected and the amount of water withdrawn would not be increased.

I am withdrawing my protest with the understanding that my prior water rights will be protected. I do not want the Eagle Municipal system to increase the amount of water they are allowed now or in future years. I need water too - for the dairy-domestic use as well as water from my irrigation wells for crops.

My pumps reacted to drawdowns in the months of February, March & April of 1999, which was unusual. I have had adequate water for June-July & Aug-up to this date. So hope it continues. However we have had an occasional pump reaction. The 1999 well water has tasted good so far so hope it continues to do so.

I still have concerns on where the Hormachea wells will be located although I've been assured that they won't be drilled nearby. I'm still concerned about the possibility of future well contamination.

My address is:

Eleanor J. Chase
70 W. Floating Feather Rd.
Eagle, Idaho 83616-3802

Sincerely yours,

Eleanor J. Chase

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RECEIVED

AUG 17 1999

WATER RESOURCES
WESTERN REGION



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

August 19, 1999

KARL J. DREHER
DIRECTOR

ROBERT DESHAZO JR
EAGLE WATER
PO BOX 455
EAGLE ID 83616

Re: Application to Amend Water Right Permit No. 63-12448 in the Name of the City of Eagle

Dear Mr. DeShazo:

The City of Eagle filed an application to amend permit no. 63-12448 to add the Floating Feather well as a point of diversion for the water right. You protested the application for amendment.

On August 11, 1999, IDWR conducted a perhearing conference for protests against the application. Our records show that you were sent notice of this conference. You did not attend the conference.

The purpose of this letter is to inform you that unless you can show cause for your failure to appear, IDWR will dismiss your protest. Please respond to this correspondence within fourteen (14) days of the date of this letter or your protest will be dismissed.

Respectfully,

Gary Spackman

GS:st

CC: Chris Meyer, Attorney at Law
Ed Squires, United Water

+ letter of WP from Chase

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DEC 02 1999

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Amendment of Permit No. 63-12448 in the Name of the City of Eagle

Place: Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705

Date: August 11, 1999

Conducted by: Gary Spackman

NAME

ADDRESS

Ed Squires United Water Idaho
8248 W. Victory Rd
Boise, Idaho 83707

Christopher H. Meyer City of Eagle - CIVILS PERSON
277 N. 6th St, #200
Boise, ID 83702

Eleanor Chase 70 W. Floating Feather Rd - Eagle, Idaho 83616
(I attended this meeting - E.I.C.)

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DEC 02 1999

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR AMENDMENT NO. 63-12448 IN)
THE NAME OF THE CITY OF EAGLE.)
_____)

**NOTICE OF PREHEARING
CONFERENCE**

On February 9, 1998, The City of Eagle filed with the Department of Water Resources (IDWR) an application for amendment to appropriate the public waters of the State of Idaho. The application was protested by Eagle Water Corporation and Eleanor Chase.

IDWR has scheduled a conference for the protest to be held on **Wednesday, August 11, 1999, at 1:30 p.m. at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

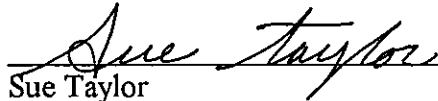
Dated this 20th day of July, 1999.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of July, 1999, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

THE CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616

ROBERT DESHAZO JR
EAGLE WATER
PO BOX 455
EAGLE ID 83616

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

CHRIS MEYER
277 N 6TH STE 200
BOISE ID 83702

CONFERENCE AND HEARING PROCEDURE APPLICATION FOR AMENDMENT

Section 42-211, Idaho Code, requires the department to consider the following issues in connection with an application for amendment to a permit:

- 1) Will the approval of the application result in the diversion and use of more water than originally permitted?
- 2) Will the rights of others be adversely affected thereby?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1 and 2 above and must provide evidence for the department to evaluate these criteria.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

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DEC 02 1999

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

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DEC 02 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

To: Those on the Attached List

Re: Application for Amendment of Water Right Permit No. 63-12448 in the Name of the City of Eagle

Dear Interested Party:

Enclosed is a copy of the above-referenced application for amendment of a water right which may be of interest to you. You have been notified because you are on previous mailing lists associated with City wells 1 & 2 (Lexington Hills) and/or Floating Feather well.

Please review the application and return any comments you might have.

A protest must be received with a \$25.00 protest fee on or before March 8, 1999. If you do not wish to protest, informal comments should still be submitted by the end of the protest period.

Sincerely,


Gary Spackman

GS:st

Encl.

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DEC 02 1999

UNITED WATER ID
8248 W VICTORY RD
PO BOX 7488
BOISE ID 83707

JOINT SCHOOL DIST NO 2
C/O DAN MABE
911 MERIDIAN ST
MERIDIAN ID 83642

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

EAGLE WATER CO
PO BOX 455
EAGLE ID 83616

JOANN BUTLER
SPINK & BUTLER
607 N 8TH #310
BOISE ID 83702

WAYLAND FISHER
657 E BEACON LIGHT RD
EAGLE ID 83616

WELDON FISHER
546 E BEACON LT RD
EAGLE ID 83616

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
PO BOX 83720
BOISE ID 83706

LEXINGTON HILLS INC & TREASURE
VALLEY VILLAGE
1815 E STONEYBROOK CT
EAGLE ID 83616

ROBERT C DAY
11034 CULDESAC WY
BOISE ID 83703

NEIL D WILTON
632 N EDGEWOOD LN
EAGLE ID 83616

SAGE ACRES HOMEOWNERS ASSN
11034 CULDESAC WY
BOISE ID 83703

DENNIS SUTHERLAND
11036 RUNWAY DR
BOISE ID 83703

SHERL CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

AL THRONTON
9601 PRAIRIE RD
BOISE ID 83706

BILL PARDEW
PO BOX 699
EAGLE ID 83616

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DEC 02 1999

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that CITY OF EAGLE, 310 E. State St., Eagle ID 83616 has applied to the Department of Water Resources to change the diversion point of the following water right in Ada County pursuant to I.C. § 42-211 (all sites listed herein are in T4N R1E):

RECORDED RIGHT

Permit #63-12448, ground water, priority date 4-8-1998, for 3.25 cfs diverted in NWSW & SWSW S3 for municipal use within city's service area. Existing wells formerly known as Lexington Hills #1 & 2 but now known as City wells #1 & 2. This right, when combined with other rights from the same wells, is limited to 3.25 cfs. The permit supplements surface water to the extent that surface water is available for use within the service area.

PROPOSED AMENDMENT

Add existing well in SESW S5 as a back up well. This well formerly known as Crandlemire well but now known as Floating Feather well. Applicant requests that an annual volume limit (normally not part of municipal rights) of 1,455 af be imposed on the permit.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before March 6th 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

March 4 & 11
Published in the Idaho Statesman on ~~February 18~~ and 25, 1999.

Statesman error

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DEC 02 1999

MEMORANDUM

TO: FILE

FROM: STEVE LESTER *SL*

DATE: FEBRUARY 9, 1999

RE: AMENDMENT OF 63-12448

The City of Eagle (City) filed an amendment to add United Water's "Floating Feather" (FF) well to the two City wells formerly known as "Lexington Hills" wells. The City also wants to limit the annual volume to 1,455 af (footnote #2 on application).

The amendment looks approvable. United Water provided its consent to use the FF well in its 12-7-98 letter.

Attached to this memo are relevant profile reports and overlap plus well log information. The following points are noteworthy in this amendment.

1. The comment letter mailing list is taken from the permit plus from permit 63-12452 (most recent action for FF well).

2. The volume cap, if imposed, is conceptually based on the other rights from the City wells, nos. 63-11413 and 63-12017. The latter right was "carved out" of the former under the local moratorium. The combined volume for those two rights is closer to 540 rather than 1,455 af. Adequate background information is not available at the region for 63-12448 (no microfiche yet) to see if there is foundation to cap this right at the higher volume limit, but it appears that the cap, if it even applies, is much less than as requested.

3. Approval of the amendment should include the monitoring condition from 63-12452 regarding the FF well, although inclusion in this condition of the Hormaechea property located between the FF and City wells may no longer apply to the situation (see next item).

4. Condition No. 12 of the permit may be moot. That condition spoke to a proposed well (City #3 on permit map) on Hormaechea land. The City deleted the P/D's proposed on Hormaechea property (#3 and 4 on map) prior to permit approval in early December of 1998. Note that City Attorney Meyer raises this as a point of discussion in his 12-6-98 cover letter.

5. The water bearing zone for this right is 215-602 feet. The 1995 FF well log indicates a water bearing zone of 183-340 feet, which is within the water bearing zone condition of 63-12452. Approval of the amendment should include a revised water bearing zone of 183-602 feet to accommodate the FF well.

6. Considerable P/D overlaps are summarized as noted:

a) City wells 1 & 2: 63-11413 City municipal & 63-12017 City amenity, latter is limited to Lexington Hills & Trail Creek Subdivisions

*SEE
NOTE ON
NEXT
PAGE
-SL
9/22/99*

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DEC 02 1999

b) FF well: 63-08437B & 63-11090B for high school & middle school, respectively; 63-11090A, 63-12192 & 63-12452 United Water municipal. The middle school has a pending transfer to relocate to its own proposed P/D in the same tract as the FF well.

9/22/99 update - See Addendum to
this memo & volume included
with 63-12448.

also see Attorney's 9/17/99 letter
Rate in 63-11413: should be 3.15 instead
of 3.25 cts. This rate reduction was
reflected in Q's d'base comment of
~~1/24/99~~ 1/24/94.

-82

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/09/99

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF EAGLE 310 E STATE ST EAGLE ID 83616 (208) 939-6813	04/08/1998	MUNICIPAL	01/01 12/31	3.250 CFS	
					TOTAL DIVERSION:	3.250 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T04N R01E S03 NWSW SWSW ADA County

Point of Diversion Name(s):

	Name	Rate	Number
T04N R01E S03	NW SW OLD LH #2/NEW EAGLE #2		
S03	SW SW OLD LH #1/NEW EAGLE #1		

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

63-11413 63-12017

Same Wells

Conditions of Approval:

- 065 - The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 079 - This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
- 01M - After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.
- 120 - The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

Remarks: GEN Points of diversion formerly locally known as Lexington Hills Well Nos. 1 & 2 are currently locally known as City of Eagle Well Nos. 1 & 2.

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DEC 02 1999

Remarks: Place of use is located within city limits of Eagle and surrounding service area.
Rights 63-11413, 63-12017, and 63-12448, when combined, shall not exceed a total diversion rate of 3.25 cfs.
Prior to diverting water under this right, the right holder shall locate the existing wells within one-quarter mile of the proposed well near the intersection of Floating Feather Road and Eagle Road, and shall measure water levels semi-annually in one of the wells for ten years after the right holder's well is constructed. The monitoring well shall be selected based on depth, proximity, and permission to monitor from other landowners. This condition can be waived if the right holder cannot find a suitable well for monitoring or cannot gain access to a suitable well in the area.
Water bearing zone to be appropriated is from 215 to 602 feet.

← COND. #12 on
Permit issued
12/3/98 -
new n/a since
proposed well &
intersection has
been deleted?

Dates: App. Received: 04/07/1998 Priority Date: 04/08/1998
Proof Due Date: 12/01/2003 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

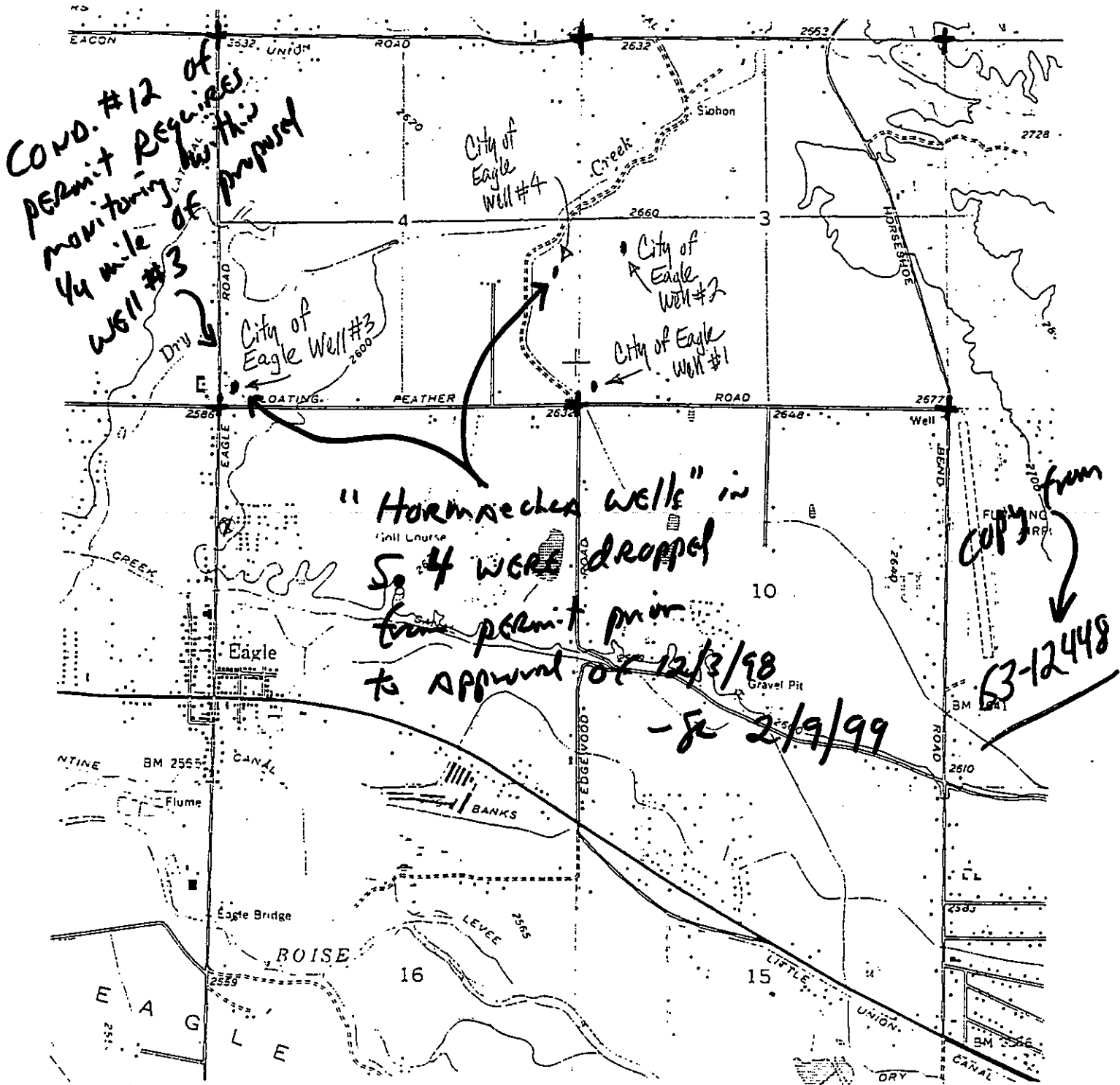
Comments: Date: 05/14/1998 User-ID: SLESTER Subject: IDWR PROCESSING NOTES
No future needs component of municipal use is sought. Combined rate for all rights from these wells is limited to 3.25 cfs by applicant's information. This is a new right filed for same wells (2 existing = Lexington Hills, 2 proposed = Hormaechea) listed in protested applications for amendment of permits 63-11413 and 63-12017.
CONTACT PERSON = CHRISTOPHER MEYER (ATTORNEY FOR CITY) @ Givens Pursley firm.

Audit: 05/14/98 SLESTER 10/27/98 CZIMMERM 11/30/98 CZIMMERM 12/03/98 CZIMMERM

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DEC 02 1999

Attachment A (Map of Diversion Points)

T4N R1E



Protested Appls.
for amendments

WELLS 1+2 = "Lexington Hills" wells already
in use (63-11413 & 63-12017).

WELLS 3+4 = "Hornmecher" wells to be drilled.

NO joint lots in pld tract. DEC 02 1999

Common pld's for
2 permits & NEW
App. for permit

-JL 4/14/98 pg
IOWA RECORDS &
Applicants into

WR5809NP
No. 63-11413

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/09/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF EAGLE	04/02/1991	MUNICIPAL	01/01 12/31	3.250 CFS	540.00 AFA
TOTAL DIVERSION:					3.250 CFS	540.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T04N R01E S03 NWSW SWSW
S04 SWSW NESE

ADA County
ADA County

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-12017 63-12448

Conditions of Approval:

- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 01M - After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

Remarks: GEN The right holder is responsible on an on-going basis to provide a well suitable for monitoring as determined by the Department.

The right holder is responsible to insure that pumpage under this water right does not directly cause the water level to significantly decline in any domestic well drilled and in use prior to March 29, 1978, or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the right holder provides reasonable compensation or mitigation to the prior water right holder for the reduced water levels as determined by the Director.

Farmers Union Canal Company water shall be utilized for the irrigation of the lots in Lexington Hills and Trail Creek Ranch parcels equal to or greater than one-half acre in size during periods when water is being delivered in the canal. This water right may be used for irrigation purposes only if the entire amount of water from the Farmers Union Canal Co. remains with the lands in Lexington Hills and Trail Creek Ranch. Sale or transfer of surface water from any portion of these properties will be cause for the Department to further limit the use of this right.

The right holder shall permanently maintain totalizing flow measurement devices of a type approved by the Department at each

*900 ft max .6 AF/home
internal use*

" Lexington Hills "

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Remarks: well. The water right holder shall provide flow measurements to the Department on a frequency determined by the Department. Each lot which receives water under this right shall be metered.
Rights 63-11413, 63-12017, and 63-12448 when combined shall not exceed a total diversion rate of 3.25 cfs.
Rights 63-12017 and 63-12448 also diverted through the point(s) of diversion described above.
Points of diversion were formerly known as Hormaechea Wells 1 and 2 and Lexington Wells 1 and 2. They are currently known as City of Eagle Wells 1-4.
Place of use is located within the city limits of Eagle and the surrounding service area.

Dates: App. Received: 03/14/1991 Priority Date: 04/02/1991
Proof Due Date: 09/01/2000 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 01/24/1994 User-ID: ZIMMERMA Subject: AMENDED PERMIT
This permit was amended to reduce irrigation use by 3 acres in Lot 2 (NWNE) and 2 acres in Lot 3 (NENW), S03, T04N, R01E to mitigate pond surface area in water right no. 63-12017. This reduction in acres reduced the total diversion rate from 3.25 cfs to 3.15 cfs.

Date: 08/31/1995 User-ID: VAULT Subject: Extension of Time Received
Extension of Time Received

Date: 09/11/1995 User-ID: JYARBROU Subject: Lapse Notice Sent
Lapse Notice Sent

Date: 09/27/1995 User-ID: VAULT Subject: Extension of Time Received
Extension of Time Received

Audit: 10/30/90 TAYLOR 10/31/90 GARRETT 01/14/91 TAYLOR 01/24/91 LESTER
03/14/91 TUTHILL 04/08/91 TAYLOR 07/17/91 TAYLOR 08/16/91 TAYLOR
09/05/91 SKAGGS 09/09/91 SKAGGS 05/13/93 ZIMMERMA 01/24/94 ZIMMERMA
01/24/94 ZIMMERMA 01/24/94 ZIMMERMA 08/31/95 COMMENTS 09/11/95 COMMENTS
09/27/95 COMMENTS 10/17/95 JYARBROU 10/26/98 SCURTIS 11/18/98 SCURTIS
11/19/98 SCURTIS

MICROFILMED
DEC 02 1999

WR5809NP
No. 63-12017

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/09/99
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF EAGLE	04/21/1993	WILDLIFE	01/01 12/31	1.560 CFS	
			WILDLIFE STORAGE	01/01 12/31		15.00 AFA
			RECREATION	01/01 12/31	1.560 CFS	
			RECREATION STORAGE	01/01 12/31		15.00 AFA
			AESTHETIC	01/01 12/31	1.560 CFS	
			AESTHETIC STORAGE	01/01 12/31		15.00 AFA
			DIVERSION TO STORAGE	01/01 12/31	1.560 CFS	
TOTAL DIVERSION:					1.560 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T04N R01E S03 NWSW SWSWSW ADA County
S04 SWSW NESE ADA County

Place of use Legal Description for: WILDLIFE

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
04N	01E	3	:		W	:		:	W	W	W	W	:	W	W

Place of use location for RECREATION is the same location as described for: WILDLIFE

Place of use location for AESTHETIC is the same location as described for: WILDLIFE

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-11413 63-12448

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
 - date of permit issuance and shall proceed diligently to
 - completion unless it can be shown to the satisfaction of the
 - Director of the Department of Water Resources that delays were
 - due to circumstances over which permit holder had no control.
- 01C - A flow measurement port or other device as specified by the
 - Department shall be installed by the right holder to provide for
 - the installation of measuring equipment and the determination of
 - the rate of diversion by the Department.
- 046 - Right holder shall comply with the drilling permit
 - requirements of Section 42-235, Idaho Code.
- 46A - A well drilled pursuant to this permit must be located at least
 - 500 feet from any existing well. Well spacing closer than 500
 - feet must be approved by the Department of Water Resources.

DEC 02 1999

"Lexington Hills"
Water Community

Conditions of Approval:

- 46B - The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.
- 020 - Use of water under this right may be affected by an agreement between the protestant and the right holder.

Remarks: GEN Place of use is located within Lexington Hills and Trail Creek Subdivisions.

Dates: App. Received: 04/21/1993 Priority Date: 04/21/1993
Proof Due Date: 01/01/1999 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 63 Field Exam Fee:

Comments: Date: 05/12/1993 User-ID: LESTER Subject: SNAKE RIVER MORATORIUM & OTHER INFORMATION

Application requested to be exempted from moratorium by reducing acres irrigated by right no. 63-11413 (same system but other uses). Advertisement will contain information from "Remarks" to let people in impact area know intent of application. Water from Farmers Union Canal will fill ponds during most of the summer. Ponds will be an integral part of irrigation system. Well #1 in SWSWS S.3, well #2 in NWSW S.3, well #3 in NESE S.4, well #4 in SWSW S.4.

This application results from a dept. investigation of a complaint filed by Mr. Al Thornton of Sage Acres Sub. (east of Hwy. 55) - complaint filed late 1992, field inspection made on 12-31-92 by SL. File 63-11413 has information about this process.

Date: 01/04/1994 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION
This permit is located within the Boise River Drainage Moratorium boundary; however, its uses are within the acceptable parameters of the Moratorium guidelines.

Date: 01/04/1994 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION
Total of 4 wells; 2 existing wells are 16" by 415' & 615' deep; with piping and waterways to 9 excavated ponds; active reservoir capacity 10 AF; total reservoir capacity 15 AF.

Date: 01/04/1994 User-ID: ZIMMERMA Subject: P/D & P/U OWNERSHIP
The points of diversion located within SWSWSW, S03, T04N, R01E are owned by the applicant.
The points of diversion located within NWSW, S03, T04N, R01E are owned by RHM Company who have given right of way permission.
The places of use are owned by both the applicant and individual lot owners.

Date: 01/11/1994 User-ID: ZIMMERMA Subject: INCORPORATE OFFICERS

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DEC 02 1999

Comments: Date: 01/11/1994 User-ID: ZIMMERMA Subject: CORPORATE OFFICERS

The officers and directors of Lexington Hills Inc. are

Duane H Stueckle, President;
Bert Bradley, Vice-President;
Harvey Neef, Director;
Bryce L Peterson, Director;
David Roylance, Director;
Dennis Whitmore, Secretary/Treasurer;
Steve Yates, Assistant Secretary/Treasurer.

The partners of Treasure Valley Village Ltd. are

William R Guhrke, Martin S Greene, and Laurence S Greene.

Date: 02/08/1999 User-ID: JYARBROU Subject: Lapse Notice Sent
Lapse Notice Sent

Audit: 05/12/93 LESTER 06/14/93 TAYLOR 09/27/93 TAYLOR 01/03/94 TAYLOR
01/04/94 ZIMMERMA 01/04/94 ZIMMERMA 01/11/94 ZIMMERMA 02/02/94 ZIMMERMA
02/02/94 ZIMMERMA 04/14/98 KTOWNSEN 02/08/99 COMMENTS

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DEC 02 1999

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	UNITED WATER IDAHO	04/15/1998	MUNICIPAL	01/01 12/31	4.500 CFS	
TOTAL DIVERSION:					4.500 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T04N R01E S05 SESW
S07 Lot 02(SWNW)ADA County
ADA County

Pou County:

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

63-08437B 63-11090A 63-11090B 63-11878 63-12192 T63-11090B

Conditions of Approval:

- 26A - Project construction shall commence within one year from the
- date of permit issuance and shall proceed diligently to
- completion unless it can be shown to the satisfaction of the
- Director of the Department of Water Resources that delays were
- due to circumstances over which permit holder had no control.
- 046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.

Remarks: GEN Point of diversion located within SESW, S05, T04N, R01E is also known as Floating Feather Well.
Point of diversion located within SWNW, S07, T04N, R01E is also known as Redwood Creek Well #1.
Place of use is located within the service area of United Water Idaho.
The right holder shall continue to monitor domestic wells located across from the Floating Feather well and a monitoring well located on the Hormachea property to determine if water levels are changing as a result of pumping under this water right.
The right holder shall measure its diversions from the Floating Feather well, and report water diverted and water levels measured to the department upon request.
Water bearing zone to be appropriated is from 183 to 401 feet.

Dates:	App. Received:	04/15/1998	Priority Date:	04/15/1998
	Proof Due Date:	09/01/2003	Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

Misc:	Water District Number:	Field Exam Fee:
-------	------------------------	-----------------

per Gary's 8/25/98
memo to this file

Adding this well to 63-12448:
12448 w.b. zone = 215-602'
permit approved. Need to
adjust.

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DEC 02 1999

(A)

SD-0605-2	Township: 04N	Range: 01E	Section: 5	Tract: SESW	Lot: 22	
S	L R	STATE	O S	Max # Records		
E	O D	Water	W T	Priority	Total	
L Tract	T V	Right No.	Last, First	Date	Source	Diversion
SESW		63-11090B	CRANDLEMIRE, R O L	01/21/1990	GROUNDWATER	0.70
SESW		63-08437B	JOINT SCHOOL D C	02/14/1977	GROUNDWATER	0.71
SESW		63-12192	RICKS, KEITH O L	03/31/1995	GROUNDWATER	5.00
SESW		63-12452	SCHOOL DISTRIC C	04/15/1998	GROUNDWATER	4.50
SESW		63-11090A	UNITED WATER I C P	01/21/1990	GROUNDWATER	1.73
SESW		T63-11090B	EAGLE UNITED W K			
SESW		T63-11090B	UNITED WATER I C	01/21/1990	GROUNDWATER	0.70
SESW	2	T63-11090B	CRANDLEMIRE, R O L	01/21/1990	GROUNDWATER	0.70

↑ FLOATING FEATHER (AKA CRANDLEMIRE) well
is in SESW, not SWSE

SD-0605-1

Idaho Department of Water Resources
Water Rights Point of Diversion Query

Date: 02/09/99
Time: 10:44:37

(B)

STATE

Township: 04N

Range : 01E

Section : 05

Tract : SWSE

Lot : _

↑ No points of diversion in SWSE

NO RECORDS FOUND...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
(Enter=Run)

(Menu _)

item A shows correct legal F.F. well
item B " NO wells as P/D's in other legal.

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(UNITED) WATER (UW) & EAGLE AREA

prepared by Tom for
file classification use
- SR 6/24/98

WELLS	
FLUATING FEATHER (Grandkanine) Sec. 5	ROUNDER CK. #1 SWNW #2 SENW Sec. 7
Ricks Sec. 12	

WATER RIGHTS

63-11878 (1992) UW .99 cfs
" (1998) pending amendment to
change to all year municipal use

X
both
wells

Transfer 4589 (1995) split right:

63-08437A Ricks 1.96 cfs

X

63-08437B Eagle High S. .71 cfs

X

X (#1)

X

Transfer 4590 (1995) split right:

63-11090A Grandkanine 1.73 cfs

X

63-11090B Eagle Middle S. .70 cfs

X

X (#1)

Transfer 5229 (1998) pending to

change 63-11090A to all year

X

municipal use for UW

63-12192 (1995) UW 5.00 cfs

X

X (#1)

63-12452 (1998) UW 4.50 cfs

X

X (#1)

pending new right for all

year municipal use

63-12452
Attachment B

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DEC 02 1993

Other filings &
Fluoting Feather Well



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 2/9/99

TO: Chris Meyer
Givens Punsley LLP
fax 388-1201

FROM: Steve Lester

DOCUMENT DESCRIPTION: 63-12448 Amendment filed 12/4/98:
Floating Feather Well = SESW, not SWSE. Application
corrected as noted in attached. Will publish notice
last 2 weeks of February.

JK

TOTAL PAGES SENT: 02 + COVER SHEET

CONTACT: _____

MICROFILMED

DEC 02 1999

RECEIVED

DEC 04 1998

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

Receipt No. W0084634
Received by AK
Date 12/4/98

Applicant The City of Eagle¹ Phone 208-939-6813
Address 310 E. State Street, Eagle, ID 83616

I am the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-12448, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment:

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Add volume limit per application²

1. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	SW	§3	T4N	R1E	Ada	City of Eagle Well #1
		NW	SW	§3	T4N	R1E	Ada	City of Eagle Well #2
		SW	SE	§5	T4N	R1E	Ada	Floating Feather Well

SE SW

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

amount 3.25 cfs³ for municipal (per Idaho Code § 42-202B(4)) purposes from 01/01 to 12/31
(cfs/acre feet per annum) (water use) (begin month) (end month)

3. Place of use or land to be irrigated:

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

See the City of Eagle's most recent Description of Municipal Service Area, filed separately with the Department.

Total acres not applicable

4. a. Who owns the property at the point of diversion? The City of Eagle owns City of Eagle Wells 1&2 (the PODs in the permit).

United Water Idaho ("UWID") owns the Floating Feather Well (to be added by this amendment).

b. Who owns the land to be irrigated at the place of use? Not applicable to a municipal water right.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Ownership of place of use is not applicable to a municipal water right. As for the third diversion point (Floating Feather Well),

UWID consents to the issuance of this permit water right with the provision that permission of UWID be obtained before its use.

¹For city officials, see City of Eagle's most recent Description of Municipal Service Area, filed separately with the Department.

²The Application for Permit included a volume limit of 1,455 acre-feet per annum in total for Water Right Nos. 63-11413 and 63-12017. Although this is not a typical condition on a municipal water right, it was expressly included per an agreement between the City of Eagle and United Water Idaho, as described in my letter of November 19, 1998. Even though the two so-called Hormaechea points of diversion have been dropped from the permit, it is possible that they could added later by admendment. Consequently, the need for this limitation remains. The City requests that this limit be imposed as originally requested.

³As limited by Condition No. 11 in the Permit as issued (limiting the total combined diversion rate to 5.25 cfs for Nos. 63-11413, 63-12017 and 63-12448).

* Floating Feather well is in SESW 1/4 Sec 5 T4N R1E. 2/9/99

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$59.76

Account Number/Trans. #		Identification	
047628		AMENDMENT OF WATER RIGHT	
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		NT	MARCH 4, 11, 1999
STATE OF IDAHO DEPT. OF WATER RESOURCES WESTERN REG. 2735 AIRPORT WAY BOISE, IDAHO 83705 - 5082		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	3462

RECEIVED

MAR 22 1999

WATER RESOURCES
WESTERN REGION

JANICE HILDRETH

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip

insertion(s) beginning with the issue of

MARCH 4, 1999

and ending with the issue of

MARCH 11, 1999

Janice Hildreth

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 11TH day of MARCH in the year of 1999, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Angela M Newland
Notary Public for Idaho

Residing at:

Boise, Idaho

My commission expires:

2/12/05

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DEC 02 1999

LEGAL NOTICE NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that CITY OF EAGLE, 310 E. State St., Eagle ID 83616 has applied to the Department of Water Resources to change the diversion point of the following water right in Ada County pursuant to I.C. 542-211 (all sites listed herein are in T4N R1E):

RECORDED RIGHT

Permit #63-12448, ground water, priority date 4-8-1998, for 3.25 cfs diverted in NWSW & SWSW S3 for municipal use within city's service area. Existing wells formerly known as Lexington Hills #1 & 2 but now known as City wells #1 & 2. This right, when combined with other rights from the same wells, is limited to 3.25 cfs. The permit supplements surface water to the extent that surface water is available for use within the service area.

PROPOSED AMENDMENT

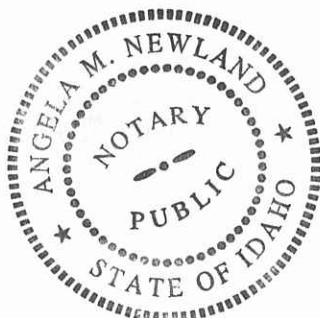
Add existing well in SESW S5 as a back up well. This well formerly known as Cran-demire well but now known as Floating Feather well. Applicant requests that an annual volume limit (normally not part of municipal rights) of 1,455 af be imposed on the permit.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before March 22, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub. Mar. 4, 11, 1999

3462



(A)

SD-0605-2	Township: 04N	Range: 01E	Section: 5	Tract: <u>SESW</u>	Lot:			
S	L R	STATE	O S	Max #	Records 22			
E	O D	Water	Name	W T	Priority			
L	Tract	T V	Right No.	Last, First	NG	Date	Source	Total
								Diversion
—	SESW		63-11090B	CRANDLEMIRE, R O	L	01/21/1990	GROUNDWATER	0.70
—	SESW		63-08437B	JOINT SCHOOL D C	O	02/14/1977	GROUNDWATER	0.71
—	SESW		63-12192	RICKS, KEITH	O	03/31/1995	GROUNDWATER	5.00
—	SESW		63-12452	SCHOOL DISTRIC C	I	04/15/1998	GROUNDWATER	4.50
—	SESW		63-11090A	UNITED WATER I C	P	01/21/1990	GROUNDWATER	1.73
—	SESW		T63-11090B	EAGLE UNITED W K	I	01/21/1990	GROUNDWATER	0.70
—	SESW	2	T63-11090B	UNITED WATER I C	O	01/21/1990	GROUNDWATER	0.70
—	SESW			CRANDLEMIRE, R O	L	01/21/1990	GROUNDWATER	0.70

↑ FLOATING FEATHER (AKA CRANDLEMIRE) WELL
is in SESW, not SWSE

SD-0605-1

(B)

Idaho Department of Water Resources
Water Rights Point of Diversion Query

Date: 02/09/99
Time: 10:44:37

STATE

Township: 04N

Range : 01E

Section : 05

Tract : SWSE

Lot : —

↑ No points of diversion in SWSE

NO RECORDS FOUND...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
(Enter=Run)

(Menu _____)

item A shows correct legal F.F. well
item B " NO WELLS AS P/D's in other legal.

MICROFILMED
DEC 02 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616

Re: Application for Amendment of Permit No. 63-12448 in the Name of City of Eagle

Dear Applicant:

Enclosed is a copy of a protest filed against the above-referenced application for amendment. You should be aware that the following are the items we can consider at a conference in either approving or denying an application for amendment.

1. Will the approval of the application result in the diversion and use of more water than originally permitted?
2. Will the rights of others be adversely affected thereby?

The department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

Gary Spackman

GS:st

CC: Copy of protests

MICROFILMED

DEC 02 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT DESHAZO JR
EAGLE WATER
PO BOX 455
EAGLE ID 83616

Re: Application for Amendment of Permit No. 63-12448 in the Name of City of Eagle

Dear Protestant:

This office acknowledges receipt of your protest to the approval of the above-referenced application for amendment. The following are the principal items we can consider with respect to either approving or denying an application for amendment:

1. Will the approval of the application result in the diversion and use of more water than originally permitted?
2. Will the rights of others be adversely affected thereby?

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact use.

Sincerely,

Gary Spackman

GS:st

MICROFILMED
DEC 02 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

Re: Application for Amendment of Permit No. 63-12448 in the Name of City of Eagle

Dear Protestant:

This office acknowledges receipt of your protest to the approval of the above-referenced application for amendment. Because of a newspaper error the protest deadline was changed from March 8 to March 22, 1999, your protest is considered timely. The following are the principal items we can consider with respect to either approving or denying an application for amendment:

1. Will the approval of the application result in the diversion and use of more water than originally permitted?
2. Will the rights of others be adversely affected thereby?

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

If we may be of assistance, please contact us.

Sincerely,

Gary Spackman

GS:st

MICROFILMED

DEC 02 1999

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701

TELEPHONE: 208 388-1200

FACSIMILE: 208 388-1201

DIRECT DIAL: 208 388-1236

EMAIL: chm@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
L. W. Grant III
Richard W. Jankowski
Karl T. Klein
David R. Lombardi

Kimberly D. Maloney
Kenneth R. McClure
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Ramona S. Neal
Aaron H. Nemecek
W. Hugh O'Riordan

Kenneth L. Pursley
Gregory J. Vietz
Conley Ward
Steven R. Weeks
Stephanie C. Westermeier

Raymond D. Givens
James A. McClure
OF COUNSEL

December 6, 1998

Mr. Jim J. Johnson
Manager
Water Rights Permits
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Mr. Gary Spackman
Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: City of Eagle
Water Right No. 63-12448 (1998)
Our File No. 30-77

Dear Gary and Jim:

I am writing first and foremost to thank each of you for your assistance in processing this and the other City of Eagle water right applications. This process has had its setbacks and aggravations, and I know that we have been quick to express our frustrations. Sometimes we forget to say thanks for the hard work and extra effort you have put into these applications. Ed and I both want to acknowledge your efforts and judgment in this matter, and thank you for your patience and even-handedness in dealing with us and all the other players.

As you know, on Friday we filed an application to amend the 1998 permit to add Floating Feather as an additional point of diversion.

Finally, with respect to the 1998 permit as issued, Ed and I are unclear as to the basis of Condition No. 12 in light of the removal of the Hormaechea PODs. We would like to discuss this with you at your earliest convenience.

MICROFILMED

DEC 02 1999

Mr. Jim J. Johnson
Mr. Gary Spackman
December 7, 1998
Page 2

Again, thanks for your help. We look forward to continuing to work with you on this.

Sincerely,



Christopher H. Meyer

cc: Edward Squires, United Water Idaho

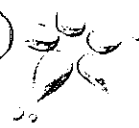
CHM:baf

S:\Clients\30\77\Corr\1998-12-06 CHM Ltr to G.Spackman & J.Johnson - Re 1998 permit conditions.wpd

MICROFILMED

DEC 02 1999

United Water



RECEIVED

DEC 08 1998

WATER RESOURCES
WESTERN REGION

United Water Idaho
8248 West Victory Road
PO Box 7488
Boise, ID 83707-1488
telephone 208-362-1300
facsimile 208-362-1479

December 7, 1998

Mr. Gary Spackman
Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Subject: City of Eagle, Idaho Water Right No. 63-12448 (1998)

Dear Gary:

I am writing on behalf of United Water Idaho (UWID) in reference to the application filed last Friday by the City of Eagle for Amendment of Permit for Water Right No. 63-12448.

UWID owns the Floating Feather well, which the application seeks to add as an additional point of diversion for Eagle's water right. UWID also owns certain water rights, which utilize the Floating Feather well as a point of diversion. I write to confirm that UWID has no objection to the City of Eagle including the Floating Feather well as an alternative point of diversion for its water right, so long as it is understood by all that this does not, in itself, entitle the City to pump from Floating Feather well. In other words, the City's use of UWID's well is subject to its entering into the appropriate agreements with UWID.

Sincerely,

Ed Squires

c: Mayor Rick Yzaguirre, City of Eagle
Susan E. Buxton, Moore & McFadden
Christopher H. Meyer, Givens Pursley

MICROFILMED

DEC 02 1999

State of Idaho
Dept. of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED
MAR 16 1999
WATER RESOURCES
WESTERN REGION

Eagle, Idaho
March 15, 1995
Receipt #
W024890

To Whom it May Concern,

I phoned your office and was told I could send a letter of intervention because I had not sent in a protest and another person had.

I had been out of country and then was ill with the flu lung congestion viral type & so have been unable to answer my mail. It has taken nearly three weeks to recover.

Anyhow I would like to comment on the application for amendment of Water Right Permit No 63-12448. The two city wells were drilled and the water was suppose to be used within a certain area and I still feel that should be the case. I have an irrigation well with a 1977 license and not too far from the Floating Feather Well and I do not feel all of these wells should be put and used for municipal use and the water taken out of the area.

I am also concerned that the Hornmachea wells will be drilled at a later date & these could also affect my home well used for home & dairy which I have prior water rights. I am concerned about the future water situation -

Sincerely yours,
Eleanor G. Chase
My address is 70W. Floating Feather Rd.
Eagle, Idaho 83616-

EAGLE WATER C O M P A N Y I N C.

(208) 939-0242

FAX (208) 939-0267

P.O. BOX 455

EAGLE, IDAHO 83616

Receipt # W024858

RECEIVED

MAR 08 1999

WATER RESOURCES
WESTERN REGION

March 5, 1999

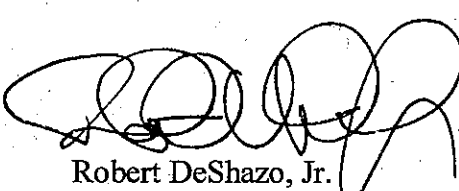
State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, ID. 83705
ATTEN: Gary Spackman

REF: Application for Amendment of Water Right Permit
No. 63-12448 in the Name of the City of Eagle

Dear Gary,

This letter is to inform you that I am in protest to the above mentioned amendment.

Attached you will find a \$25.00 protest fee.



Robert DeShazo, Jr.
President
Eagle Water Co., INC.

MICROFILMED

DEC 02 1999

Janice Hildreth, Idaho Statesman called Monday, February 22, 1999, at 8:15 a.m. She had been on vacation for a month and the people responsible for getting the legal ads in the paper didn't get 6 applications advertised on February 18 and 25. She will advertise them on March 4 and 11 with the protest date on March 22, 1999.

United Water, amendment

Julius Jeker, ext. of time.

City of Eagle, amendment

Lisa Gray, transfer

Don Watkins, app.

Don Watkins, app.

MICROFILMED

DEC 02 1999

NOTICE OF APPLICATION FOR AMENDMENT OF WATER RIGHT

Notice is given that CITY OF EAGLE, 310 E. State St., Eagle ID 83616 has applied to the Department of Water Resources to change the diversion point of the following water right in Ada County pursuant to I.C. § 42-211 (all sites listed herein are in T4N R1E):

RECORDED RIGHT

Permit #63-12448, ground water, priority date 4-8-1998, for 3.25 cfs diverted in NWSW & SWSW S3 for municipal use within city's service area. Existing wells formerly known as Lexington Hills #1 & 2 but now known as City wells #1 & 2. This right, when combined with other rights from the same wells, is limited to 3.25 cfs. The permit supplements surface water to the extent that surface water is available for use within the service area.

PROPOSED AMENDMENT

Add existing well in SESW S5 as a back up well. This well formerly known as Crandlemire well but now known as Floating Feather well. Applicant requests that an annual volume limit (normally not part of municipal rights) of 1,455 af be imposed on the permit.

The permit will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 together with a protest fee of \$25.00 on or before March 8th 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on ~~February 18 and 25~~, 1999.

March 4 & 11
Statesman error

Janice Hildreth, Idaho Statesman called Monday, February 22, 1999, at 8:15 a.m. She had been on vacation for a month and the people responsible for getting the legal ads in the paper didn't get 6 applications advertised on February 18 and 25. She will advertise them on March 4 and 11 with the protest date on March 22, 1999.

United Water, amendment

Julius Jeker, ext. of time.

City of Eagle, amendment

Lisa Gray, transfer

Don Watkins, app.

Don Watkins, app.

MICROFILMED

DEC 02 1999

GIVENS PURSLEY LLP

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701

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Steven R. Weeks
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Raymond D. Givens
James A. McClure
OF COUNSEL

RECEIVED
DEC 08 1998
Department of Water Resources

December 6, 1998

Mr. Jim J. Johnson
Manager
Water Rights Permits
Idaho Department of Water Resources
1301 N. Orchard St.
Statehouse Mail
Boise, ID 83720-9000

Mr. Gary Spackman
Regional Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: City of Eagle
Water Right No. 63-12448 (1998)
Our File No. 30-77

Dear Gary and Jim:

I am writing first and foremost to thank each of you for your assistance in processing this and the other City of Eagle water right applications. This process has had its setbacks and aggravations, and I know that we have been quick to express our frustrations. Sometimes we forget to say thanks for the hard work and extra effort you have put into these applications. Ed and I both want to acknowledge your efforts and judgment in this matter, and thank you for your patience and even-handedness in dealing with us and all the other players.

As you know, on Friday we filed an application to amend the 1998 permit to add Floating Feather as an additional point of diversion.

Finally, with respect to the 1998 permit as issued, Ed and I are unclear as to the basis of Condition No. 12 in light of the removal of the Hormaechea PODs. We would like to discuss this with you at your earliest convenience.

MICROFILMED

FEB 16 1999

Mr. Jim J. Johnson
Mr. Gary Spackman
December 6, 1998
Page 2

Again, thanks for your help. We look forward to continuing to work with you on this.

Sincerely,



Christopher H. Meyer

cc: Edward Squires, United Water Idaho

CHM:baf

S:\Clients\30\77\Corr\1998-12-06 CHM Ltr to G.Spackman & J.Johnson - Re 1998 permit conditions.wpd

MICROFILMED

FEB 16 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 4, 1998

CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12448

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a water right. It is possible that diversion of groundwater under your right

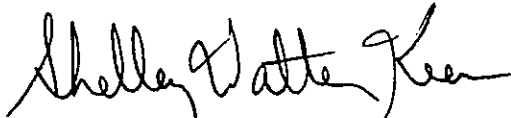
NOT REPLIED
FEB 16 1999

may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

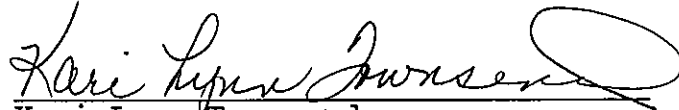
FEB 16 1999

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of December, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12448

CITY OF EAGLE
310 E STATE ST
EAGLE ID 83616


Kari Lynn Townsend
Secretary

MICROFILMED

FEB 16 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
FEB 16 1999

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. RSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

Boise Office
1221 W. IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

November 25, 1998

Mr. Gary Spackman
Region Manager
Western Regional Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

VIA FACSIMILE: 208-327-7866

RE: City of Eagle Water Right No. 63-11413

Dear Gary;

I believe the above-referenced application by the City of Eagle currently is on Mr. Johnson's desk awaiting processing. Some months ago, my client, Richard Hormachea, learned that the permit incorrectly listed the City of Eagle as the owner of two of the proposed points of diversion, when in fact both sites – one in the SWSW of Section 4 and one in the NESE of Section 4 – are owned by Mr. Hormachea. Mr. Hormachea did not consent to this misrepresentation by the applicant, and believes the Department should not issue the desired permit until such time as it acquires or controls the proposed diversion sites. Christopher H. Meyer is acting as the attorney for the City of Eagle in this matter and is fully aware of the misinformation contained in the application. We feel it would be totally improper for the Department to issue a permit based on this application, and request that it be denied or at least tabled until the issue has been resolved. Please note that this is not a protest of the application in the normal sense, but is simply a challenge to the accuracy of the information provided to the Department by the applicant.

Please review this correspondence with Mr. Johnson at your earliest convenience.

Sincerely,



J. Evan Robertson

CC: Christopher H. Meyer

MICROFILMED

FEB 16 1999



CHN COPY

LAW OFFICES

GIVENS PURSLEY, LLP

277 NO. 6TH STREET • SUITE 200
P.O. Box 2720 • BOISE, IDAHO 83701
(208) 388-1200

FACSIMILE (208) 388-1201
E-MAIL: info@givenspursley.com

DIRECT DIAL: (208) 388-1236
EMAIL: chm@givenspursley.com

GARY G. ALLEN
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
THOMAS E. DVORAK
ROY LEWIS EIGUREN
JEFFREY C. FEREDAY
L. W. GRANT III
RICHARD W. JANKOWSKI
KARL T. KLEIN
DAVID R. LOMBARDI
KIMBERLY D. MALONEY
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER

JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
AARON H. NEMEC
STEVEN L. OLSEN
W. HUGH O'RIORDAN
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

RAYMOND D. GIVENS
JAMES A. MCCLURE
OF COUNSEL

May 29, 1998

VIA Facsimile and U.S. Mail

C. Evan Robertson, Esq.
Rosholt, Robertson & Tucker
142 3rd Ave. N.
P.O. Box 1906
Twin Falls, ID 83303-1906

Re: City of Eagle Water Rights
Our File No. 30-77

Dear Evan:

Per your request, I am writing to memorialize our telephone conversation of yesterday afternoon. You called to bring to my attention that the City of Eagle and your client, RMH Properties ("RMH"), are in negotiation regarding a variety of issues connected with the proposed development of the RMH property. One of the issues on the table is ownership of the two undeveloped well sites associated with the City's Water Right Nos. 63-11413 and 63-12017.

You advised me that RMH has not conveyed to the City these two well sites (despite the fact that the water rights were earlier conveyed to the City by the developers of Lexington Hills). I have no independent knowledge of this, and will leave it to you and the City to resolve. I do not represent the City in this connection.

I do represent the City in connection with its recent water right applications, however. Those applications assert that the City owns the property at the points of diversion. We agreed that for the time being it makes sense to assume that this issue of well site ownership will be worked out amicably between RMH and the City, and that

MICROFILMED
FEB 16 1999

C. Evan Robertson, Esq.
May 29, 1998
Page 2

there is no need for either of us to contact the Department of Water Resources until that is resolved. The City appreciates your client's cooperation in this regard, and will not assert any estoppel or similar defense on the basis of your failure to bring the issue to the immediate attention of the Department.

Please keep me advised of any developments affecting this.

Best regards,



Christopher H. Meyer

cc: John J. McFadden, Moore & McFadden
JoAnn C. Butler, Spink & Butler
Edward Squires, United Water Idaho

CHM:baf

S:\Clients\30\77\Corr\1998-05-29 CHM Ltr to E.Robertson - Re ownership of well sites.wpd

MICROFILMED

FEB 16 1999

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by CindyNo.: 63-12448 Name: City of Eagle Date: 10/27/98 Ad OK? ☒ ☐ Gvmt Lts: ☒

AREA OF CONCERN:

No Yes SED Mor / GWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 26A-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- North / East / West

≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

WMD Supplemental use

- No MD

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't sink* is regulated):

FISH & GAME CONTACTED:

- Yes / No; RESPONSE: _____

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9 _____

WD (✓ MAP & LISTING)

- R04 (WD # _____)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H-P01 (LD), 01P or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

Weiser R (67)

- 086, 087

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

> 1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029(70's only)-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req) -081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

STANDARD REMARKS:

- Dwbo 2 Gary's

BENEFICIAL USE DUE:

- 11/1/2003

COMMENTS:

RECEIVED

OCT 23 1998

MEMORANDUM

Department of Water Resources

To: File nos. 63-11413 & 63-12017 (amendment); 63-12448 (new application)
in the name of the City of Eagle

From: Gary Spackman *Gary*

Date: October 16, 1998

Re: Analysis of Applications

This memorandum analyzes three related applications pending with the department: Two applications to amend permit nos. 63-11413 & 63-12017, and application for a new water right no. 63-12448.

Application for permit no. 63-11413 was the initial filing for the Lexington Hills subdivision. It was sharply contested by some of the existing ground water users located in the area of Highway 55 and Floating Feather Road. The developer was allowed to drill a well and pumped it for several weeks while monitoring several wells in the area. The pump test showed a direct hydraulic connection between the Lexington Hills well and other wells in the area. IDWR concluded that ground water availability was limited in the area near the intersection of Floating Feather Road and Highway 55, but that ground water availability increased at locations farther west. Permit no. 63-11413 was conditioned to limit ground water withdrawal, require retention of surface water rights, and require flow measurement and water metering.

Permit no. 63-11413 authorized four points of diversion. Two points of diversion were located on Lexington Hills property in Section 3, T4N, R1E. Two points of diversion were authorized on property owned by Hormachea in Section 4, T4N, R1E. The two Lexington Hills wells were constructed and are now operating. The wells on the Lexington Hills property were purposely located as far west as possible to reduce the effect on water users east of the subdivision. The permit holders wanted to drill wells on the Hormachea property because the wells were located to the west and should intercept more abundant water supplies. This is particularly true of the proposed well at the northeast corner of Floating Feather Road and Eagle Road. The Hormachea wells are not presently constructed. No more than 900 homes could be served by permit no. 63-11413.

Permit no. 63-12017 authorized use of ground water for aesthetics, wildlife, and aesthetics & wildlife storage from the same points of diversion authorized by permit no. 63-11413. The permit was issued to maintain water levels in the ponds of Lexington Hills subdivision when surface water from Farmer's Union Canal is not being delivered.

Application for water right no. 63-12448 seeks additional water to serve additional homes beyond those authorized by permit nos. 63-11413 & 63-12017. The water will be diverted from the four points of diversion identified by permit nos. 63-11413 & 63-12017.

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RECOMMENDATIONS

Amendment to Permit No. 63-11413

I recommend IDWR approve application to amend permit no. 63-11413 with the conditions of approval of the original permit. Because the right is being amended to a municipal right, the 900 home limitation is no longer an enforceable restriction. Instead, withdrawals from the well should be limited to the volume necessary for in-house use in 900 homes. I recommend limiting diversion from the two Lexington Hills wells (or any replacement wells) to 1.9 cfs and 180 acre feet under this right, plus an additional 22.5 acre feet for the water flows in the Lexington Hills Ponds authorized by permit no. 63-12017 (based on five acres taken out of production as stated in the file), for a total of 202.5 acre feet annually.

Amendment to Permit No. 63-12017

I recommend IDWR not approve application to amend permit no. 63-12017 to change the nature of use to municipal. The water was appropriated to maintain levels in specific ponds during the minimal evaporative months of the year. The permit should not receive municipal status because the change would allow for enlargement of the right. Only if very strictly conditioned could enlargement be prevented.

Application for Water Right No. 63-12448

I recommend IDWR approve application no. 63-12448. Eleanor Chase raised some concern about the effect of further ground water withdrawals on her earlier water rights. The applicant provided me with copies of groundwater level data for three wells in the area showing stable ground water levels, even though both the Crandlemire well (located approximately one-quarter mile west of the Eagle Rd. - Floating Feather Rd. intersection) and the Lexington Hills well have been pumping for the last 4-5 years. It appears there is sufficient ground water for the use proposed.

I recommend the same conditions as placed on permit nos. 63-11413 & 63-12017 that describe measurement, data reporting, well spacing, mitigation to other water users etc. Surface water appurtenant to the land should be delivered for irrigation of the residential lots. The requirement for mitigation for anadromous fish should also be included. Any wells must be constructed according to IDWR well construction standards. I also recommend the following condition:

Prior to diverting water under this permit, the water right holder shall locate the existing wells within one quarter mile of the proposed well near the intersection of Floating Feather Rd. -

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FEB 16 1990

City of Eagle Memorandum
Page 3

Eagle Rd., and shall measure water levels semiannually in one of the wells for ten years after the permit holder's well is constructed. The monitoring well shall be selected based on depth, proximity, and permission to monitor from other landowners. This condition can be waived if the water right holder cannot find a suitable well for monitoring or cannot gain access to a suitable well in the area.

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OCT 23 1998

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

DEPARTMENT OF WATER RESOURCES

OCT 23 1998

INITIAL REVIEW BY: JK DATE: 5/14/98 APPLICATION: 63-12448

Department of Water Resources

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid

Gov't. Lots:

NONE P/D

N/A P/U

"Future Needs" not asserted
in this muni appl.

ADDITIONAL INFORMATION

yes ADVERTISE REMARK(S)
(Reviewer identify which remarks)

N/A T FLAG CHANGED TO P FLAG

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☐ ☐ Critical groundwater area:
- ☐ ☐ Groundwater management area:
- ☐ ☐ 1992 moratorium: ok w/ muni. limits in B.S. 63
- ☐ ☐ Bull trout impact area
- ☐ ☐ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☐ E-mail to Dam Safety staff: (for any storage)
- ☒ ☐ Mitigation plan: Check any that apply.
- ☐ ☐ N/A immediate = acceptable plan required and submitted.
- ☐ ☐ X future = open areas, acceptance of condition of approval is in file. ☒
- ☐ ☐ Send power requirement letter:
- ☐ ☐ Send fish farm requirement letter:
- ☐ ☐ Power residency affidavit:
- ☐ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

NOTE: CONTACT PERSON IS C. MEYER (ATTORNEY)

Date Requested _____ Date Response Received _____

PROCESSING

APP. NO.

63-12448

YES NO



In form for advertising:



Statewide advertising: (> 10 cfs &/or 1000 af)



Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

☒ YES NO

I.D. Health & Welfare



I.D. District Health



I.D. Fish & Game



I.D. Lands

☒ YES NO

U.S. BLM



U.S. Forest Service



Water Dist. #

Other same mailing list usedin current amendment appls
of 63-11413 & 63-12017

("Lexington Hills") - See

Attached copy

FINAL REGIONAL PROCESSING REVIEW:

YES NO



Affidavit of publication received:



Application published correctly: If not, record action taken.



Publication dates and paper recorded on application:

Final date for protest 6-8-98

Protests received.



Recommendations attached:



Measuring device required:



Measuring port required:



Water delivered by water master? District #

Special conditions of approval or cover letter: See memo dated 10/16/98

See below for additional information

Recommended Date or Priority 4/8/98Recommended by: GrayDate: 10/21/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

Same pld system as permits 63-11413 & 63-12017 which arenow protested amendment appls. to change permits to (limited) mun. use.This new appl. is for mun. use filed "on top of" previous 2 rights.Note current limits on these pld's in previous rights, especially thatg.w. is not to replace surface water for irrigation use.

LEXINGTON HILLS INC
& TREASURE VALLEY VILLAGE
1815 E STONEYBROOK CT
EAGLE ID 83616

ROBERT C DAY
11034 CULDESAC WY
BOISE ID 83703

NEIL D WILTON
632 N EDGEWOOD LN
EAGLE ID 83616

ELEANOR CHASE
70 W FLOATING FEATHER RD
EAGLE ID 83616

SAGE ACRES HOMEOWNERS ASN
11034 CULDESAC WY
BOISE ID 83703

DENNIS SUTHERLAND
11036 RUNWAY DR
BOISE ID 83703

SHERL CHAPMAN
410 S ORCHARD STE 144
BOISE ID 73705

AL THORNTON
9601 PRAIRIE RD
BOISE ID 83706

BILL PARDEW
PO BOX 699
EAGLE ID 83616

DEPT HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

*Copy of mailing list from Amendment Appls.
in 63-11413 & 63-12017.
Amendments filed 2/5/98.*

*Also add any protestants in Amendment
Appls. if not already on this list.*

-R 5/14/98

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FEB 16 1999

63-12448

Idaho Dept of Water Resources
Western Region
1735 Airport Way
Boise, Idaho 83705-5082

Eagle, Idaho
Sept. 23, 1998

RECEIVED

SEP 25 1998

WATER RESOURCES
WESTERN REGION

Mr. Gary Spackman, Regional Manager,
and/or to whom it may concern:

On Feb 5, 1998 - The City of Eagle filed with the Dept of Water Resources an application for the Dept. to amend No 63-11413 to appropriate the public waters of the State of Idaho. I protested that application. After the pre-conference hearing on Aug 4, 1998, I studied the situation to make a decision about my protest. At this time I would like to withdraw my protest.

Although I am withdrawing my protest, I still want my prior water rights protected. I do not want the Eagle Municipality System to increase the amount of water they are allowed now, - in future years. My property needs water, to

I had adequate water to water lawns during the summer of 1997 but this past summer, I've struggled to water the lawns but thought it may be the pumps. On Aug 5, to my surprise my water supply nearly doubled & I've had sufficient water since. One well was 112 ft deep & my home well is over 240 ft. deep. I'm now able to use 2 sprinklers instead of one - on both lawns. In 1997 my water had slowed in Aug. to the end of irrigation season. Having more water in Aug is unusual.

Also on Sept. 4, 1998, I had my first taste of chlorinated water from my well at 70 W. Floating Feather Rd. I drank part of a glass of water & set it down. About 5 min. later I drank the balance of water and it nearly burned my throat from the chlorine. IT had an off taste of water as did the domestic well water at 524 Floating Feather Rd. I had mowed the lawn and so drank from both wells. It took about 24 hours for the water to taste good and it has, since then. I'm still concerned where the Hornmachea well may be drilled. That location is in a natural drain area, subland, possible flood area possibly near ponds and closer to my well than what I would want. I'm still concerned about possible contamination.

my address is
Eleanor J. Chase
70 W. Floating Feather Rd.
Eagle, Idaho 83612

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FEB 16 1999

Sincerely yours,
Eleanor J. Chase

CONVERSATION MEMORANDUM

DATE 8/31/98

FILE 63-11413

NAME OF PARTY DAVE CANEER 322-8992

EMPLOYEE SL

63-12017
63-12448
of Husbk Cyn.?

RE: USE OF LEXINGTON HILLS WELLS FOR FEATHER'S NEST SUB.

Consultant called to see if these wells can provide backup supply to another subd. beyond Lexington Hills / Echo Cr. Tracts. Wants to look into city's mainline c FL Feather Rd. Has discussed w/ Don Brown of United Water, who said the mainline is ~~supplied~~ supplied via L. Hills wells.

Answer at this time is NO.

Only rights from wells are:

permits 63-11413 } can serve L. Hills & Echo Cr.;
63-12017 } also protested amendments to change rights to municipal for City of Eagle. Hearing set for 10/7/98.

Appl. 63-12448 - pending appl. to establish new mini right beyond limits of above 2 rights. NOT protested but appears will be considered w/

MICROFILMED ^{before?} 10 October hearing.

FEB 16 1999

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JUL 06 1998
WATER RESOURCES
WESTERN REGION

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707-0040

LEGAL ADVERTISING INVOICE

Amount Due

\$96.00

Account Number/Trans. #		Identification	
047628		NOTICE OF APPLICATION FOR WATER RIGHT	
Ordered By	P.O. Number	Rate	Run Dates
SUE TAYLOR		NT	MAY 21, 28, 1998
IDAHO DEPT. OF WATER RESOURCES WEST 2735 AIRPORT WAY BOISE, IDAHO 83705		Estimated Inches	Real Inches
		# Affidavits	Legal Number
		1	1418

LEGAL NOTICE

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12444

CITY OF EAGLE
310 EAST 1ST
EAGLE, ID 83616
Source: GROUND
Diversion Pt:

WATER
NWSW
SWSW
SWSW
NESE

Sec
Sec
Sec
Sec

01E in ADA County.
01E in ADA County.
01E in ADA County.
01E in ADA County.

3 T 04N
3 T 04N
4 T 04N
(3250 CFS)
3250 CFS

Use: MUNICIPAL
Date Filed: 4/8/1998
Total Diversion: 00

Water bearing zone to be appropriated for 2 existing and 2 proposed (aka Lexington Hills & Hormaeche) wells is from 215 to 602 feet. Total use of these wells is proposed to be 3.25 cfs via all rights. Applicant agrees to mitigate consumptive use in the future as needed. Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JUNE 8, 1998. The protest must also send a copy of the protest to the applicant.
KARL J. DREHER, Director
Pub. May 21/28, 1998

1418

JANICE HILDRETH

, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly single
consecutive daily odd skip
insertion(s) beginning with the issue of
MAY 21, 1998
and ending with the issue of
MAY 28, 1998

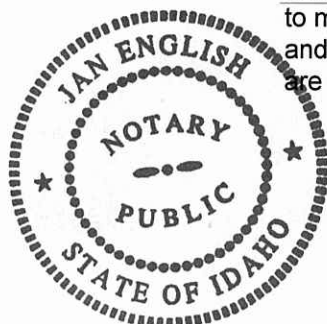
STATE OF IDAHO)

COUNTY OF ADA)

SS.

Janice Hildreth

On this 25TH day of JUNE in the year of 1998, before me, a Notary Public, personally appeared JANICE HILDRETH known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



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FEB 16 1999

Notary Public for Idaho
Residing at:

Boise, Idaho

My commission expires:

02/28/02



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

RECEIVED

MAY 22 1998

1445 North Orchard, Boise, ID 83706-2239, (208) 373-0550

WATER RESOURCES
WESTERN REGION
Public, Batt, Governor

May 21, 1998

Gary Spackman
Idaho Department of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Application for Permit No. 65-12448 in the Name of the City of Eagle
Your Request for Comments dated May 15, 1998

Dear Mr. Spackman:

We have reviewed the referenced application, which refers to water to be appropriated for two existing wells and two proposed wells. We notice that proposed Well No. 3 is approximately 2,600 feet north of Eagle Water Company Well No. 1, and 2,300 feet northwest of Eagle Water Company Well No. 2. Proposed City of Eagle Well Nos. 3 and 4 will be considered part of a public water system, and therefore the well sites and construction specifications must be approved by the Division of Environmental Quality. Our review procedure was outlined in my letter dated March 11, 1998. Because the City's wells are operated by United Water Idaho, we will require that well sites and plans be reviewed by United Water before they are submitted to us.

If you have questions regarding these comments, please call Bill Freeman at 373-0166, or via e-mail at wfreeman@deq.state.id.us.

Sincerely,

Larry S. Peterson, P.E.
Regional Manager-Engineering

c: Bill Freeman, DEQ-Boise Regional Office
Mark Butler, City of Eagle
Christopher Meyer, Givens Pursley & Huntley LLP
Dan Brown, United Water Idaho
Robert DeShazo, Eagle Water Company
Source File #14
Reading File

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FEB 16 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 15, 1998

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Permit No. 65-12448 in the Name of the City of Eagle

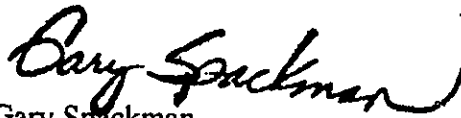
Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter, however, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by June 8, 1998.

If you have any questions regarding the application, please contact this office.

Sincerely,


Gary Spackman

GS:st

Encl.

MICROFILMED

FEB 16 1999

May 15, 1998

To: Interested Parties on the Attached List

Re: Application for Water Right Permit No. 63-12448 in the Name of the City of Eagle

Dear Interested Party:

Enclosed is a copy of the above-referenced application for water right which may be of interest to you.

Please review the application and return any comments you might have within two weeks. If you have questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

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FEB 16 1999

LAW OFFICES

GIVENS PURSLEY, LLP

277 NO. 6TH STREET • SUITE 200
P.O. BOX 2720 • BOISE, IDAHO 83701
(208) 388-1200

FACSIMILE (208) 388-1201

E-MAIL: info@givenspursley.com

DIRECT DIAL: (208) 388-1236
EMAIL: chm@givenspursley.com

GARY G. ALLEN
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
THOMAS E. DVORAK
ROY LEWIS EIGUREN
JEFFREY C. FEREDAY
L. W. GRANT III
RICHARD W. JANKOWSKI
KARL T. KLEIN
DAVID R. LOMBARDI
KIMBERLY D. MALONEY
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER

JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
AARON H. NEMEC
STEVEN L. OLSEN
W. HUGH O'RIORDAN
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

RAYMOND D. GIVENS
JAMES A. MCCLURE
OF COUNSEL

May 5, 1998

Mr. Steve Lester *SL*
Deputy Regional Manager
Western Region
Idaho Department of Water Resources
State of Idaho
2735 Airport Way
Boise, ID 83705-5082

Re: City of Eagle Water Rights
Firm No. 30-77

Dear Steve:

This responds to your letter of April 28, 1998.

Enclosed is the completed "Response Form" provided by the Department regarding potential future mitigation requirements. You will note that I have added a new paragraph labeled "Protest." As we discussed on the phone, the purpose of this paragraph is to preserve the City's right to deal with this issue in the future, should the need arise.

It is my understanding that the Department will now in a position to process this application.

Sincerely,



Christopher H. Meyer

Encl: Response Form

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MAY 06 1998

WATER RESOURCES
WESTERN REGION

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FEB 16 1999

*future mitigation
response form - sl*

Mr. Steve Lester

May 5, 1998

Page 2

cc: The Honorable Rick Yzaguirre, Mayor of the City of Eagle
John J. McFadden, Esq., Moore & McFadden
Edward Squires, Senior Hydrogeologist, United Water Idaho

CHM:baf

S:\Clients\30\77\Corr\1998-05-05 CHM Ltr to S.Lester - Re Mitigation Response Form.wpd

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FEB 16 1999

MAY 06 1998

WATER RESOURCES
WESTERN REGION**RESPONSE FORM****COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED**Name of Applicant City of EagleMailing Address City Hall
310 E. State Street
Eagle, ID 83616Application No. Number not yet assigned. This is the application for 3.25
cfs for municipal use filed by the City on April 8, 1998.6342448
7/2
5/11 4/98

Mitigation Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Protest *The City of Eagle states for the record that it has signed this Response Form under protest of the regulatory threat contained on this form, to wit, that its application will not be processed unless the City promises certain unspecified, unquantified, unknown mitigation. In signing this form, the City does not waive, but expressly reserves, the right to raise in a court of law or equity any claim or defense (including but not limited to claims of a "regulatory taking") which might be asserted in connection with this Response Form.*Signature Christopher H. Meyer
*Christopher H. Meyer, Special Attorney for the City of Eagle*Date May 5, 1998

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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FEB 16 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

April 28, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHRISTOPHER H MEYER
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

RE: APPLICATION FOR PERMIT IN THE NAME OF CITY OF EAGLE

Dear Chris:

Thank you for your letter of April 10 in which you identified the water bearing zone for existing and proposed wells to be used for the City of Eagle municipal use. The application for a new permit involves the Lexington Hills and Hormaechea well sites.

My letter of today concerns the "response form" recently sent via facsimile to your office. As we discussed, the department currently seeks the applicant's agreement to accept a condition of approval for possible "future mitigation." A response form is included for your convenience at this time.

Of course, other options might be available beyond agreeing to the condition or withdrawing the application. For example, the applicant might want the filing to be held without action pending management changes at IDWR. Another avenue might include the contested case option, which would require a separate letter requesting processing without the mitigation language.

Please let me know the applicant's intentions within 30 days, and don't hesitate to contact me if you need more information.

Best regards,

Steve Lester
Water Rights Supervisor

Enclosure

MICROFILMED
FEB 16 1999

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APR 13 1998

WATER RESOURCES
WESTERN REGION

LAW OFFICES

GIVENS PURSLEY, LLP

277 NO. 6TH STREET • SUITE 200
P.O. BOX 2720 • BOISE, IDAHO 83701

(208) 388-1200

FACSIMILE (208) 388-1201

E-MAIL: info@givenspursley.com

DIRECT DIAL: (208) 388-1236

EMAIL: chm@givenspursley.com

GARY G. ALLEN
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
THOMAS E. DVORAK
ROY LEWIS EIGUREN
JEFFREY C. FEREDAY
L. W. GRANT III
RICHARD W. JANKOWSKI
KARL T. KLEIN
DAVID R. LOMBARDI
KIMBERLY D. MALONEY
KENNETH R. MCCLURE
CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER

JUDSON B. MONTGOMERY
TERRY L. MYERS
RAMONA S. NEAL
AARON H. NEMEC
STEVEN L. OLSEN
W. HUGH O'RIORDAN
KENNETH L. PURSLEY
GREGORY J. VIETZ
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER

RAYMOND D. GIVENS
JAMES A. MCCLURE
OF COUNSEL

April 10, 1998

Mr. Steve Lester 
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: City of Eagle – Municipal Water Rights
Firm No.: 30-77

Dear Steve:

You asked for information concerning the water-bearing zone for the water right application filed by the City of Eagle on April 8, 1998. For the four points of diversion identified on that application (City of Eagle Wells Nos. 1 through 4), the water-bearing zone is from 215 feet to 602 feet below ground.

Thank you again for your help in processing this application.

Best regards,



Christopher H. Meyer

cc: John J. McFadden
Roger Dittus
Edward Squires

CHM:baf

G:\DATA\CLIENTS\30\77\CORR\1998-04-10 CHM LTR TO S.LESTER - RE WATER BEARING ZONES.DOC

MICROFILMED

FEB 16 1999

water bearing zone

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

FOR
YOUR
INFORMATION

FROM
CHRISTOPHER H. MEYER

*this is for
the Eagle
water right.*

RECEIVED
APR 08 1998

WATER RESOURCES
GIVENS PURSLEY & HUNTLEY, LLP
A LIMITED LIABILITY PARTNERSHIP

PARK PLACE, 277 NO. 6TH ST. • SUITE 200
P.O. BOX 2720 • BOISE, IDAHO 83701

TELEPHONE: (208) 388-1236
FAX: (208) 388-1251

FEB 16 1999

Receipt No: W023699

Date: 4/ 9/1998
Time: 11:07:34

Received

From: GIVENS PURSLEY & HUNTLEY

Type of Payment	Program A cct	Amount
CITY OF EAGLE WATER RIGHT APPL.	62103 229 21 1155	160.00
CHECK 20065		
	Total	\$ 160.00

Region: WESTERN

Signature: 

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FEB 16 1999

*Priority date = 4/8/98
per attached note*



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 14, 1998

Legal Notices Department
THE IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

Dear Legal Dept.:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 8, 1998.

Yours truly,

SUE TAYLOR
Secretary/Office Coordinator

Encl.

MICROFILMED
FEB 16 1999

NOTICE OF APPLICATION FOR WATER RIGHT

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

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FEB 16 1999

63-12448

CITY OF EAGLE
310 E STATE ST
EAGLE, ID 83616

Source: GROUNDWATER

Diversion Pt:	NWSW	Sec	3	T	04N	R	01E	in	ADA	County.
	SWSWSW	Sec	3	T	04N	R	01E	in	ADA	County.
	SWSW	Sec	4	T	04N	R	01E	in	ADA	County.
	NESE	Sec	4	T	04N	R	01E	in	ADA	County.

Use: MUNICIPAL	(	3.250	CFS)
Total Diversion:	(	3.250	CFS)

Date Filed: 4/ 8/1998

00

Water bearing zone to be appropriated for 2 existing and 2 proposed (aka Lexington Hills & Hormaechea) wells is from 215 to 602 feet. Total use of these wells is proposed to be 3.25 cfs via all rights. Applicant agrees to mitigate consumptive use in the future as needed.

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Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JUNE 8, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 5/21/1998 & 5/28/1998

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FEB 16 1999