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AUG 22 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75035

**WATER RESOURCES
WESTERN PENDING**

WATER RIGHT APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant EAGLE WATER COMPANY

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

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

Email N/A

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes See Attachment

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

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

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

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

5. Lands irrigated or place of use:

[illegible]

TO CORRECT THE RECORD & TRANSFER 74820 Total Acres

NEW WELL IN 40 ACRES, NOT IN 10 ACRES, SEE
REVIEW MEMO

PART 1

6. General Information:

a. Description of diversion system Well & Pump

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

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

d. Remarks:
N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

(SEE ATTACHED)

1. Right as evidenced by:

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

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

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

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

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

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

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total Acres _____

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

PART 2

- 10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

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

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

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

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total Acres

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

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

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

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

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

PART 3

B. CHANGES IN NATURE OF USE N/A

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: _____

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

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

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

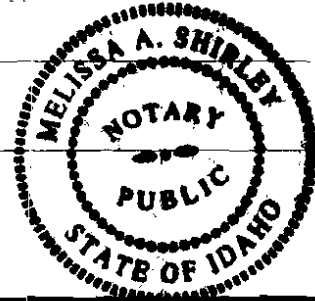
(Signature of Applicant)

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

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

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

My commission expires _____



FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 23 attachments

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

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

Received by DB / W036851 Date 8-22-08

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

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

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

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

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

Summary of Water Rights Before the Proposed Change

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

Purpose of Transfer (Changes Proposed)

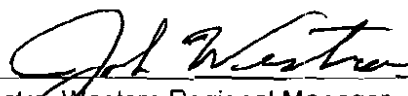
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-9245	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

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

Detailed Water Right Description(s) attached

Dated this 25th day of July, 2008


John Westra, Western Regional Manager

ATTACHMENT A (3 pgs)

SCANNED
JUL 25 2008

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

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

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

Priority Date: June 08, 1979

Source: GROUND WATER

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

LOCATION OF POINT(S) OF DIVERSION:

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

CONDITIONS OF APPROVAL

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

A2

SCANNED

JUL 25 2008

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

CONDITIONS OF APPROVAL

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

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

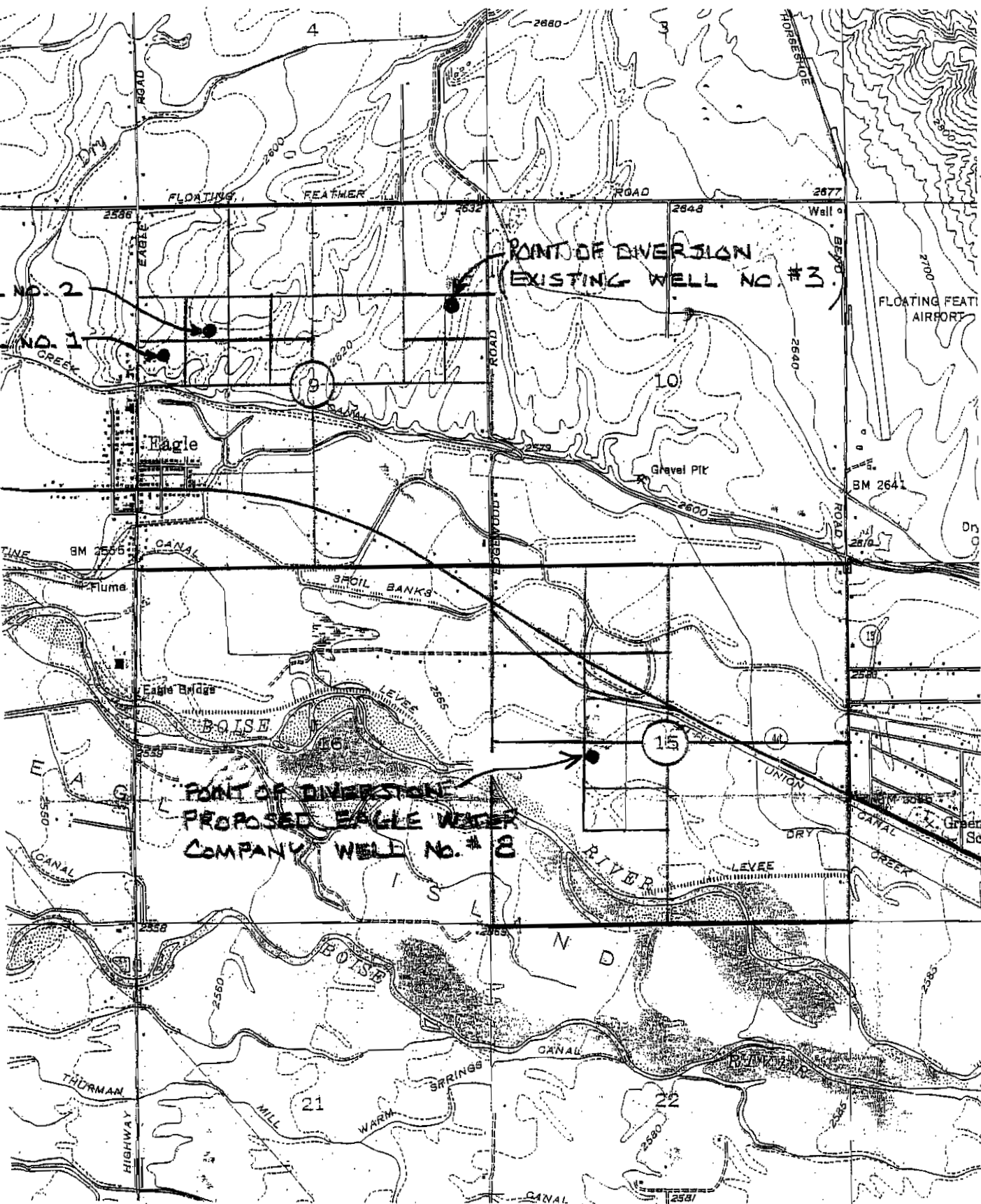
Dated this 25th day of July, 20 08


John Westra, Western Regional Manager

A₃

SCANNED

JUL 2008



A. Purpose of Transfer

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

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

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

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

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

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

Attachment C