

Transfer No. 74820

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 09 2008

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant EAGLE WATER COMPANY INC.

208-939-0242 Office
Fax 208-939-0267 Mr. DeShazo

Mailing address P.O. BOX 455 Eagle, ID 83616

Email

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

AMENDED

2. Describe the reason for the proposed changes See Attachment

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

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

2. Total amount of water being transferred 3.5 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground water tributary to NA

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	
~~NE~~	SW	NW	9	4N	1E	Ada	Eagle Water Company	
NE	SE	NE	9	4N	1E	Ada	Eagle Water Company	
SW	NE	SW	15	4N	1E	Ada	Eagle Water Company	

5. Lands irrigated or place of use: ~~NA~~

[illegible]

Total Acres

PART 1

6. General Information:

a. Description of diversion system Well and pump

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
NA 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:
NA

d. Remarks:
NA

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 RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

SEE ATTACHED

- 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

63-7388 - 7818 - 11798 - 12147 - 12559 (perhaps 1 more)

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?

ND

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(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]

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

| Total Acres

1. amount _____ for _____ purposes from 10/1/14 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]

[illegible]

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.

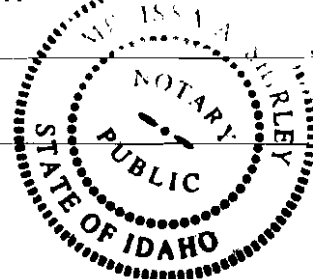
I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]
 (Signature of Applicant)

ROBERT DESHAZD JR.
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 9th day of May, 2008

Melissa A Shirley
 (Notary Public)



My commission expires _____
My Commission Expires On
December 17, 2010

(W036456)

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by [Signature] Date May 9, 08 Protest filed by _____

Prelim. Check by SL Fee \$100.00 W036456 } plus \$ 270 W036631

Received by [Signature] Date May 9, 08 6/23/08

Published in IDAHO STATESMAN DB Copies of protest forwarded by _____

Pub. Dates JULY 3 & 10, 2008 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

TOTAL \$ 370 paid -ok -fl

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 A

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

Current Water Right No. 63-9245

Priority Date: 06/08/1979

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
FIRE PROTECTION	01/01 12/31	3.50 CFS		
MUNICIPAL	01/01 12/31	1.10 CFS		
Total Diversion		3.50 CFS		

Source and Point(s) of Diversion:

GROUND WATER SWSWNW 04N 01E 9 ADA

GROUND WATER NESWNW 04N 01E 9 ADA

GROUND WATER NESENE 04N 01E 9 ADA

PLACE OF USE: MUNICIPAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01E 8				X													
04N 01E 9				X													
04N 01E 10				X													

Conditions/Remarks:

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.
3. Place of use is within the service area of the Eagle Water Company municipal water supply system as provided for under Idaho Law.

Attachment B