

RECEIVED

SEP 10 2007

Department of Water Resources

Water Supply Bank No. _____
Water Right No. _____

Form 42-1761
01/03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT TO
THE WATER SUPPLY BANK

Name of Seller/Lessor City of Eagle Phone 208-331-1800

Post Office Address 660 E Civic Lane, PO Box 1520, Eagle, ID

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____
(name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of Court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Permit No. 63-12448 issued by the Idaho Department of Water Resources

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right

is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: .80 cubic feet per second &/or
400 acre-feet per annum.
 - b. Point of diversion NW ¼ SW ¼ Section 3
Township 4N, Range 1E, B.M. ADA County.
- Additional points SWSW Section 3 T 4N R 1E Ada County
SESW Section 5 T 4N R 1E Ada County

c. Place of use:

SERVICE AREA FOR CITY OF EAGLE

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

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total acres _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE.

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Permit acquired pursuant to Idaho Code. Attached is copy of permit.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Water right has been used for past five years for service to City customers. A new well is also just being completed.

-
- c. If the right is from a surface water source, describe the period of year that water is typically available to satisfy the right.

-
-
- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

63-11413 63-12017 Present place of use will continue to receive water pursuant to this right and the other identified rights since only a portion of 63-12248 is being leased.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

Wells have been constructed and delivery commenced.

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

This lease to the water bank is a companion lease to the City of Eagle's application to lease water from the water bank. The leased portion of the right is available only for lease to the City of Eagle.

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

X For lease for a period from 01/09/07 to 01/09/09
(Day, Month, Year) (Day, Month, Year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

No payment required since lease is to the City of Eagle

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of the right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

9/10/07
Date

[Signature]
Signature

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

09/10/2007

WATER RIGHT NO. 63-12448

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF EAGLE PO BOX 1520 EAGLE, ID 83616 (208)939-6813

Priority Date: 04/08/1998
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	3.25 CFS	1455 AFA
Total Diversion			3.25 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSW	Sec. 03	Township 04N	Range 01E	ADA County
GROUND WATER	SWSW	Sec. 03	Township 04N	Range 01E	ADA County
GROUND WATER	SESW	Sec. 05	Township 04N	Range 01E	ADA County

Place(s) of use: No POUs found for this right

Conditions of Approval:

1.	065	The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2.	101	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.
3.	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.
4.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5.	004	The issuance of this right does not grant any right-of-way or easement across the land of another.
6.	121	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.
7.	X35	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.
8.		Points of diversion locally known as City of Eagle Wells #1 and 2, and Floating Feather Well.
9.	124	Place of use is within the city limits of Eagle and surrounding service area.
10.		Rights 63-11413 and 63-12017 are also diverted from the wells located in the NWSW and SWSW, S3, T4N, R1E.
11.		Water bearing zone to be appropriated is from 183 to 602 feet.

Dates:

Proof Due Date: 10/01/2009

Proof Made Date:

Approved Date: 12/03/1998

Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Application Received Date: 04/08/1998

Protest Deadline Date: 07/09/2001

Number of Protests: 4

Field Exam Date::

Date Sent to State Off:

Date Received at State Off:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close