

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85720**

This is to certify that: **VEOLIA WATER IDAHO INC**
8248 W VICTORY RD
BOISE, ID 83709-4165

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-7066	WR/DECREED	2/28/1968	5.800 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>
63-7066	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>
63-7066	63-7066	5.800 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.800 cfs	0.0 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 9th day of January, 2023.


SCOTT STORMS, Water Rights Supervisor

SCANNED

JAN 30 2023

Transfer No. 85720

WATER RIGHT NO. 63-7066

As Modified by Transfer No. 85720

In accordance with the approval of Transfer No. 85720, Water Right No. 63-7066 is now described as follows:

Right Holder: VEOLIA WATER IDAHO INC
8248 W VICTORY RD
BOISE, ID 83709-4165

Priority Date: 2/28/1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	5.800 cfs 5.800 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 14 Twp 03N Rge 01E	ADA County
GROUND WATER	NESE	Sec 24 Twp 03N Rge 01E	ADA County
GROUND WATER	SENE	Sec 3 Twp 03N Rge 01E	ADA County
GROUND WATER	NWNE	Sec 36 Twp 03N Rge 01E	ADA County
GROUND WATER	NESE	Sec 36 Twp 03N Rge 01E	ADA County
GROUND WATER	NWNW	Sec 10 Twp 03N Rge 02E	ADA County
GROUND WATER	SWNW	Sec 13 Twp 03N Rge 02E	ADA County
GROUND WATER	SENW	Sec 14 Twp 03N Rge 02E	ADA County
GROUND WATER	NWNW	Sec 15 Twp 03N Rge 02E	ADA County
GROUND WATER	NWNW	Sec 16 Twp 03N Rge 02E	ADA County
GROUND WATER	NWNW	Sec 16 Twp 03N Rge 02E	ADA County
GROUND WATER	NESW	Sec 17 Twp 03N Rge 02E	ADA County
GROUND WATER	NWNE	Sec 18 Twp 03N Rge 02E	ADA County
GROUND WATER	NESW	Sec 18 Twp 03N Rge 02E	ADA County
GROUND WATER	NENE	Sec 19 Twp 03N Rge 02E	ADA County
GROUND WATER	NENW	Sec 19 Twp 03N Rge 02E	ADA County
GROUND WATER	NENW	Sec 2 Twp 03N Rge 02E	ADA County
GROUND WATER	SENE	Sec 20 Twp 03N Rge 02E	ADA County
GROUND WATER	NENE	Sec 21 Twp 03N Rge 02E	ADA County
GROUND WATER	NWNE	Sec 22 Twp 03N Rge 02E	ADA County
GROUND WATER	NWNE	Sec 22 Twp 03N Rge 02E	ADA County
GROUND WATER	SESE	Sec 22 Twp 03N Rge 02E	ADA County
GROUND WATER	SWNW	Sec 24 Twp 03N Rge 02E	ADA County
GROUND WATER	NWSE	Sec 25 Twp 03N Rge 02E	ADA County
GROUND WATER	NWSE	Sec 27 Twp 03N Rge 02E	ADA County
GROUND WATER	NENE	Sec 28 Twp 03N Rge 02E	ADA County
GROUND WATER	NWNW	Sec 28 Twp 03N Rge 02E	ADA County
GROUND WATER	NENW	Sec 33 Twp 03N Rge 02E	ADA County
GROUND WATER	SWNE	Sec 36 Twp 03N Rge 02E	ADA County
GROUND WATER	SWSW	Sec 4 Twp 03N Rge 02E	ADA County
GROUND WATER	SWSW	Sec 7 Twp 03N Rge 02E	ADA County
GROUND WATER	NENE	Sec 8 Twp 03N Rge 02E	ADA County
GROUND WATER	SENW	Sec 9 Twp 03N Rge 02E	ADA County
GROUND WATER	NWNW	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	NESW	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	NWSW	Sec 27 Twp 04N Rge 01E	ADA County
GROUND WATER	NESW	Sec 34 Twp 04N Rge 01E	ADA County
GROUND WATER	NENW	Sec 35 Twp 04N Rge 01E	ADA County
GROUND WATER	NENW	Sec 36 Twp 04N Rge 01E	ADA County

Transfer No. 85720

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JAN 30 2023

WATER RIGHT NO. 63-7066

As Modified by Transfer No. 85720

GROUND WATER	SWSW	Sec 8 Twp 04N Rge 01E	ADA County
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	SWSE	Sec 30 Twp 04N Rge 02E	ADA County
GROUND WATER	NWSW	Sec 31 Twp 04N Rge 02E	ADA County
GROUND WATER	NWNW	Sec 32 Twp 04N Rge 02E	ADA County
GROUND WATER	SWNW	Sec 32 Twp 04N Rge 02E	ADA County
GROUND WATER	SWNW	Sec 32 Twp 04N Rge 02E	ADA County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of Veolia Water Idaho Inc. as provided for under Idaho law.
2. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Goddard Well No. 2 located in T04N, R01E, S36, NENW.
3. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
4. Transfer 85720 authorizes the following additional well(s) as point(s) of diversion under this right as of the date of the approval: Wells #1 is located in T04N R01E S9 SWNW. Well #2 is located in T04N R01E S9 SWNW. Well #3 is located in T04N R01E S9 SENE. Well #4 is located in T04N R01E S15 NWNW. Well #6 is located in T04N R01E S8 SWSW. Well #7 is located in T04N R01E S15 NESW L3. Well #8 is located in T04N R01E S15 NESW.
5. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, any replacement of the well used as a point of diversion for this water right located within the NESW, 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.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 85720

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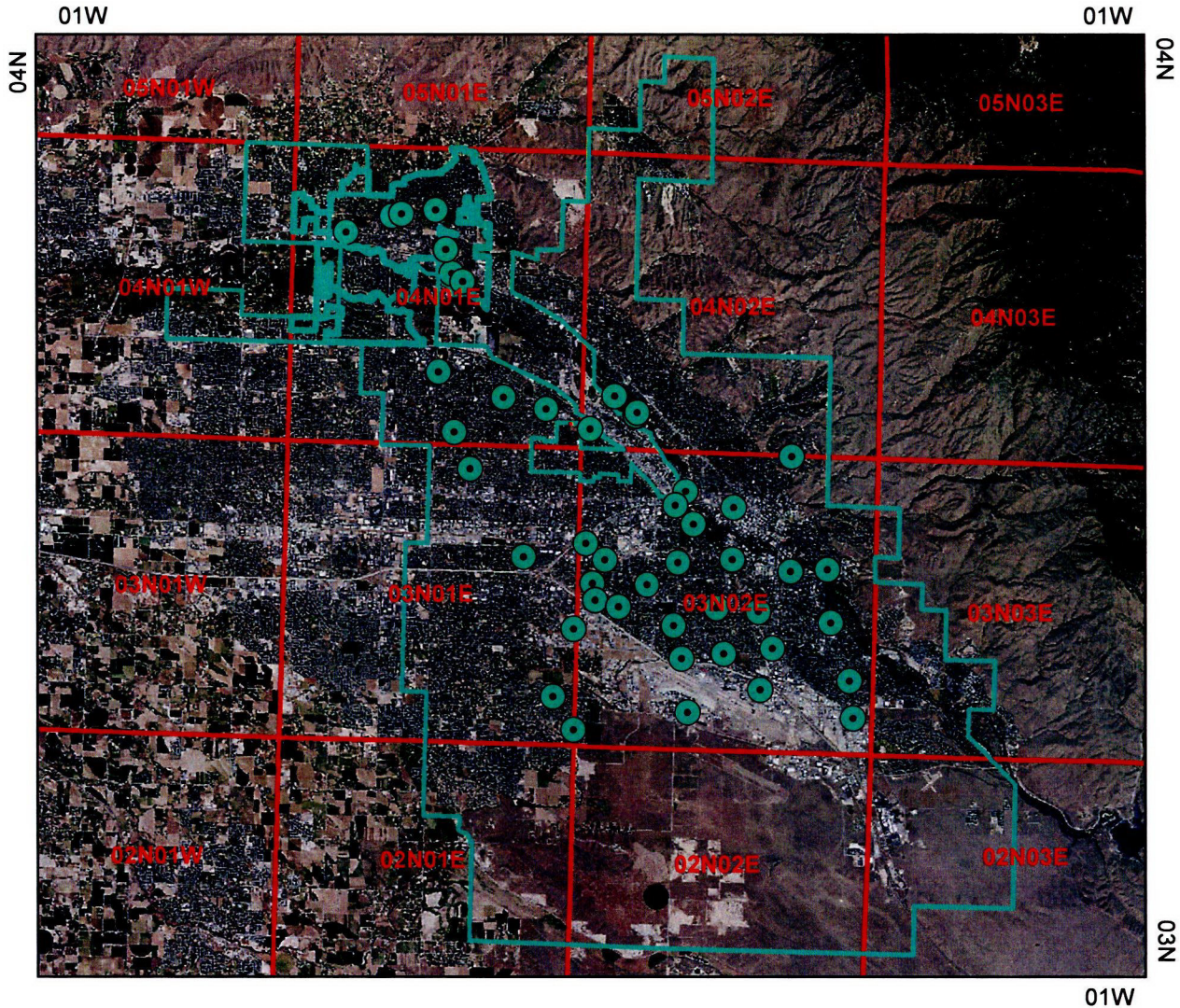
JAN 30 2023

State of Idaho
Department of Water Resources

Attachment to Transfer No. 85720

Water Right(s): 63-7066

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 2.25 4.5 9 Miles

- Point of Diversion
- Place of Use
- Township/Range

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JAN 30 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 09, 2023

VEOLIA WATER IDAHO INC
8248 W VICTORY RD
BOISE ID 83709-4165

Re: Transfer No: 85720
Water Right No(s): 63-7066
Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or 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 forms and instructions.

SCANNED

JAN 30 2023

If you have any questions, please contact me at (208) 334-2190.

Sincerely,



Scott Storms
Water Rights Supervisor

Enclosure
CC:

MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

SCANNED

JAN 30 2023

CERTIFICATE OF SERVICE

I hereby certify that on January 09, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85720
Water Right No(s): 63-7066

VEOLIA WATER IDAHO INC
8248 W VICTORY RD
BOISE ID 83709-4165

MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720



Scott Storms
Water Rights Supervisor

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JAN 30 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this order. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director 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 Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director 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 Director 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 service date 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.

REVIEW CHECKLIST TRANSFER -- OR -- EXCHANGE

(Workflow) (maybe Workflow)

Application # 85720 Reviewer AB Date _____

Acceptable Filing (TP Memo #24 Sect. 3) ☒ Y ☐ N If "N" 30-day Deficiency Ltr Sent _____ (date & initial)

Initial Review & Abbreviated Data Entry _____ (date & initial) Supervisor Notes ☐ Y ☐ N

Right(s) in Water Bank ☐ Y ☒ N, Notify S.O. _____ (date) - WSB App Attachment _____

COMMENT LETTERS ☒ Y ☐ N

Water District # _____ (Required even if No Legal Notice Required)

Other(s): list here or see attached City of Eagle

ADVERTISING ☒ Y ☐ N If "N" Save Legal Notice Not Required DB Comment in Workflow & Memo _____

Legal Notice Required - Saved as Legal Notice Remarks in Workflow ☒ Y *uncheck "Currently in Data Entry" flag

Statewide ads ☐ Y ☒ N ("Y" only if any single right > 10 cfs, 1000 af storage)

COMPLETE TO HERE BEFORE FORWARD FOR ADVERTISING

ADVERTISER COMPLETES

LEGAL NOTICE & PROTEST

Protest Deadline 6-21-22

Y N

_____	Protested	If Y: _____
_____	Affidavit received/published correctly	If N: _____
		Scan protest
		Re-advertised & published correctly

REVIEW MEMO -- DRAFT APPROVAL -- APPROVAL COVER LETTER

Drilling fee upgrade _____ Paid _____ WC & WR File Documented (Request, CAN NOT hold xFer if unpaid).

Review Memo Completed ☒ (See Review Memo Template N:/WRProcessing/Transfers/Review Memo Template).

Data Entry, Conditions, & ArcMap Data Entry Completed ☒

E' folder w/ Draft Approval 85720 Suez(vedia)
(applicant last name + application #)

NOTE FOR CLERICAL STAFF APPROVAL COVER LETTER

Add WSB paragraph to approval cover letter (see N:WRFormLetters/Water Bank Paragraph) _____ Y _____ N

OPTIONAL PAGE -- CONDITIONS & NOTES**GROUNDWATER:**

WD 161 (Non-de minimis uses) - R05
 ≤ 0.24 cfs/5 acres - No MD
 > 0.24 cfs/5 acres - 214

~~WD~~

< 0.24 cfs/5 acres - No MD
 ≥ 0.24 cfs/5 acres - 01M or 01Q (ref. MD flowchart)

No water measurement districts in Western Region at this time.

DRILLING PERMIT - 046 (new well)

SURFACE WATER:

WD - R05
 ≤ 0.20 cfs - R02, 01P or No MD (ref. MD flowchart)
 > 0.20 cfs - R43

~~WD~~, SPRINGS/SINK, INACTIVE WD & REST OF STATE

< 0.24 cfs/5 acres - No MD
 ≥ 0.24 cfs/5 acres - 01M or 01Q

STANDARD SEASON _____ to _____ (use X61 if extended season)

STANDARD VOLUME _____ af/ac

CONSUMPTIVE USE VOLUME _____ af/ac

USES:

STORAGE	- 18C-18B/R40-123-220-219-221-222-259-937-938	POWER	- 17H-17K (+uses)-025-106
IRR ≤ 5 ac	- R66/R67/R68/R69 (0.03 cfs/ac)	MUNICIPAL	
> 5 ac	- R62/R63/R64/R65 (0.02 cfs/ac)	Restricted area	- 022-075 RAFN - 007-109-X64
Volume only	- R58/R59/R60/R61	Irr., GW supp to SW	- 102
Supplemental	- 943 & WB7		
Storage	- R70		
STOCKWATER	- R37 (all BLM/USFS)	DOMESTIC	
MINING	- 054-106	Surface water	- WB5 (Boise above Star Bridge)
FISH PROP	- 029 (70's basins only)-007-122-106	>1 in restricted area	- 070-071-075(no parks/common areas, etc)
HEAT/COOL	- R07 (injection well)	Irr use listed separate	- WB5
FIRE PROT.	- 077-218		
DAIRY	- 082 (zoning if a concern)-106-WD8		

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
WD8 - land application of waste water
01Q - used instead of 01M when
 there's another meas. condition
 outside a WD

Protested - 020-X19
Water Quality - 106-R07

X27 - Number of acres/season in ppu

X35 - Combined limits of multiple rts

X49 - measure p"/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig. source availability
X54 - forfeited ac/rate (used rarely)
205 - use when quantity reduced by xFer approval
X55 - (transfer shrinks total water to less ac)
004 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X63 - replaced C12 through C17 - ultimately
 C18 placed on rts to cover issue. If C18
 on rts replace with T19 and remove X63.

**Apply one to chg'd & unchg'd
rts that are subject to SRBA:**

T09 - on-going SRBA (no Dir Rpt
 yet)
T19 - replaces C18
 (if at Directors Report
 or Partial Decree stage)
T20 - use only on unchg'd rts
 not subject to SRBA

NOTES:

MEMORANDUM

TO: Transfer No. 85720

FROM: Allen Bradbury

DATE: 12/27/2022

RE: Evaluation of Application for Transfer of Water Right

SUEZ Water Idaho Inc. (SUEZ) acquired Eagle Water Company (EWC) on December 9, 2021. This transfer proposes to add seven points of diversion from the six ground water rights obtained from Eagle Water Co. to water right 63-7066, as part of a common system currently consisting of 42 points of diversion and list all PODs on the municipal water right with a priority date of 1968. Total diversion rate will remain at 5.8 cfs. Water will be used in the current municipal place of use.

Transfer 85719 filed concurrently, combines seven points of diversion for six municipal ground water rights obtained from Eagle Water Co. into a common system. Those water rights include 63-7368, 63-7618, 63-9245, 63-11798, 63-12147, and 63-12559. This allows EWC water rights acquired by SUEZ to be diverted from any of the EWC wells. An ownership change request for water right no. 63-7368 was submitted with Transfer No. 85719. The ownership change was processed in advance of the transfer processing. SUEZ Water Idaho Inc. also filed a change in address with a change in name to Veolia Water Idaho, Inc (Veolia) to reflect the acquisition of the company in March of 2022.

Water will be used in Veolia's municipal place of use as per the service area map provided with the transfer. This place of use is within the service area of Veolia Water Idaho Inc. as provided for under Idaho law.

Contact: Robert Newbry, SUEZ Water Idaho Inc., 8248 Victory Rd, Boise, ID 83709,
Robert.Newbry@suez.com, (208) 362-1300.

Representative: Michael P. Lawrence, Givens Pursley LLP, 601 W Bannock St., Boise ID 83701.
mpl@givenspursley.com. (208) 388-1294.

Summary of Information Submitted

Authority to File: The application was filed in the name of SUEZ Water Idaho Inc. and signed by the authorized agent, Marshall Thompson, VP & GM SUEZ Water Idaho Inc. According to the State of Idaho Secretary of State Business Services website, Marshall Thompson is listed as the vice president of SUEZ. SUEZ Water Idaho Inc. also filed a change in address with a change in name to Veolia Water Idaho, Inc. The service area associated with the points of diversion and the places of use in this application encompass Veolia's service area, as provided for under Idaho law.

Water Right Validity/Historical Beneficial Use: Water rights involved in this transfer include decreed water rights: 63-7066, priority 2/28/1968, Decreed 11/18/2009.

Injury to Other Water Rights: Injury to other water rights is not likely as a result of this transfer. The application does not intend to increase the size of the delivery area or the amount of water to be diverted. Based on this evidence no injury is anticipated to surrounding wells or water rights.

Enlargement of Use: The transfer does not propose any change to the diversion rate or volume nor any unsubordinated change to the season of use. The municipal service area will be expanded to include that

SCANNED

of the Eagle Water Company rights acquired by Veolia included in Transfer 85719. Those rights historically served the expanded POU area and there are no proposed changes to diversion rate or volume as part of that transfer. For these reasons, an enlargement of use is not anticipated as a result of this transfer.

Local Public Interest: There are no anticipated negative impacts to recreation, fish, or wildlife as a result of this transfer. There is no indication that any applicable water or hazardous substance standards designed to protect water resources would be violated. This transfer is compatible with the objectives and policies of the State Water Plan. None of the available information suggests a conflict with the local public interest.

Beneficial Use/Conservation of Water Resources: No issues were identified. The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis

Overlap Analysis:

It is reasonable to conclude that the rate and volume of pumping from these wells will not increase therefore it is not anticipated that the proposed changes will not increase the effects on neighboring wells.

Discussion

Conditions: If approved the following changes should be made to the conditions of water rights.

Removed C04

Added 180 map for illustrative purposes

Updated existing 125 to: "Place of use is within the service area of Veolia Water Idaho Inc. as provided for under Idaho law."

Added Well Condition

Transfer 85720 authorizes the following additional well(s) as point(s) of diversion under this right as of the date of the approval: Wells #1 is located in T04N R01E S9 SWNW. Well #2 is located in T04N R01E S9 SWNW. Well #3 is located in T04N R01E S9 SENE. Well #4 is located in T04N R01E S15 NWNW. Well #6 is located in T04N R01E S8 SWSW. Well #7 is located in T04N R01E S15 NESW L3. Well #8 is located in T04N R01E S15 NESW.

Added 165 To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, any replacement of the well used as a point of diversion for this water right located within the NESW, 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.

Added 01M

Added conditions T07 and T08 to right as per Department standards.

Replace C18 with T19 to each right as per department standards.

Summary

Assuming no other information contradicts the above analysis, the application can be approved as reflected by the draft approval.

RECEIVED

JUN 21 2022

by FAX
WATER RESOURCES
WESTERN REGION



ATTORNEYS AND COUNSELORS

Hawley Troxell Ennis & Hawley LLP
877 Main Street, Suite 1000

P.O. Box 1617

Boise, Idaho 83701-1617

208.344.6000

www.hawleytroxell.com

RECEIVED

JUN 27 2022

WATER RESOURCES
WESTERN REGION

DANA L. HOFSTETTER
MAIL: DHOFSTETTER@HAWLEYTROXELL.COM
DIRECT DIAL: 208-388-4867
DIRECT FAX: 208-954-4867

June 21, 2022

VIA U.S. MAIL AND FACSIMILE (208-334-2348)

Director
c/o Nick Miller
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: *Application for Transfer Nos. 85719 and 85720*

Dear Mr. Miller:

On behalf of Edwards Family LLC, I hereby submit the following comments in lieu of formal Protests regarding Application for Transfer Nos. 85719 and 85720 (the "Applications"). The Applications propose points of diversion from ground water within the boundaries of the Boise Front Low Temperature Geothermal Resource Ground Water Management Area. If the Applications are approved, they should be conditioned to prevent the diversion of geothermal water and to assure that only cold water is diverted and to require monitoring to assure no geothermal water is diverted.

Please contact me if you have any further questions or need further information. Thank you.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

A handwritten signature in black ink, appearing to read 'Dana Hofstetter'.

Dana L. Hofstetter

DH:tas

cc: Robert Newbry, SUEZ Water Idaho Inc., 8248 Victory Road, Boise, Idaho 83709

SCANNED

JAN 30 2023



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
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26965	269953	Print Legal Ad - IPL0075330		\$172.55	2	90 L

Attention: Denise Lauerman

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

RECEIVED

JUN 13 2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85719

VEOLIA WATER IDAHO INC, 8248 W VICTORY RD, BOISE, ID 83709-4165 has filed Application No. 85719 for changes to the following water rights within ADA County(s): Right No(s): 63-11798, 63-12147, 63-12559, 63-7368, 63-7618, 63-9245, to see a full description of these rights and the proposed transfer, please see: <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: The transfer proposes to combine seven points of diversion for six ground water rights obtained from Eagle Water Co. into a common system and list all seven PODs on the municipal water rights totaling 16.24 cfs. Priority dates range from 1970 to 1999. Points of diversion will be added to for water rights 63-7368, 63-7618, 63-9245, 63-11798, 63-12147, and 63-12559. Water will be used in the current municipal place of use.

TRANSFER NO. 85720

VEOLIA WATER IDAHO INC, 8248 W VICTORY RD, BOISE, ID 83709-4165 has filed Application No. 85720 for changes to the following water rights within ADA County(s): Right No(s): 63-7066, to see a full description of these rights and the proposed transfer, please see: <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: The transfer proposes to add seven points of diversion from the six ground water rights obtained from Eagle Water Co. to water right 63-7066, as part of a common system currently consisting of 42 points of diversion and list all PODs on the municipal water right with a priority date of 1968. Total diversion rate will remain at 5.8 cfs. Water will be used in the current municipal place of use. For additional information concerning the property location, contact Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 6/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/2/2022 and 6/9/2022

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

63-35229

ALETTE BETTENCOURT
1032 S BLACK CAT RD
KUNA, ID 83634-1626
Point of Diversion SESE S28 T02N R01W ADA County
Source GROUND WATER

Use: IRRIGATION
03/01 to 11/15
1.6 CFS

Total Diversion:
1.6 CFS

Date Filed: 03-30-2022

Place Of Use: IRRIGATION

T02N R01W S27 NESW/NWSW

Total Acres: 80

Water bearing zone to be appropriated is from 150 to 250 feet.

63-35261

ROGER WORLEY
372 S EAGLE RD # 315
EAGLE, ID 83616-5908
Point of Diversion NESE S34 T05N R01E ADA County
Source GROUND WATER

Use: FIRE PROTECTION

01/01 to 12/31

0.08 CFS

Use: IRRIGATION

03/15 to 11/15

0.15 CFS

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:
0.19 CFS

Date Filed: 05-05-2022

Place Of Use: DOMESTIC/FIRE PROTECTION/IRRIGATION

T05N R01E S34 NESE

Total Acres: 5

Water bearing zone to be appropriated is from 250 to 400 feet.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190, or for a full description of the rights, please see <https://idwr.idaho.gov/apps/ExtSearchWRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 6/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/2/2022 and 6/9/2022

IPL0075330

Jun 29 2022

Bettina Jantzen, 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:

No. of Insertions: 2

Beginning Issue of: 06/02/2022

Ending Issue of: 06/09/2022

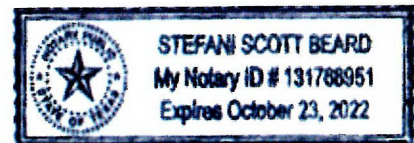
B. Jantzen

(Legals Clerk)

On this 9th day of June in the year of 2022 before me, a Notary Public, personally appeared before me Bettina Jantzen known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

SCANNED

JAN 30 2023