AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85719

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
63-11798	WR/LICENSE	4/17/1992	1.340 cfs	N/A	N/A	N/A	GROUND WATER
63-12147	WR/LICENSE	9/29/1994	5.000 cfs	N/A	N/A	N/A	GROUND WATER
63-12559	WR/LICENSE	12/15/1999	3.000 cfs	N/A	N/A	N/A	GROUND WATER
63-7368	WR/DECREED	11/15/1970	2.000 cfs	N/A	N/A	N/A	GROUND WATER
63-7618	WR/DECREED	10/25/1972	1.400 cfs	N/A	N/A	N/A	GROUND WATER
63-9245	WR/DECREED	6/8/1979	3.500 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-11798	NO	NO	NO	YES	NO	NO
63-12147	NO	NO	NO	YES	NO	NO
63-12559	NO	NO	NO	YES	NO	NO
63-7368	NO	NO	NO	YES	NO	NO
63-7618	NO	NO	NO	YES	NO	NO
63-9245	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-11798	63-11798	1.340 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-12147	63-12147	5.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-12559	63-12559	3.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-7368	63-7368	2.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-7618	63-7618	1.400 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-9245	63-9245	3.500 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**13.840 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA
IN FILE # 63-7368

SCANNED
FEB 03 2023

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85719

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 2nd day of February, 2023.

Nick Miller Manager, IDWR Western Region

SCANNED

FEB 03 2023

AMENDED

WATER RIGHT NO. 63-7368

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-7368 is now described as follows:

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

Priority Date: 11/15/1970

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
FIRE PROTECTION	1/01	to	12/31	2.000 cfs
MUNICIPAL	1/01	to	12/31	2.000 cfs
				2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8 Twp 04N Rge 01E	ADA County
GROUND WATER	SENE	Sec 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9 Twp 04N Rge 01E	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, this right retains its original priority for well locations authorized under this right as identified in decree dated 2/6/2009.
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 85719 authorizes the following additional well(s) as point(s) of diversion under this right as of the date of the approval: 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.

SCANNED

FEB 03 2023

WATER RIGHT NO. 63-7368

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

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.

SCANNED

FEB 03 2023

AMENDED

WATER RIGHT NO. 63-11798

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-11798 is now described as follows:

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

Priority Date: 4/17/1992

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	1/01	to	12/31	1.340 cfs
				1.340 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15	Twp 04N	Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N	Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8	Twp 04N	Rge 01E	ADA County
GROUND WATER	SENE	Sec 9	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N	Rge 01E	ADA County

CONDITIONS OF APPROVAL

1. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
2. Domestic uses authorized under this right shall not exceed 13,000 gallons per day in accordance with the provisions in Section 42-111, Idaho Code.
3. Place of use is within the service area of Veolia Water Idaho Inc. as provided for under Idaho law.
4. 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, this right retains its original priority for well locations authorized under this right as identified in license dated 9/30/1994.
5. 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.
6. Transfer 85719 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 #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.

SCANNED
FEB 03 2023

AMENDED

WATER RIGHT NO. 63-11798

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

7. 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.

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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED

FEB 03 2023

AMENDED

WATER RIGHT NO. 63-7618

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-7618 is now described as follows:

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

Priority Date: 10/25/1972

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate
MUNICIPAL	01/01	to 12/31	1.400 cfs
			1.400 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8 Twp 04N Rge 01E	ADA County
GROUND WATER	SENE	Sec 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9 Twp 04N Rge 01E	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, this right retains its original priority for well locations authorized under this right as identified in decree dated 4/3/2009.
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 85719 authorizes the following additional well(s) as point(s) of diversion under this right as of the date of the approval: 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.

SCANNED

FEB 03 2023

AMENDED

WATER RIGHT NO. 63-7618

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

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.

SCANNED

FEB 03 2023

AMENDED

WATER RIGHT NO. 63-9245

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-9245 is now described as follows:

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

Priority Date: 6/8/1979

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
FIRE PROTECTION	01/01	to	12/31	3.500 cfs
MUNICIPAL	01/01	to	12/31	1.100 cfs
				3.500 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15	Twp 04N	Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N	Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8	Twp 04N	Rge 01E	ADA County
GROUND WATER	SENE	Sec 9	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N	Rge 01E	ADA County

CONDITIONS OF APPROVAL

1. This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.
2. Place of use is within the service area of Veolia Water Idaho Inc. as provided for under Idaho law.
3. 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, this right retains its original priority for well locations authorized under this right as identified in decree dated 10/21/2009.
4. 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.
5. Transfer 85719 authorizes the following additional well(s) as point(s) of diversion under this right as of the date of the approval: 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.
6. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, the new 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.

SCANNED
FEB 03 2023

AMENDED

WATER RIGHT NO. 63-9245

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

7. 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.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. 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.

SCANNED
FEB 03 2023

AMENDED

WATER RIGHT NO. 63-12147

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-12147 is now described as follows:

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

Priority Date: 9/29/1994

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate
MUNICIPAL	1/01	to 12/31	5.000 cfs
			5.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8 Twp 04N Rge 01E	ADA County
GROUND WATER	SENE	Sec 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9 Twp 04N Rge 01E	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, this right retains its original priority for well locations authorized under this right as identified in license dated 5/12/2016.
3. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
4. Transfer 85719 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 #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.

SCANNED
FEB 03 2023

AMENDED

WATER RIGHT NO. 63-12147

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

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. This right does not grant any right-of-way or easement across the land of another.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED

FEB 03 2023

AMENDED

WATER RIGHT NO. 63-12559

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-12559 is now described as follows:

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

Priority Date: 12/15/1999

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	01/01	to	12/31	3.000 cfs
				3.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8	Twp 04N Rge 01E	ADA County
GROUND WATER	SENE	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	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, this right retains its original priority for well locations authorized under this right as identified in license dated 9/1/2016.
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 85719 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 #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.

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FEB 03 2023

AMENDED

WATER RIGHT NO. 63-12559

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

6. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

7. 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.

8. The issuance of this right does not grant any right-of-way or easement across the land of another.

9. Water bearing zone originally appropriated is 330 to 400 feet.

10. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is 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 right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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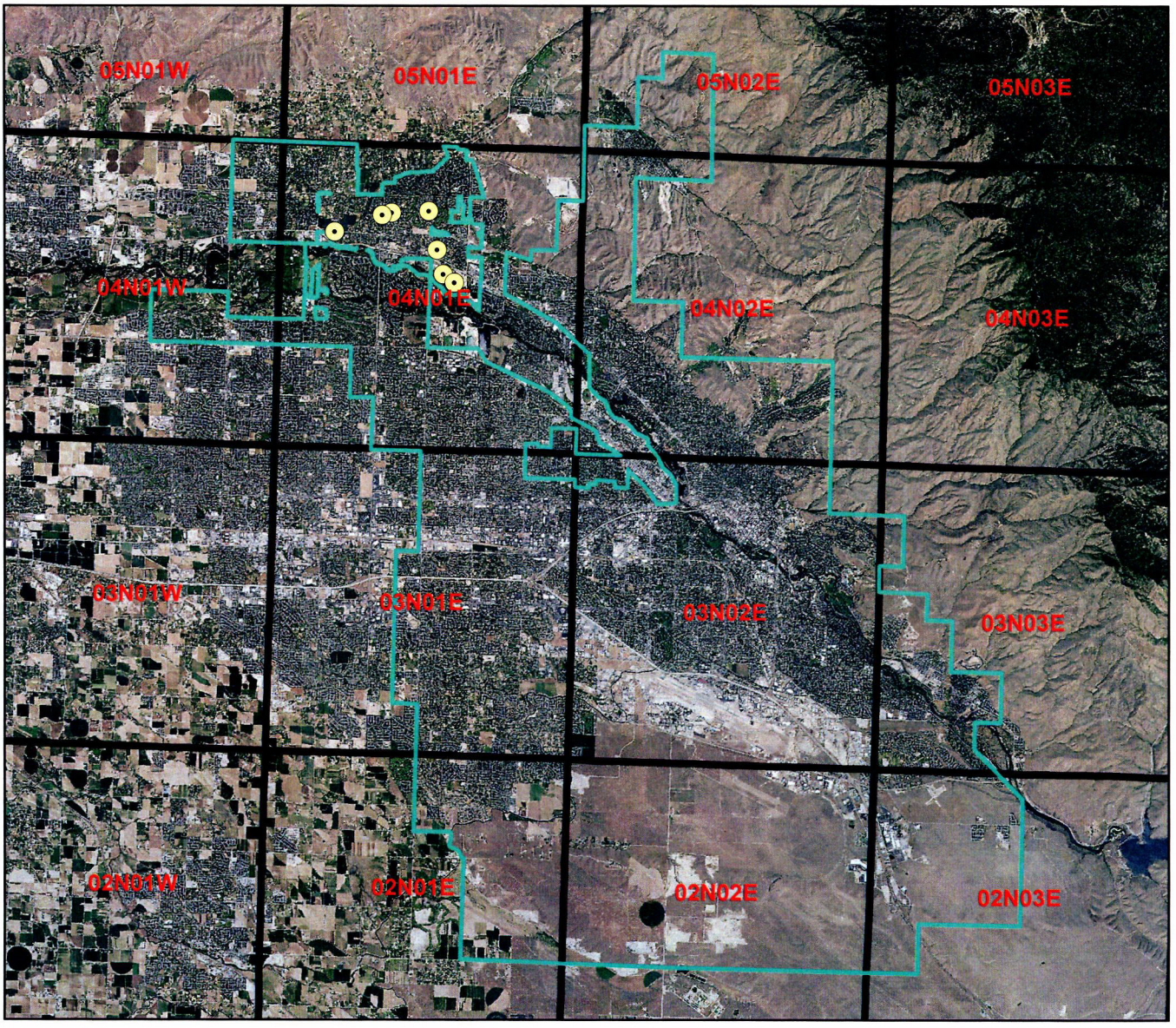
State of Idaho
Department of Water Resources

Attachment to Transfer No. 85719

AMENDED

Water Right(s): 63-7368, 63-7618, 63-9245, 63-11798, 63-12147, & 63-12559

This map depicts the MUNICIPAL place of use boundary for these water rights 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
- Townships

N

SCANNED
FEB 03 2023

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER NO. 85719 IN THE NAME OF VEOLIA WATER IDAHO, INC.	))))	**ORDER ON PETITION FOR RECONSIDERATION**

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the issuance of an approved transfer, the Department finds, concludes, and orders as follows:

PROCEDURAL HISTORY

On January 19, 2022, Veolia Water Idaho, Inc[1] (Applicant) filed application for transfer number 85719 with the Idaho Department of Water Resources (Department). The application proposed to modify the points of diversion on six water rights to authorize each water right to be diverted from any of seven existing wells. The water rights and wells had been recently acquired by the Applicant and were formerly owned by the Eagle Water Company, Inc[2] ("EWC"). On January 9, 2023, the Department issued a preliminary order approving the application for transfer. On January 23, 2023, the Department received *Veolia's Petition for Reconsideration* (Petition). The Petition asks the Department to amend the transfer approval by modifying conditions of approval on two of the water rights modified by transfer 85719.

FINDINGS OF FACT

1. On January 9, 2023, the Department issued a preliminary order approving Transfer of Water Right No. 85719 (Transfer) authorizing the Applicant to divert ground water pursuant to six water rights held by the Applicant from seven existing wells.
2. The transfer approval included a condition of approval on each of the six water rights that read, "Place of use is within the service area of Veolia Water Idaho Inc. as provided for under Idaho law."
3. The Petition seeks to modify a condition on water right 63-11798 to remove a statement that reads, "Place of use is located within the city limits of Eagle and the surrounding service area."
4. The service area of Veolia Water Idaho, Inc. comprises a much larger area than described by the statement, "within the city limits of Eagle and the surrounding service area."

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[1] The application was submitted in the name of SUEZ Water Idaho, Inc, but on April 22, 2022, the Applicant notified the Department of a corporate name change from SUEZ Water Idaho, Inc to Veolia Water Idaho, Inc.

[2] The Idaho Public Utilities Commission approved SUEZ's acquisition of Eagle Water Company's assets in a final order dated December 9, 2021.

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FEB 03 2023

5. The Petition seeks to revise the following condition on water right 63-9245 to remove the words "per acre":

   "This right when combined with Right Nos. 63-7368 & 63-7618 shall not exceed 4.5 cfs per acre."

   The Applicant also requested the change to this condition on the transfer application form. Both in the Petition and on the transfer application, the Applicant asserts the words "per acre" in the condition is a clerical error that should be corrected.

6. On October 21, 2009, the Snake River Adjudication Court (SRBA) issued a partial decree for water right 63-9245 that included the following condition:

   "This right when combined with Right Nos. 63-7368 & 63-7618 shall not exceed 4.5 cfs per acre."

EVALUATION CRITERIA / ANALYSIS

The Petition seeks two revisions to the transfer approval. The first is to modify the condition on 63-11798 to remove the now outdated description of the place of use. The transfer approval included an updated description of the place of use for each of the six water rights as the service area of Veolia Water Idaho, Inc., rather than that of Eagle Water Company, Inc, which was accurately, if imprecisely, described as "within the city limits of Eagle and the surrounding service area".

Idaho Code §42-202B(9) defines a service area as:

"… that area within which a municipal provider is or becomes entitled or obligated to provide water for municipal purposes. For a municipality … For a municipal provider that is not a municipality, the service area shall correspond to the area that it is authorized or obligated to serve, including changes therein after the permit or license is issued."

The place of use for water right 63-11798 is now the service area of Veolia Water Idaho, Inc. The statement, "within the city limits of Eagle and the surrounding service area" is misleading.

The second revision sought by Veolia is to remove the words, "per acre" from a condition on 63-3245. This condition was included on the partial decree issued by the SRBA Court and was simply carried forward on this transfer approval. Veolia presents a set of facts to support its assertion that the words were included due to "a clerical error in the documents provided to the SRBA Court". The transfer process is not the appropriate venue to assert or address corrections to a partial decree. The Applicant's recourse is to raise the issue before the SRBA Court.

CONCLUSIONS OF LAW

1. The place of use for water right 63-11798 is correctly described in the transfer approval as, "within the service area of Veolia Water Idaho Inc. as provided for under Idaho law." The statement in Condition No. 1 that the place of use is, "within the city limits of Eagle and the surrounding service area" is redundant and should be removed.

SCANNED

FEB 03 2023

2. Condition No. 1 on water right 63-9245 was decreed by the SRBA Court. An adjudicated water right is a judicially decreed property right that is binding on the Department. *City of Blackfoot v. Spackman*, 162 Idaho 302, 309, 396 P.3d 1184, 1191 (2017). The Department should not modify the condition.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the order approving Transfer No. 85719 is **DENIED IN PART** pursuant to Idaho Code §67-5243(3). The Applicant's petition to modify Condition No. 1 on water right 63-9245 to remove the words "per acre", is **DENIED**.

IT IS FURTHER HEREBY ORDERED that the petition for reconsideration of the order approving Transfer No. 85719 is **APPROVED IN PART** pursuant to Idaho Code §67-5243(3). An amended approval of Application for Transfer 85719 is attached.

Dated this 2nd day of February 2023.

Nick Miller
Manager, IDWR Western Region

SCANNED
FEB 03 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85719

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
63-11798	WR/LICENSE	4/17/1992	1.340 cfs	N/A	N/A	N/A	GROUND WATER
63-12147	WR/LICENSE	9/29/1994	5.000 cfs	N/A	N/A	N/A	GROUND WATER
63-12559	WR/LICENSE	12/15/1999	3.000 cfs	N/A	N/A	N/A	GROUND WATER
63-7368	WR/DECREED	11/15/1970	2.000 cfs	N/A	N/A	N/A	GROUND WATER
63-7618	WR/DECREED	10/25/1972	1.400 cfs	N/A	N/A	N/A	GROUND WATER
63-9245	WR/DECREED	6/8/1979	3.500 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-11798	NO	NO	NO	YES	NO	NO
63-12147	NO	NO	NO	YES	NO	NO
63-12559	NO	NO	NO	YES	NO	NO
63-7368	NO	NO	NO	YES	NO	NO
63-7618	NO	NO	NO	YES	NO	NO
63-9245	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-11798	63-11798	1.340 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-12147	63-12147	5.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-12559	63-12559	3.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-7368	63-7368	2.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-7618	63-7618	1.400 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-9245	63-9245	3.500 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**13.840 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA
IN FILE # 63-7368
SCANNED
JAN 3 1 2023

Transfer No. 85719

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85719

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 31 2023

WATER RIGHT NO. 63-7368

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-7368 is now described as follows:

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

Priority Date: 11/15/1970

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
FIRE PROTECTION	1/01	to	12/31	2.000 cfs
MUNICIPAL	1/01	to	12/31	2.000 cfs
				2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15 Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8 Twp 04N Rge 01E	ADA County
GROUND WATER	SENE	Sec 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9 Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9 Twp 04N Rge 01E	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, this right retains its original priority for well locations authorized under this right as identified in in decree dated 2/6/2009.
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 85719 authorizes the following additional well(s) as point(s) of diversion under this right as of the date of the approval: 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.

SCANNED
JAN 31 2023

WATER RIGHT NO. 63-7368

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

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.

SCANNED

JAN 3 1 2023

WATER RIGHT NO. 63-11798

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-11798 is now described as follows:

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

Priority Date: 4/17/1992

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	1/01	to	12/31	1.340 cfs
				1.340 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8	Twp 04N Rge 01E	ADA County
GROUND WATER	SENE	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	ADA County

CONDITIONS OF APPROVAL

1. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
   Domestic uses authorized under this right shall not exceed 13,000 gallons per day in accordance with the provisions in Section 42-111, Idaho Code.
   Place of use is located within the city limits of Eagle and the surrounding service area.

2. Place of use is within the service area of Veolia Water Idaho Inc. as provided for under Idaho law.

3. 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, this right retains its original priority for well locations authorized under this right as identified in in license dated 9/30/1994.

4. 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.

5. Transfer 85719 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 #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.

SCANNED
JAN 3 1 2023

WATER RIGHT NO. 63-11798

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

6. 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.

7. 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.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED

JAN 31 2023

WATER RIGHT NO. 63-7618

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-7618 is now described as follows:

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

Priority Date: 10/25/1972

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	01/01	to	12/31	1.400 cfs
				1.400 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8	Twp 04N Rge 01E	ADA County
GROUND WATER	SENE	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	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, this right retains its original priority for well locations authorized under this right as identified in in decree dated 4/3/2009.
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 85719 authorizes the following additional well(s) as point(s) of diversion under this right as of the date of the approval: 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.

SCANNED
JAN 3 1 2023

WATER RIGHT NO. 63-7618

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

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.

SCANNED

JAN 3 1 2023

WATER RIGHT NO. 63-9245

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-9245 is now described as follows:

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

Priority Date: 6/8/1979

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
FIRE PROTECTION	01/01	to	12/31	3.500 cfs
MUNICIPAL	01/01	to	12/31	1.100 cfs
				3.500 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15	Twp 04N	Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N	Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8	Twp 04N	Rge 01E	ADA County
GROUND WATER	SENE	Sec 9	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N	Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N	Rge 01E	ADA County

CONDITIONS OF APPROVAL

1. This right when combined with Right Nos. 63-7368 and 63-7618 shall not exceed 4.5 cfs per acre.
2. Place of use is within the service area of Veolia Water Idaho Inc. as provided for under Idaho law.
3. 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, this right retains its original priority for well locations authorized under this right as identified in in decree dated 10/21/2009.
4. 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.
5. Transfer 85719 authorizes the following additional well(s) as point(s) of diversion under this right as of the date of the approval: 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.
6. To prevent injury to prior water rights appropriating water from the Boise River and/or the underlying shallow aquifer tributary to the Boise River, the new 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.

SCANNED
JAN 31 2023

WATER RIGHT NO. 63-9245

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

7. 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.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

10. 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.

SCANNED

JAN 31 2023

WATER RIGHT NO. 63-12147

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-12147 is now described as follows:

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

Priority Date: 9/29/1994

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	1/01	to	12/31	5.000 cfs
				5.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8	Twp 04N Rge 01E	ADA County
GROUND WATER	SENE	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	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, this right retains its original priority for well locations authorized under this right as identified in in license dated 5/12/2016.
3. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
4. Transfer 85719 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 #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.

SCANNED
JAN 31 2023

WATER RIGHT NO. 63-12147

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

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. This right does not grant any right-of-way or easement across the land of another.

8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED
JAN 31 2023

WATER RIGHT NO. 63-12559

As Modified by Transfer No. 85719

In accordance with the approval of Transfer No. 85719, Water Right No. 63-12559 is now described as follows:

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

Priority Date: 12/15/1999

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
MUNICIPAL	01/01	to	12/31	3.000 cfs
				3.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	L3 (NESW)	Sec 15	Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 8	Twp 04N Rge 01E	ADA County
GROUND WATER	SENE	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	ADA County
GROUND WATER	SWNW	Sec 9	Twp 04N Rge 01E	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, this right retains its original priority for well locations authorized under this right as identified in in license dated 9/1/2016.
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 85719 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 #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.

SCANNED
JAN 31 2023

WATER RIGHT NO. 63-12559

As Modified by Transfer No. 85719

CONDITIONS OF APPROVAL

6. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

7. 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.

8. The issuance of this right does not grant any right-of-way or easement across the land of another.

9. Water bearing zone originally appropriated is 330 to 400 feet.

10. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is 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 right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED

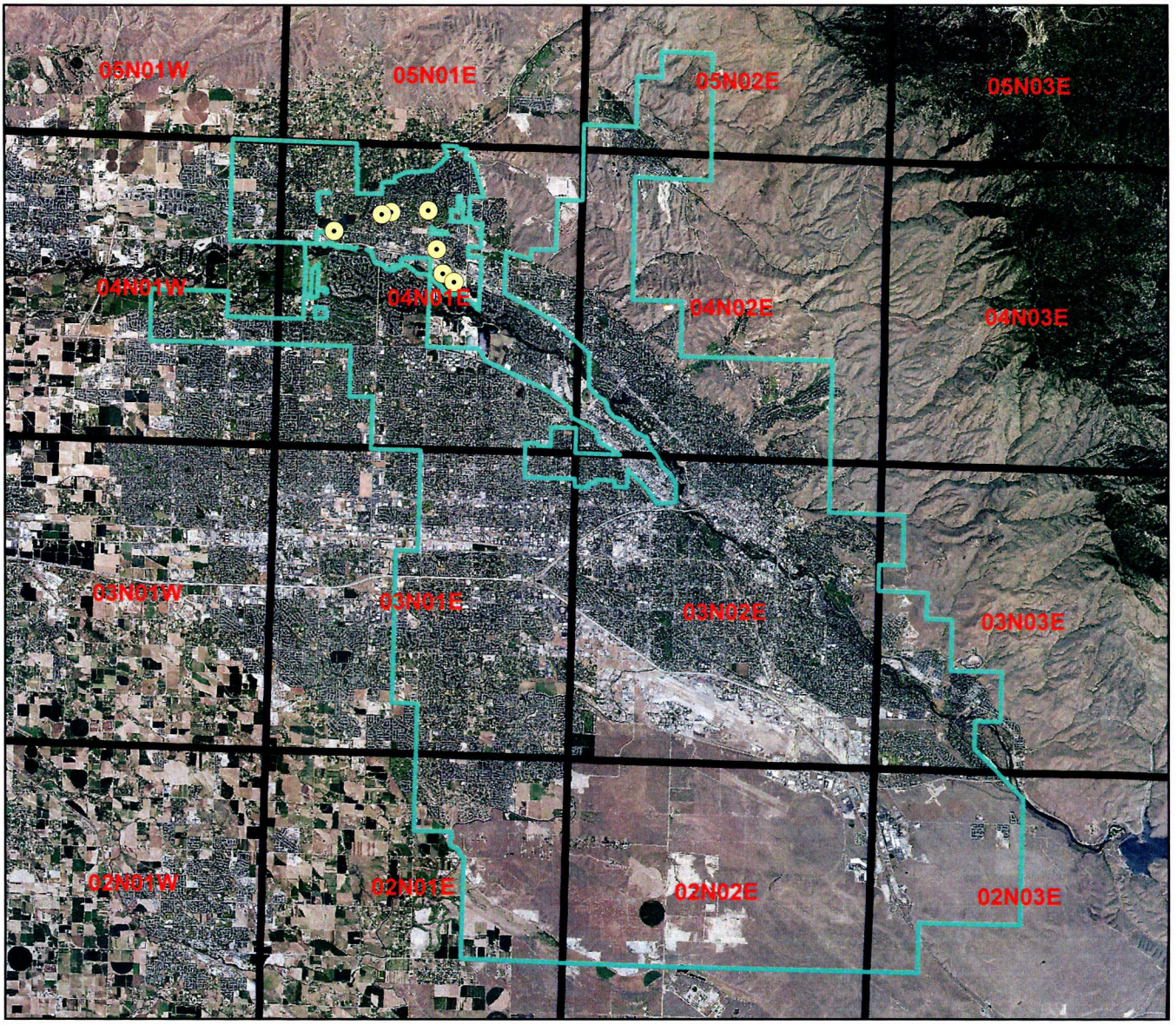
JAN 31 2023

State of Idaho
Department of Water Resources

Attachment to Transfer No. 85719

Water Right(s): 63-7368, 63-7618, 63-9245, 63-11798, 63-12147, & 63-12559

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
Townships

N

SCANNED
JAN 3 1 2023

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way • Boise, Idaho 83705-5082
Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor
DAVID R. TUTHILL, JR.
Director

July 30, 2008

EAGLE WATER CO INC
172 W STATE ST
PO BOX 455
EAGLE ID 83616-0455

Re: Water Right No. 63-9245

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

Lori Harris

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

SCANNED
FEB 03 2023

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way • Boise, Idaho 83705-5082
Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor
DAVID R. TUTHILL, JR.
Director

August 27, 2008

EAGLE WATER CO INC
PO BOX 455
EAGLE ID 83616-0455

Re: Water Right No. 63-9245

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

Lori Harris

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

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FEB 03 2023

Evans, Lynne

From: Stephanie White <stephaniew@givenspursley.com>
Sent: Monday, January 23, 2023 5:05 PM
To: IDWR File
Cc: Storms, Scott; Miller, Nick; Michael P. Lawrence; Charlie S. Baser
Subject: Application for Transfer No. 85719 In the Name of Veolia Water Idaho, Inc.
Attachments: 16588631_1_VWID Petition for Reconsideration 2023-01-23.PDF

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good afternoon,

Please see the attached for filing. Please contact our office with questions.

Thank you.

STEPHANIE WHITE
LEGAL ASSISTANT
GIVENS PURSLEY LLP
601 W Bannock St, Boise, ID 83702
main 208-388-1200
direct 208-388-1234
fax 208-388-1300
stephaniew@givenspursley.com
www.givenspursley.com

CONFIDENTIALITY NOTICE: This communication is confidential and may contain privileged information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

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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: 85719
Water Right No(s).: 63-7368, 63-7618, 63-9245, 63-11798, 63-12147, 63-12559
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 31 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 31 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.: 85719
Water Right No(s).: 63-7368, 63-7618, 63-9245, 63-11798, 63-12147, 63-12559

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

SCANNED
JAN 3 1 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.

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JAN 31 2023

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.

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JAN 31 2023

MEMORANDUM

TO: Transfer No. 85719

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 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. This will allow 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 is address with a change in name to Veolia Water Idaho, Inc. (Veolia) to reflect the change in name of the company in March of 2022.

Through Veolia's acquisition of these rights, the original place of use for the rights has become an extension of Veolia Water Idaho Inc.'s service area. Water will continue to be served to the original municipal place of use as part of the greater Veolia Water Idaho's greater municipal system, as displayed on the service area map provided with the transfer.

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 is 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 three decreed water rights: 63-7368, priority 11/15/1970, Decreed 2/6/2009; 63-7618, priority 10/25/1972, Decreed 4/3/2009; 63-9245, priority 6/8/1979, Decreed 10/21/2009; and three licensed water rights: 63-11798, priority 4/17/1992, Licensed 9/30/1994; 63-12147, priority 9/29/1994, Licensed 5/12/2016; 63-12559, priority 12/15/1999, Licensed 9/1/2016.

A beneficial use exam was conducted in August 2016 for water right 63-12559 resulting in the issuing of that license. During that exam all seven wells associated with the six water rights involved in this transfer were visited by the water resource agent. In the exam report the agent references the well numbers in use by Eagle Water Company, these numbers have been retained for this transfer memo. At the time of the

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JAN 31 2023

2016 exam well no. 1 was temporarily offline and well #3 was expected to be permanently offline. The following table describes the well numbers and associated water rights.

Well No. 1: Includes water rights 63-7368, 63-7618, 63-9245 it was offline during field exam in August 2016.
Well No. 2: Includes water rights 63-7368, 63-7618, 63-9245.
Well No. 3: Includes water rights 63-7368, 63-7618, 63-9245 but was reported to have been taken offline in 1994 due to contamination and transfer 75035 added Well No. 8 to compensate.
Well No. 4: Includes water rights 63-11798, 63-12147.
Well No. 6: Includes water right 63-12147.
Well No. 7: Includes water right 63-12559.
Well No. 8: Includes water right 63-9245.
Given the above evidence it is unlikely well no. 3 is in use however it was replaced by well no. 8. There is no evidence that any other wells are not in use. The service area for these wells and water rights remains the same.

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 original municipal service area of the rights has become part of the greater Veolia Water Idaho's service area through the company's acquisition of the rights. The original place of use of the rights will continue to be service as part of this greater overall service area. 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: Wells #1, #2, and #3 are located in SWNW of Section 9 T04N R01E. These wells are attached to water rights 63-7368, 63-7618, and 63-9245. There are three domestic wells with water rights within this quarter-quarter.

Well #6 is located in SWSW of Section 8 T04N R01E and attached to water right 63-12147. There are four domestic wells with water rights within this quarter-quarter.

Wells #4, #7, and #8 are located in NWNW and NESW3 of Section 15 T04N R01E. Water rights 63-11798, 63-12147 are in the NWNW quarter-quarter and water rights 63-12559 and 63-9245 are in the NESW3 quarter-quarter. There are eleven domestic wells with water rights in the NWNW quarter-quarter. Water rights 63-10532 (industrial) and 63-20192 (commercial) are located in the NESW3 quarter-quarter.

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.

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JAN 31 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

February 02, 2023

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

Re: Transfer No: 85719 Order on Petition for Reconsideration and Amended Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

I have enclosed an order responding to Veolia's January 23, 2023 Petition for Reconsideration. Pursuant to the order, I have also enclosed an amended approval of Application for Transfer 85719.

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

Sincerely,

Nick Miller
Regional Manager

Enclosure
CC:

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

SCANNED
FEB 03 2023

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of February 2023, I served a true and correct copy of the documents listed below on the following by the method(s) indicated.

Documents:

1. Order on Petition for Reconsideration
2. Amended Approval of Transfer 85719

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

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☐ Email

Givens Pursley LLP
Attn Michael P Lawrence
601 W Bannock St
PO Box 2720
Boise ID 83701-2720
208.388.1294
mpl@givenspursley.com
Attorney for Veolia Water Idaho, Inc
Applicant

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Facsimile
- ☒ Email

Nick Miller
Manager, IDWR Western Region

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FEB 03 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.

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FEB 03 2023

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.

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FEB 03 2023

EXPLANATORY INFORMATION TO ACCOMPANY AN ORDER DENYING PETITION FOR RECONSIDERATION

The accompanying order is an **Order Denying Petition for Reconsideration** of the "preliminary order" issued previously in this proceeding by the department pursuant to section 67-5243, Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after the service date of this denial of petition for reconsideration of the preliminary order, any party may in writing file exceptions to any part of the preliminary order and file a brief in support of the party's position on any issue in the proceeding with the Director. Otherwise, the preliminary order will become a final order of the agency.

If any party files an exception and/or brief, opposing parties shall have fourteen (14) days to respond to the exception and/or brief. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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 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

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FEB 03 2023

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:
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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.

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FEB 03 2023