

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 90251**

This is to certify that: CITY OF EAGLE
PO BOX 1520
EAGLE, ID 83616-9102

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>
63-11413	WR/LICENSE	4/2/1991	3.150 cfs	434.0 af	N/A	N/A	GROUND WATER
63-12448	WR/LICENSE	4/8/1998	3.250 cfs	691.0 af	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>
63-11413	NO	NO	NO	YES	NO	NO
63-12448	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>
63-11413	63-11413	3.150 cfs	434.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-12448	63-12448	3.250 cfs	691.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.400 cfs	1125.0 af	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 63-11413

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 7th day of July, 2026.


SCOTT STORMS, Water Resources Supervisor

Transfer No. 90251

WATER RIGHT NO. 63-12448
As Modified by Transfer No. 90251

In accordance with the approval of Transfer No. 90251, Water Right No. 63-12448 is now described as follows:

Right Holder: CITY OF EAGLE
PO BOX 1520
EAGLE, ID 83616-9102

Priority Date: 4/8/1998

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	3.250 cfs	691.0 af
			3.250 cfs	691.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 3 Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 4 Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 33 Twp 05N Rge 01E	ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the service area of the City of Eagle municipal water supply system as provided for under Idaho Law.
3. Rights 63-11413, 63-12448, and 63-12017 when combined shall not exceed a total diversion rate of 3.25 cfs.
4. Rights 63-12448 and 63-12017 when combined shall not exceed a total annual maximum diversion volume of 691.0 af.
5. This right 63-12448 is subject to all prior rights, including rights 63-15820, 63-05226 and 63-05229.
6. After specific notification by the Department, the right holder shall determine the amount of water diverted each year and shall annually report the information to the Department.
7. The right holder of 63-12448 shall maintain direct back-up service from the right holder's municipal system without additional cost to the right holder(s) of 63-15820, 63-05226 and 63-05229. This water service compensates for the loss of production from the dairy-domestic well and the small irrigation well caused by diverting ground water from the municipal production well located in the SWSW, Section 4, T4N, R1E. The full extent of the diversion rate and volume authorized under each of the following decreed water rights is authorized to be diverted at the municipal water service: 63-15820 (0.04 cfs), 63-05226 (0.10 cfs) and 63-05229 (0.26 cfs).

Transfer No. 90251

WATER RIGHT NO. 63-12448
As Modified by Transfer No. 90251

CONDITIONS OF APPROVAL

8. Transfer 90251 authorizes an additional well located in T05N R01E S33 SWSW as a point of diversion under this right as of the date of approval
9. 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 Transfer 81048 dated 06-02-2017.
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. Water bearing zone to be appropriated is 215 to 600 feet.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-11413
As Modified by Transfer No. 90251

In accordance with the approval of Transfer No. 90251, Water Right No. 63-11413 is now described as follows:

Right Holder: CITY OF EAGLE
PO BOX 1520
EAGLE, ID 83616-9102

Priority Date: 4/2/1991

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	3.150 cfs	434.0 af
			3.150 cfs	434.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 3	Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 4	Twp 04N Rge 01E	ADA County
GROUND WATER	SWSW	Sec 33	Twp 05N Rge 01E	ADA County

CONDITIONS OF APPROVAL

1. 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.
2. Place of use is within the service area of the City of Eagle municipal water supply system as provided for under Idaho Law.
3. Rights 63-11413, 63-12017 and 63-12448 when combined shall not exceed a total diversion rate of 3.25 cfs.
4. The right holder shall maintain a totalizing measuring devices of a type approved by the Department as a part of each of the diverting works.
5. Each lot which receives water under this right shall be metered.
6. After specific notification by the Department, the right holder shall determine the amount of water diverted and shall annually report the information to the Department.
7. Farmers Union Canal Company water shall be utilized for the irrigation of the lots in Lexington Hills and Trail Creek Ranch parcels equal to or greater than one-half acre in size during periods when water is being delivered in the canal. This water right may be used for irrigation purposes only if the entire amount of water from the Farmers Union Canal Co. remains with the lands in Lexington Hills and Trail Creek Ranch. Sale or transfer of surface water from any portion of these properties will be cause for the Department to further limit the use of this right.

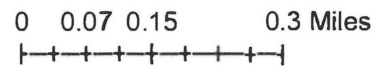
WATER RIGHT NO. 63-11413
As Modified by Transfer No. 90251

CONDITIONS OF APPROVAL

8. The right holder is responsible to insure that pumpage under this water right does not directly cause the water level to significantly decline in any domestic well drilled and in use prior to March 29, 1978, or to cause the water level in any other well having a prior right to exceed a reasonable pumping level, unless the right holder provides reasonable compensation or mitigation to the prior water right holder for the reduced water levels as determined by the Director.
9. The right holder is responsible on an on-going basis to provide a well suitable for monitoring as determined by the Department.
10. Transfer 90251 authorizes an additional well located in T05N R01E S33 SWSW as a point of diversion under this right as of the date of approval
11. 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 Transfer 81048 dated 06-02-2017.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Water Right(s): 63-11413 & 63-12448

approval document solely for illustrative purposes.





July 08, 2026

CITY OF EAGLE
PO BOX 1520
EAGLE ID 83616-9102

Re: Transfer No: 90251
Water Right No(s): 63-11413, 63-12448

Transfer Approval Notice

Dear Water Right Holder:

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.

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

Sincerely,

A handwritten signature in black ink that reads "Marina Bozdog". The script is cursive and fluid, with the first name "Marina" and last name "Bozdog" clearly legible.

Marina Bozdog
Technical Records Specialist 1

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 09, 2026, 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.: 90251

Water Right No(s): 63-11413, 63-12448

CITY OF EAGLE

PO BOX 1520

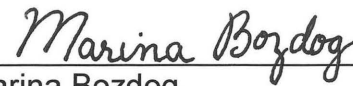
EAGLE ID 83616-9102

NORMAN M SEMANKO

PARSONS BEHLE & LATIMER PLC

800 W MAIN ST STE 1300

BOISE ID 83702-5948

A handwritten signature in cursive script that reads "Marina Bozdog".

Marina Bozdog

Technical Records Specialist 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

The accompanying document is a “**Preliminary Order**” issued by the Idaho Department of Water Resources (“Department”) pursuant to Idaho Code § 67-5243. **This preliminary order can and will become a final order without further action of the Department, unless a party petitions for reconsideration, petitions for review, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

(See Idaho Code § 67-5243(3))

Any party may file a petition for reconsideration of this preliminary order with the Department within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The presiding officer will issue a written order disposing of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

PETITION FOR REVIEW (EXCEPTIONS)

(See Idaho Code § 67-5245)

Within fourteen (14) days after: (a) the service date of this preliminary order, (b) the service date of a denial of a petition for reconsideration of this preliminary order, or (c) the failure of the presiding officer to dispose of a petition for reconsideration of this preliminary order within twenty-one (21) days, any party may petition the Director in writing to review any part of this preliminary order by filing exceptions, and any supporting brief, with the Department.¹ Any parties opposing the exceptions shall have fourteen (14) days from the service date of the exceptions to file a brief. If the Director determines that oral argument is necessary, the Director will provide reasonable notice to the parties of the place, date, and hour for the argument.

The Director will issue a final order on exceptions within fifty-six (56) days of receipt of the final written brief or oral argument, whichever is later, unless extended for good cause. The Director may remand the matter for or hold an evidentiary hearing if further factual development of the record is necessary before issuing a final order.

REQUEST FOR HEARING

(See Idaho Code § 42-1701A(3))

Unless the right to a hearing before the Director or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order,

¹ The Director may decide to review this preliminary order upon his own motion. Should the Director decide to do so, the Director will provide written notice to the parties within the period the parties are allowed to petition the Director for review of the preliminary order.

or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing. **Note: The request must be received by the Department within this fifteen (15) day period.**

CERTIFICATE OF SERVICE

(See IDAPA 37.01.01.053, 37.01.01.202)

All documents filed with the Department in connection with a petition for reconsideration, petition for review, or a request for hearing of this preliminary order shall be served on all other parties to the proceeding in accordance with Rules 53 and 202 of the Department's Rules of Procedure.

MEMORANDUM

TO: Transfer No. 90251
FROM: Marcelina Riddle
DATE: May 29, 2026
RE: Evaluation of Application

City of Eagle submitted transfer 90251 with the purpose of adding a point of diversion to water rights 63-11413 and 63-12448. This would add a third well to the City of Eagle's municipal East zone distribution system.

Summary of Information Submitted

Authority to File:

Transfer 90251 was submitted in the name of City of Eagle, and IDWR records show the applicant as the current owner of water rights 63-11413 and 63-12448. The transfer was signed by Ken Aeuff, the water supernatant, and Brad Pike the Mayor of Eagle. According to ADA County records the land where the proposed point of diversion is located, Alscott Real Estate is the landowner. A water delivery agreement was submitted with the application that asserts the City of Eagle has ownership of the well and legal access. Authority to file is presumed valid.

Water Right Validity:

The decree for water rights 63-11413 and 63-12448 were licenses on 01/14/2016 and 03/4/2016 respectively. These rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery and google earth images. Evidence of beneficial use does not need to be added to the file since it is an IDWR product available to other staff. Water rights are presumed valid, and no other evidence is presented to assume otherwise.

Overlap Analysis:

This transfer includes two municipal water rights that have licensed. The city is acquiring a new well and requests to add it to their water system. POU overlap is not a concern with this transfer.

Injury to Other Water Rights:

This transfer only requests a new point of diversion to the City of Eagles east delivery zone but no increase in the quantity of water diverted is to occur. Both water rights 63-11413 and 63-12448 will be conditioned to confirm the original point of diversion location for each water right will be maintained for future administration of the rights should future pumping cause interference and/or injury issues. Therefore, no injury is anticipated.

Enlargement of Use:

No proposed increase in the diversion rate is being set forth in this transfer. Additionally, the proposed well will be equipped with a flow meter and water level measurement access. Enlargement does not appear to be an issue.

Local Public Interest:

This transfer is not anticipated to cause potential water quality issues, impact current land use requirements on non-private land or impact fish/wildlife resources. When the application was advertised no public comment was received. For these reasons this application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

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.

Discussion

A written in condition stating, "Transfer 90251 authorizes an additional well located in T05N R01E S33 SWSW as a point of diversion under this right as of the date of approval." was added to both water rights in this transfer for the purpose of administration in the future.

Assuming other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.