

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**

NO. 63-32090

Priority: January 19, 2005

Maximum Diversion Rate: 4.91 CFS

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

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FIRE PROTECTION	01/01 to 12/31	4.91 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER ADA County	NW1/4NE1/4	Sec. 10, Twp 04N, Rge 01W, B.M.
GROUND WATER ADA County	SE1/4NW1/4	Sec. 11, Twp 04N, Rge 01W, B.M.
GROUND WATER ADA County	NW1/4NW1/4	Sec. 10, Twp 04N, Rge 01W, B.M.

**PLACE OF USE:** FIRE PROTECTION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2013**.
2. Subject to all prior water rights.
3. In connection with the proof of beneficial use submitted for this permit, the permit holder shall also submit a report showing the total annual volume, the maximum daily volume, and the maximum instantaneous rate of flow diverted from the point of diversion authorized for this permit during the development period. The report shall also show the maximum instantaneous rate of diversion, either measured or reasonably estimated by a qualified professional engineer, geologist, or certified water rights examiner, for the entire City of Eagle municipal water system. The report shall also describe and explain how water diverted under this permit provides an additional increment of beneficial use of water for the City of Eagle municipal water system as opposed to an alternative point of diversion for prior water rights already held and used by the City of Eagle for its municipal water system.

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4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. Place of use is within the service area of the City of Eagle municipal water supply system as provided for under Idaho Law.
6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Domestic uses from four flowing artesian wells identified as points of diversion for water right nos. 63-2546 and 63-2609 and an unrecorded domestic use of ground water for the home presently owned by Joseph and Lynn Moyle are entitled to Parker protection. In order to avail themselves of Parker protection, however on or before August 1, 2008, Moyles must initiate semiannual measurement of static water levels/pressures and semiannual testing of artesian pressure flow for each of their domestic uses to determine the reduction in delivered flow for their domestic uses. Moyles must prepare a written proposal of how the tests will be conducted and submit the proposal to the Department and the water right holder. The Department must approve the test proposal. Moyle must notify the Department and the water right holder of the date and time of the tests, and Moyles must allow the water right holder and the Department to participate in the tests.
9. If Moyles monitor static water levels/pressures and flow rates for the domestic uses from their wells, and water levels/pressures decline in the wells causing a reduction in flow rates for the domestic uses after the right holder begins pumping water, Moyles may petition the Department for a determination of material injury. After comparison of Moyles monitoring data with monitoring data gathered by the right holder, IDWR will determine whether the right holder must compensate Moyles for the declines.
10. To avail himself of the benefits of Parker, on or before August 1, 2008, Meissner must begin semiannual measurements of the static water levels in the Double R Cattle Well. Meissner must allow the right holder the opportunity to observe or independently measure water levels in the Meissner well. If Meissner monitors static water levels in his well and water levels decline in the well after the right holder begins pumping water, Meissner may petition the Department for a determination of material injury. After comparison of Meissners monitoring data with monitoring data gathered by the right holder, IDWR will determine whether the right holder must compensate Meissner for the declines.
11. To avail themselves of the benefits of Parker, on or before August 1, 2008, Purdys must begin semiannual measurements of the static water levels in the well for water right no. 63-15680. Purdys must allow the right holder the opportunity to observe or independently measure water levels in their well. If Purdys monitor static water levels in their well and water levels decline in the well after the right holder begins pumping water, Purdys may petition the Department for a determination of material injury. After comparison of Purdys monitoring data with monitoring data gathered by the right holder, IDWR will determine whether the right holder must compensate Purdys for the declines.

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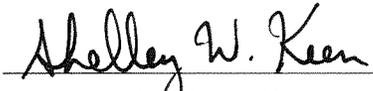
12. To avail themselves of the benefits of Parker, on or before August 1, 2008, Purdys must begin semiannual measurements of the static water levels in the well for water right no. 63-22652. Purdys must allow the right holder the opportunity to observe or independently measure water levels in their well. If Purdys monitor static water levels in their well and water levels decline in the well after the right holder begins pumping water, Purdys may petition the Department for a determination of material injury. After comparison of Purdys monitoring data with monitoring data gathered by the right holder, IDWR will determine whether the right holder must compensate Purdys for the declines.
13. Domestic use from Taylors flowing artesian well identified as points of diversion for water right nos. 63-5040 is entitled to Parker protection. In order to avail themselves of Parker protection, however, on or before August 1, 2008, Taylors must initiate semiannual measurement of static water levels/pressures and semiannual testing of artesian pressure flow for their domestic use to determine the reduction in delivered flow for their domestic use. Taylors must prepare a written proposal of how the tests will be conducted and submit the proposal to the Department and the water right holder. The Department must approve the test proposal. Taylors must notify the Department and the water right holder of the date and time of the tests, and Taylors must allow the water right holder and the Department to participate in the tests.
14. If Taylors monitor static water levels/pressures and flow rates for the domestic uses from their wells, and water levels/pressures decline in the wells causing a reduction in flow rates for the domestic uses after the right holder begins pumping water, Taylors may petition the Department for a determination of material injury. After comparison of Taylors monitoring data with monitoring data gathered by the right holder, IDWR will determine whether the right holder must compensate Taylors for the declines.
15. Prior to diversion of water under this right, the right holder shall construct/identify four observation wells for future monitoring. Three wells shall be located in close proximity to one or both of the production wells. One of the wells shall be completed in the shallow aquifer, one in the immediate aquifer, and one in the deep aquifer. A fourth observation well shall be located at a more remote distance from the production wells. The completion interval for the fourth well shall be in the deep aquifer. The location and design of the observation must be approved by the Department prior to construction or designation of the observation wells. Each observation well must be constructed so that ground water in the well is derived only from one aquifer zone, and must also be constructed so that water levels in each well can be easily measured.
16. Prior to diversion of water under this right, the right holder shall develop and the Department must approve, a monitoring, recording, and reporting plan for the observation wells.
17. 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.
18. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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19. The wells constructed at the points of diversion shall be constructed in accordance with the rules of the Idaho Department of Water resources regarding well construction standards and measurement of diversions and rules of the Department of environmental Quality for Public Drinking Water Systems, IDAPA 58.01.08.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26<sup>th</sup> day of June, 2012.

  
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GARY SRACKMAN, Interim Director