

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 86500

This is to certify that: KRISTAN PEACOCK
PO BOX 0034
LACLEDE, ID 83841

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>
96-9178	WR/LICENSE	4/30/2004	0.020 cfs	3.1 af	1.0	1.0	RILEY CREEK

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>
96-9178	NO	YES	YES	NO	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>
96-9178	96-9178	0.020 cfs	3.1 af	1.0	1.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.020 cfs	3.1 af	1.0	1.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 14th day of July, 2022.

Adam Frederick

Adam Frederick, Water Rights Supervisor

WATER RIGHT NO. 96-9178**As Modified by Transfer No. 86500**

In accordance with the approval of Transfer No. 86500, Water Right No. 96-9178 is now described as follows:

Right Holder: KRISTAN PEACOCK
PO BOX 0034
LACLEDE, ID 83841

Priority Date: 5/1/2004

Source: RILEY CREEK

Tributary: PEND OREILLE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.020 cfs	3.0 af
STOCKWATER	01/01	to 12/31	0.020 cfs	0.1 af
			0.020 cfs	3.1 af

LOCATION OF POINT(S) OF DIVERSION

RILEY CREEK L1 (NWNW) Sec 18 Twp 56N Rge 03W BONNER County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	03W	18						0.5	0.5										1.0
								L 1	L 2										

Right Acre Limit: 1.0

POU Total Acres: 1.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	03W	18						X	X										0
								L 1	L 2										

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the diversion pump for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86500

WATER RIGHT NO. 96-9178
As Modified by Transfer No. 86500

CONDITIONS OF APPROVAL

4. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Clark Fork-Pend Oreille River Basin Adjudication.



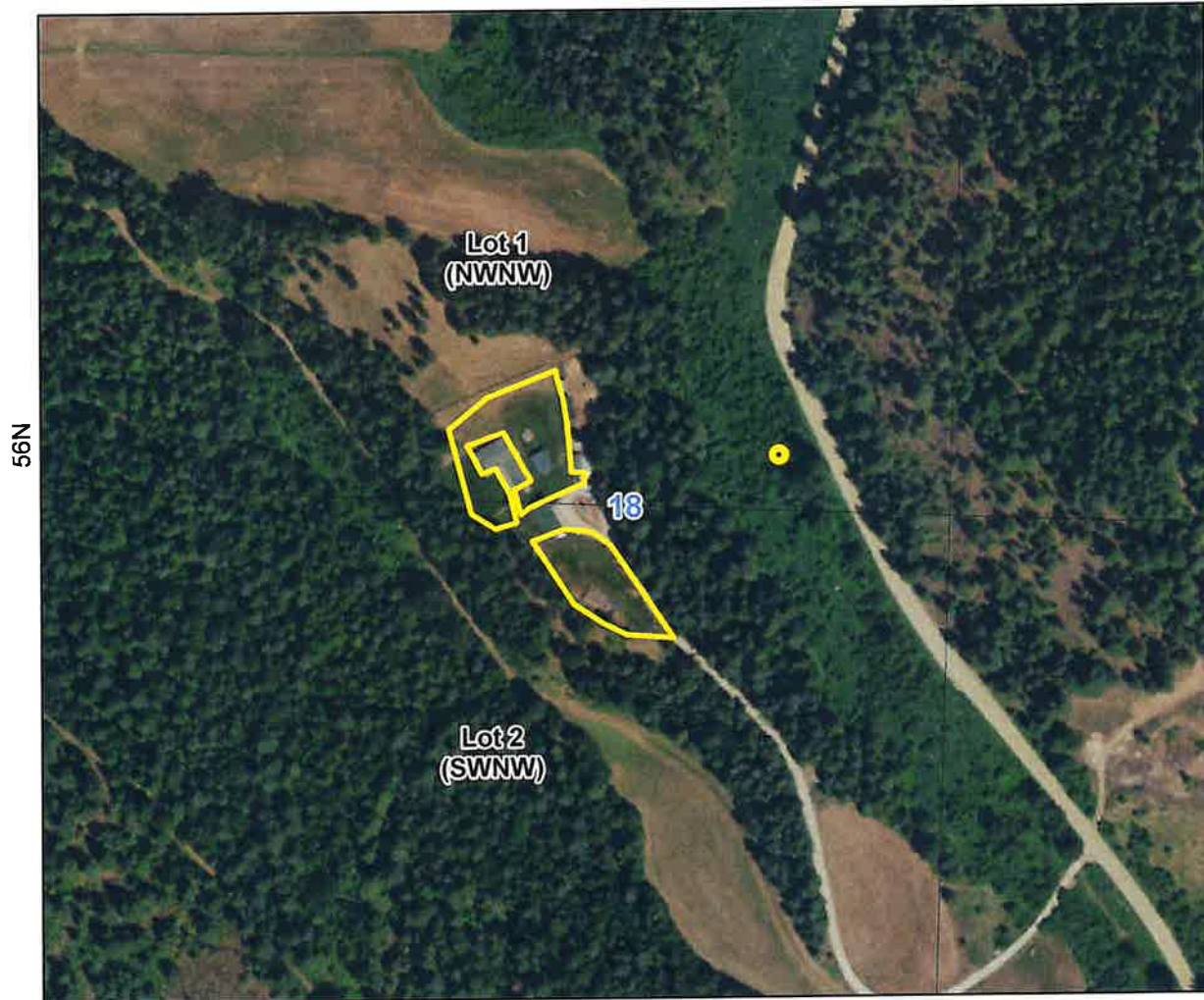
Kristan Peacock

Attachment to Transfer # 86500

Right 96-9178

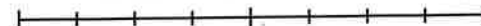
This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03W



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

0 0.035 0.07 0.14 Miles



Kristan Peacock

Attachment to Transfer # 86500

Right 96-9178

This map depicts the STOCKWATER 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.

03W



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

0 0.035 0.07 0.14 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 14, 2022

KRISTAN PEACOCK
PO BOX 0034
LACLEDE ID 83841

Re: Transfer No: 86500
Water Right No.: 96-9178
Transfer Approval Notice

Dear Water Right Holder:

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

The Transfer of Water Right 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 the Northern Region Office at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink that reads "Adam Frederick". The signature is written in a cursive style with a blue highlight behind the text.

Adam Frederick
Water Rights Supervisor

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2022 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.: 86500
Water Right No.: 96-9178

KRISTAN PEACOCK
PO BOX 0034
LACLEDE ID 83841



Tammy Alleman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

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

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: July 13, 2022
To: Transfer 86500
From: Luke Bates JSB
Re: Legal Notice Not Required

Legal Notice Not Required
7/13/2022

Transfer of Point of Diversion from Twp 56N, Rge 03W, Sec 18, NWNESW to same Twp/Rge/Sec, NWNW government lot 1 does not harm or injure other existing water rights.

Transfer of Place of Use from Twp 56N, Rge 03W, Sec 18, NWNESW to same Twp/Rge/Sec, NWNW government lot 1 & SWNW government lot 2 does not harm or injure other existing water rights.

Kristan Peacock, parcel owner and water right owner for 96-9178 filed the transfer application in office with department staff, where it was identified the originally licensed POD/POU for 96-9178 was designated at Kristan's parents property where no pump in creek or historic use of water has ever existed. Kristan asserts her parents do have a diversion system covered under WR 96-9017 which has the same initial legal description but in a different location than licensed right 96-9178.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: July 13, 2022
To: Transfer 86500
From: Luke Bates *LSB*
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
7/13/2022

Purpose of transfer is to correct POD/POU legal descriptions for right 96-9178. When Licensed the POD/POU were designated in Twp 56N, Rge 03W, Sec 18, NESW QQ respectively. Each is inconsistent with historic use.

Authority to File:

The applicant is listed as the current owner of the property where the historic use of water has occurred for WR 96-9178, and is original/current owner of WR 96-9178.

Water Right Validity:

The water right is an active licensed right recorded with the department.

Injury to Other Water Rights:

Injury is not anticipated by the correction of the POD & POU legal designations. The property owner with the erroneously licensed POD/POU is the applicant's parents who have a separate diversion system and uses covered under WR 96-9017.

Enlargement of Use:

None.

Local Public interest:

No negative issues anticipated.

Beneficial Use/Conservation of Water Resources:

Right 96-9178 shall continue to be used as historically licensed; only legally described POD & POU is being changed as a result of this process.

Effect on Economy the Local Area:

None anticipated.

Effect on Agricultural Base of the Local Area:

None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.