

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85542**

This is to certify that: CITY OF RATHDRUM
8047 W MAIN ST
RATHDRUM, ID 83858-6436

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>
95-2112	WR/DECREED	6/16/1955	2.240 cfs	480.0 af	N/A	160.0	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>
95-2112	NO	YES	YES	YES	YES	YES

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>
95-2112	95-2112	2.240 cfs	26.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.240 cfs	26.2 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 8th day of June, 2022.



Adam Frederick, Water Rights Supervisor

WATER RIGHT NO. 95-2112
As Modified by Transfer No. 85542

In accordance with the approval of Transfer No. 85542, Water Right No. 95-2112 is now described as follows:

Right Holder: CITY OF RATHDRUM
8047 W MAIN ST
RATHDRUM, ID 83858-6436

Priority Date: 6/18/1955

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	2.240 cfs	26.2 af
			2.240 cfs	26.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWSW	Sec 5 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SENE	Sec 6 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	L1 (NENE)	Sec 1 Twp 51N Rge 05W KOOTENAI County
GROUND WATER	SENE	Sec 12 Twp 51N Rge 05W KOOTENAI County
GROUND WATER	NESW	Sec 31 Twp 52N Rge 04W KOOTENAI County

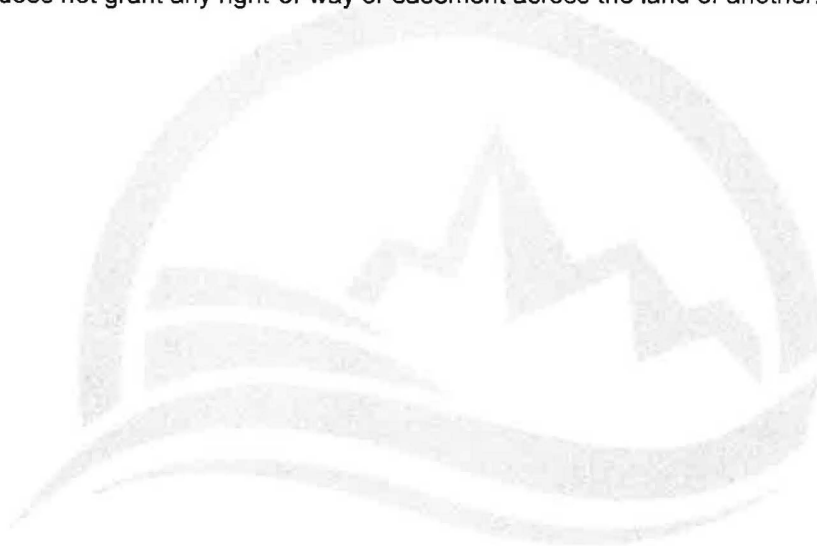
CONDITIONS OF APPROVAL

1. The following rights are diverted through point(s) of diversion described above: 95-2200, 95-2112, 95-4403, 95-7047, 95-7881, 95-10175, 95-11426, 95-16371, 95-16378, 95-16386, & 95-16466.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
6. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the RPGWMA management plan approved by the director, including its conservation goals.
7. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

WATER RIGHT NO. 95-2112
As Modified by Transfer No. 85542

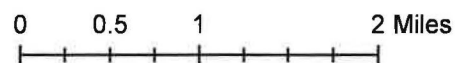
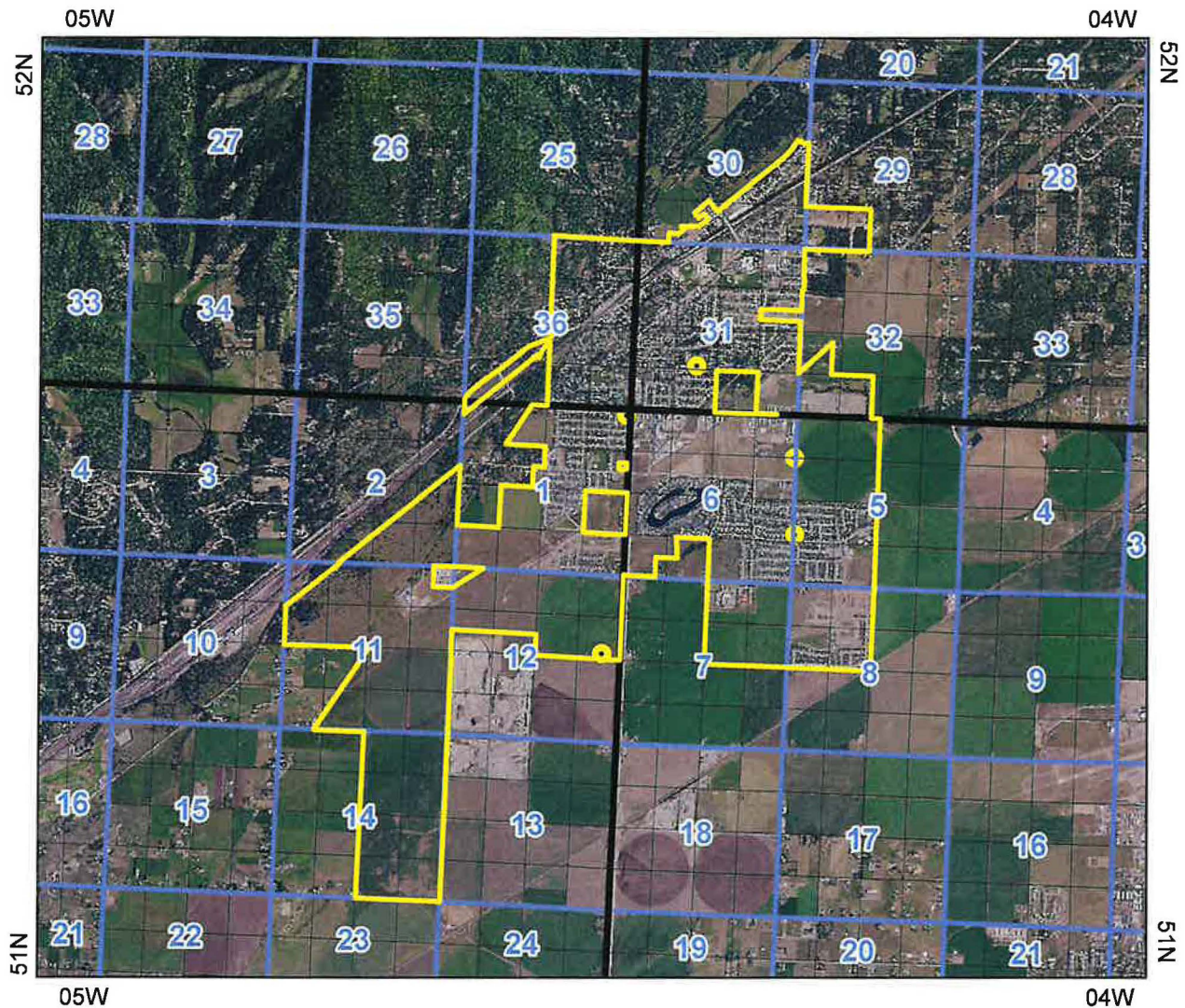
CONDITIONS OF APPROVAL

8. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
9. Place of use is within the service area of the City of Rathdrum municipal water supply system as provided for under Idaho Law.
10. This right does not grant any right-of-way or easement across the land of another.



State of Idaho
Department of Water Resources

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.



-  Water Service Area Boundary
 Townships
 PLS Sections
 Quarter Quarters
 Point of Diversion





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

June 09, 2022

CITY OF RATHDRUM
8047 W MAIN ST
RATHDRUM ID 83858-6436

Re: Transfer No: 85542
Water Right No.: 95-2112
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(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 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 large, stylized 'A' and 'F'.

Adam Frederick
Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 09, 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.: 85542
Water Right No.: 95-2112

CITY OF RATHDRUM
8047 W MAIN ST
RATHDRUM ID 83858-6436



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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Kootenai)

Shaila Maciosek, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The legal notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 6 day of January, 2022, and ending on the 13 day of January, 2022, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Shaila Maciosek.

On this 13 day of January in the year of 2022 before me, a Notary Public, personally appeared Shaila maciosek, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Katrina George
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85542

CITY OF RATHDRUM, 8047 W MAIN ST, RATHDRUM, ID 83858-6436 has filed Application No. 85542 for changes to the following water rights within KOOTENAI County(s): Right No(s). 95-2112; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

The purpose of the transfer is to change the nature of use from irrigation to municipal while moving the place of use from Twp 51N, Rge 04W, Sec 28 to the City of Rathdrum's municipal service area. The point of diversion will be moved from water right 95-2112's original point to the city's existing municipal wells.

For additional information concerning the property location, contact Northern Region office at (208)762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 1/24/2022. The protestant must also send a copy of the protest to the applicant.

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

95-18232

MARK A STEVENSON
PO BOX 3768
COEUR D ALENE, ID
83816-2530

Point of Diversion SENW
S26 T50N R05W
KOOTENAI County

Source GROUND WATER
Use: IRRIGATION

03/15 to 11/15 0.15 CFS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 12-08-2021

Place Of Use:

DOMESTIC, IRRIGATION,
STOCKWATER

T50N R05W S26 NWNW

Place Of Use:

DOMESTIC, IRRIGATION,
STOCKWATER

T50N R05W S27 NENE

Total Acres: 5

95-18234

MICHAEL RESENDEZ
6033 W STANDING ELK TRL
COEUR D ALENE, ID
83814-7286
Point of Diversion SWSW
S20 T50N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Use: IRRIGATION
03/15 to 11/15 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 12-09-2021
Place Of Use:
DOMESTIC, IRRIGATION,
STOCKWATER
T50N R04W S20 SWSW
Total Acres: 4

95-18236

JASIN D THOMAS
1911 N SAWTOOTH DR
POST FALLS, ID 83854-6020
Point of Diversion L4(SWSW)
S18 T50N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 12-13-2021
Place Of Use:
DOMESTIC, STOCKWATER
T50N R04W S18 L4(SWSW)

95-18241

SHANNON MCCUBBIN
GLORIA MCCUBBIN
PO BOX 1195
POST FALLS, ID 83877-1195
Point of Diversion L3(NENW)
S22 T50N R05W
KOOTENAI County
Source GROUND WATER
Point of Diversion L3(NENW)
S22 T50N R05W
KOOTENAI County
Source UNNAMED STREAM
Tributary SPOKANE RIVER
Use: IRRIGATION
03/15 to 11/15 0.2 CFS
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.2 CFS
Date Filed: 12-17-2021
Place Of Use:
DOMESTIC, IRRIGATION, STOCKWATER
T50N R05W S22
L3(NENW), L2(NWNE),
L4(NWNW)
Total Acres: 10

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 1/24/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
CDA LEGAL 8025
AD#505947
JANUARY 6, 13, 2022

Memorandum

To: Adam Frederick, Water Rights Supervisor; Shaun Maxey, Senior Water Resource Agent

From: Daniel Sturgis, Technical Hydrogeologist

Date: December 21, 2021

Re: City of Rathdrum Water Right Transfer for Water Right 95-2112

Introduction and Purpose

The City of Rathdrum has applied for a water right transfer for water right 95-2112. The water right transfer includes moving the point of diversion and changing the beneficial use from irrigation to municipal. The water right transfer is located within the Rathdrum Prairie Ground Water Management Area and the Rathdrum Prairie Comprehensive Aquifer Management Plan boundary (Figure 1).

The Rathdrum Prairie Groundwater Management Plan requires IDWR to evaluate water right transfers to ensure conservation of groundwater resources and local public interests are met. The purpose of this memo is to assess potential impacts of the water right transfer on existing water rights and on the Rathdrum Prairie Aquifer in general.

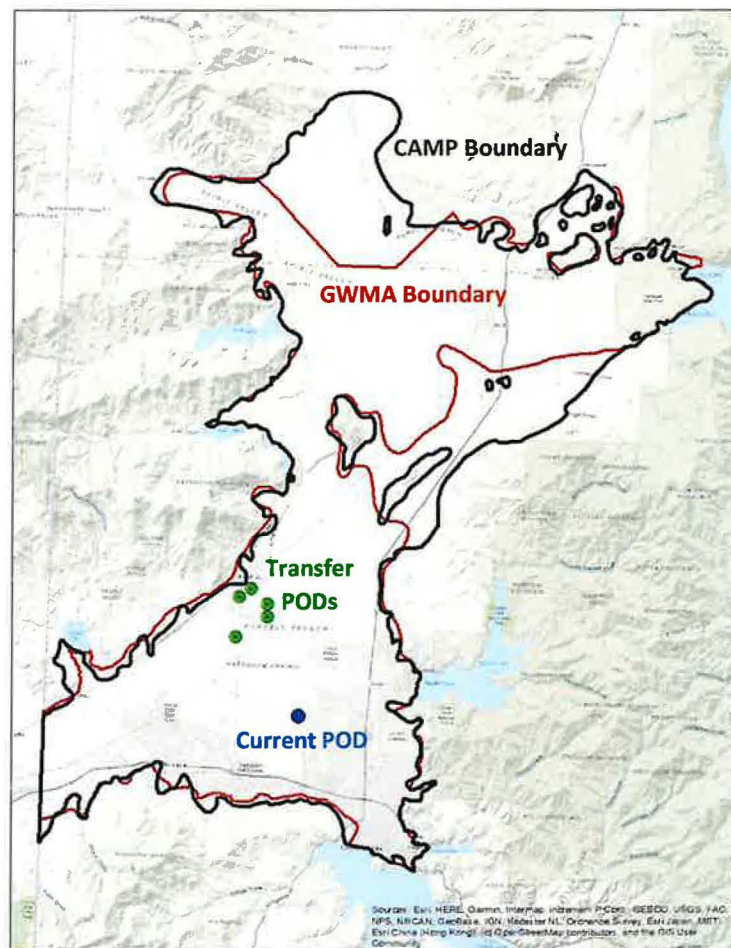


Figure 1. Rathdrum Prairie Ground Water Management Area (GWMA) and Comprehensive Aquifer Management Plan Boundary (CAMP) with the current and transfer application Point of Diversion (POD).

Potential Effects on the Rathdrum Prairie Aquifer

In order to assess the potential drawdown effects the water right transfer may have on exiting water rights, the hydraulic properties of the aquifer must first be estimated. This can be accomplished by using the specific capacity of the well as observed during pumping. Driscoll (1986) provides the following equation to estimate transmissivity of an unconfined aquifer based on pumping rate and measured drawdown.

$$\frac{Q}{s} = \frac{T}{1500}$$

where,

Q = pumping rate (gallons/minute)

s = drawdown (feet)

T = transmissivity (gpd/ft)

Based on information available on the driller log for the City of Rathdrum well D0073529, drawdown was 5-feet during an 8-hour pumping test at 3000-gpm. This equates to an estimated transmissivity of approximately 120,000 ft²/day. Storativity values for an unconfined aquifers can typically range from about 0.05 to 0.4 (Fetter, 2001). The USGS (2007) groundwater model suggests a storativity value of 0.2 is appropriate.

Figures 2 and 3 show the estimated drawdown effects of the water right transfer based on the Theis (1935) equation using the estimated hydraulic properties of the aquifer. As shown in Figures 2 and 3, drawdown 5,000 feet from the well is minimal after five days of pumping at the applied rate of 2.24-cfs.

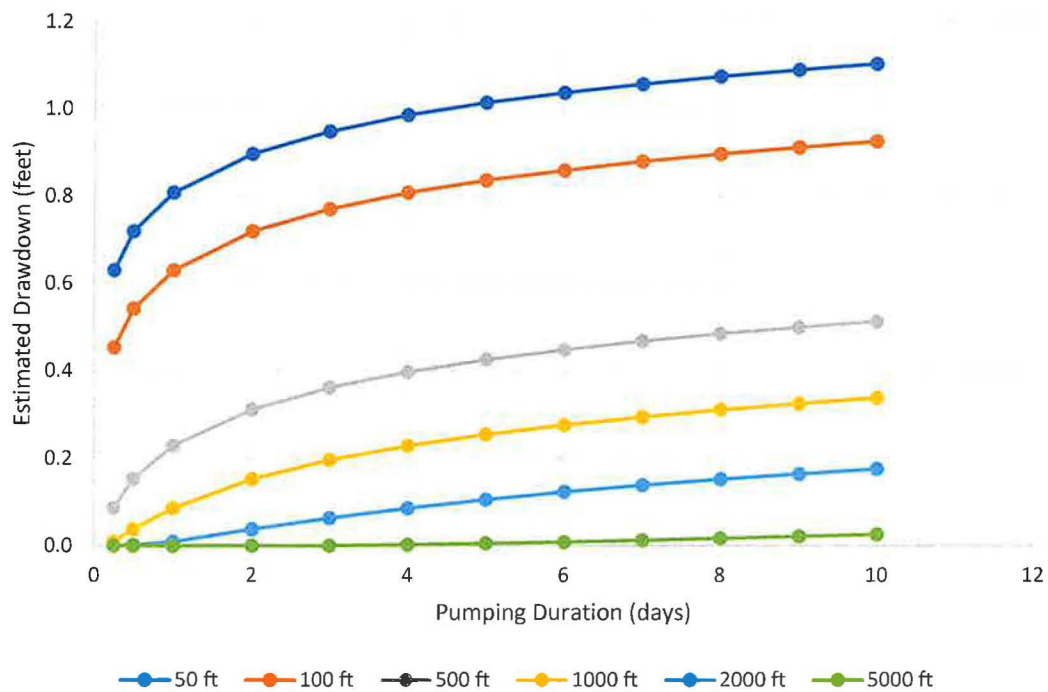


Figure 2. Estimated drawdown with time for select distances from the new point of diversion. Note: Pumping rate: 2.24 cfs; Transmissivity: 120,000 ft²/day; Storativity: 0.2.

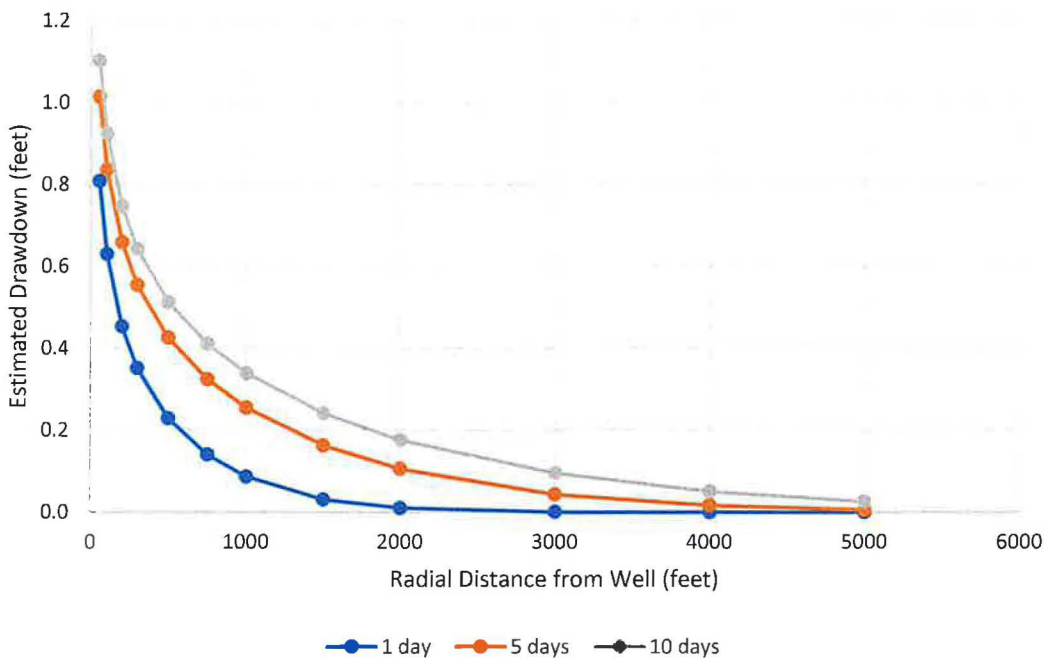
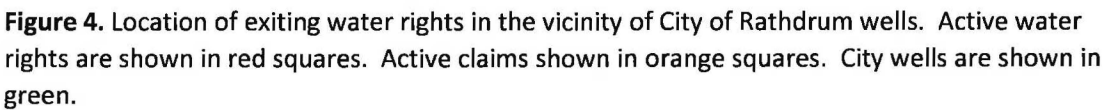


Figure 3. Estimated drawdown with distance from the new point of diversion for select pumping durations. Note: Pumping rate: 2.24 cfs; Transmissivity: 120,000 ft²/day; Storativity: 0.2.

Existing water rights within a 5,000-ft radius from the five City of Rathdrum wells include 44 active water rights and 14 active claims. Most of the water rights and claims are outside a 1000-ft radius of the City of Rathdrum wells. Two water rights and claims are approximately 200 feet from a city well.



Observed Long-Term Water Levels

Long-term water level records are available for the Rathdrum Prairie Aquifer. Hydrographs are provided in Figure 5. These hydrographs show a relationship to local climate fluctuations. The long-term record is stable, with water levels generally higher since the mid-1990s.

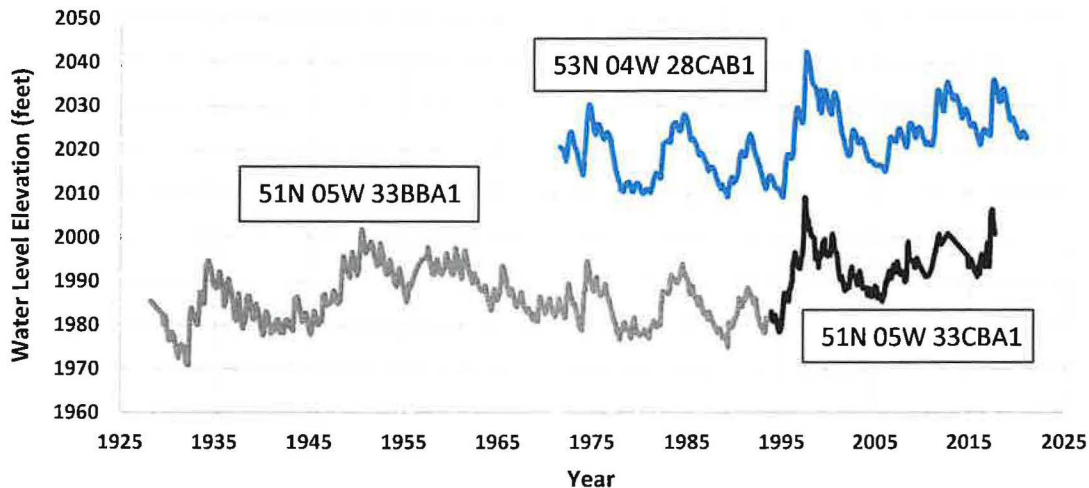


Figure 5. Water level data for select monitoring wells in the Rathdrum Prairie Aquifer.

Conclusions and Recommendations

The City of Rathdrum is applying to transfer a water right to five municipal wells from an existing point of diversion approximately 3.6 to 5.0 miles southeast of the City of Rathdrum wells. This is not the development of a new water right; it is a transfer from an irrigation water right to a municipal water right. No “new” groundwater will be allocated or diverted from the Rathdrum Prairie Aquifer.

Based on a review of water level data, existing water rights, and information provided in the water right transfer application, there appears to be minimal potential effects on existing water rights. The reduction in total annual volume allowed to be diverted, from 480 acre-ft to 26.2 acre-ft, is a benefit to the overall sustainability of the Rathdrum Prairie Aquifer. The water right transfer for Water Right 95-2112 is recommended. IDWR may want to require the City of Rathdrum to report total monthly groundwater production volumes per the groundwater management plan and the comprehensive aquifer management plan.