

JUN 25 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

85542

IDWR / NORTH

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) City of Rathdrum

Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

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JUN 25 2021

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) City of RathdrumPhone 208 687 2700Mailing address 8047 W Main St, Rathdrum ID 83858Email james@rathdrum.org

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

- ☒ No Representative

Name of Representative _____

Phone _____

Mailing address _____

Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Vic Holmes, Mayor

Print Name and Title if applicable

6-14-21

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☒ Change nature of use
 ☐ Add diversion point(s)
☒ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Property annexed by the City of Rathdrum in T51N R04W S8 maintained as agriculture, Water right 95-2112, located in T51N R04W S28 offered to City in lieu of water right in Rathdrum, so that the property owner could maintain irrigation on the remaining parcel as portions were developed and subdivided.

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NOV 23 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIDWR / NORTH APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

		<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
☒ All	☐ or Part	95-2112	2.24	municipal	1/1 to 12/31	Rathdum Prairie Aquifer
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 2.24 cfs and/or 480 acre-feet.2. Total amount of water proposed to be transferred or changed 2.24 cubic feet per second and/or 26.2 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SW		31	52N	04W	Kootenai	Rathdum Prairie Aquifer	
	1	NE	NE		1	51N	05W	Kootenai	Rathdum Prairie Aquifer	
		SE	NE		12	51N	05W	Kootenai	Rathdum Prairie Aquifer	
		NW	SW		5	51N	04W	Kootenai	Rathdum Prairie Aquifer	
		SE	NE		6	51N	04W	Kootenai	Rathdum Prairie Aquifer	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	95-2112	2.24	municipal	1/1 to 12/31	Rathdrum Prairie Aquifer
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.24 cfs and/or 480 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.24 cubic feet per second and/or 23.7 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	SE		31	52N	04W	Kootenai	Rathdrum Prairie Aquifer	
		NE	NE		1	51N	04W	Kootenai	Rathdrum Prairie Aquifer	
		SE	NE		12	51N	04W	Kootenai	Rathdrum Prairie Aquifer	
		NW	SW		5	51N	04W	Kootenai	Rathdrum Prairie Aquifer	
		SE	NE		6	51N	04W	Kootenai	Rathdrum Prairie Aquifer	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The City of Rathdrum maintains water production wells for municipal use, which are enclosed in masonry block well house buildings. The buildings are secured (via lock) and are surrounded with secure perimeter chain link fencing.

- b. Who owns the property at the point(s) of diversion? City of Rathdrum

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land/property located at the origin location (T51N R04W S28) has been developed and subdivided, and is serviced by municipal water supply. The land is no longer being irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

JIM BRAINNON 2 P 2801024000
KOOTENAI COUNTY RECORDER
MRR Date 12/28/2020 9:02 AM
REQ OF RATHDRUM CITY
RECORDING FEE: \$0.00 DD


RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

CITY OF RATHDRUM
8047 W. Main Street
Rathdrum, ID 83858

Space Reserved for Recorders Office

QUITCLAIM DEED

Know all by these presents that BLUEWATER DEVELOPMENT, LLC, an Idaho limited liability company, 1250 Northwood Center Court, Suite A, Coeur d'Alene, Idaho 83814 (hereinafter "Grantor"), being the sole owner of the water right described herein below, hereby grants all of my right, title, and interest in said water rights and does forever quitclaim unto the CITY OF RATHDRUM, a municipal corporation of the State of Idaho (hereinafter "Grantee"), whose address is 8047 W. Main Street, Rathdrum, Idaho 83858 all of the following water rights connected with the following described property, situated in the County of KOOTENAI, State of Idaho, to wit:

WATER RIGHT NO.: 95-2112
Location of Point(s) of Diversion: T51N R4W Sec 28 NWNW
Place of Use Legal Description: T51N R4W Sec 28 NW
Total Acres: 160

IN WITNESS WHEREOF, Grantor, by and through its' managing member, John Magnuson, has executed this document this 14th day of December, 2020.

GRANTOR: BLUEWATER DEVELOPMENT, LLC,



John F. Magnuson, Managing Member

(Notary on Following Page)

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

On this 14th of December, 2020, before me, a notary public in and for the State and County, certify that I know or have satisfactory evidence that John F. Magnuson, the Managing Member for Bluewater Development, LLC, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

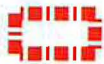
IN WITNESS WHEREOF, I have hereunto set my and affixed by Notarial Seal the day and year in this certificate first above written.



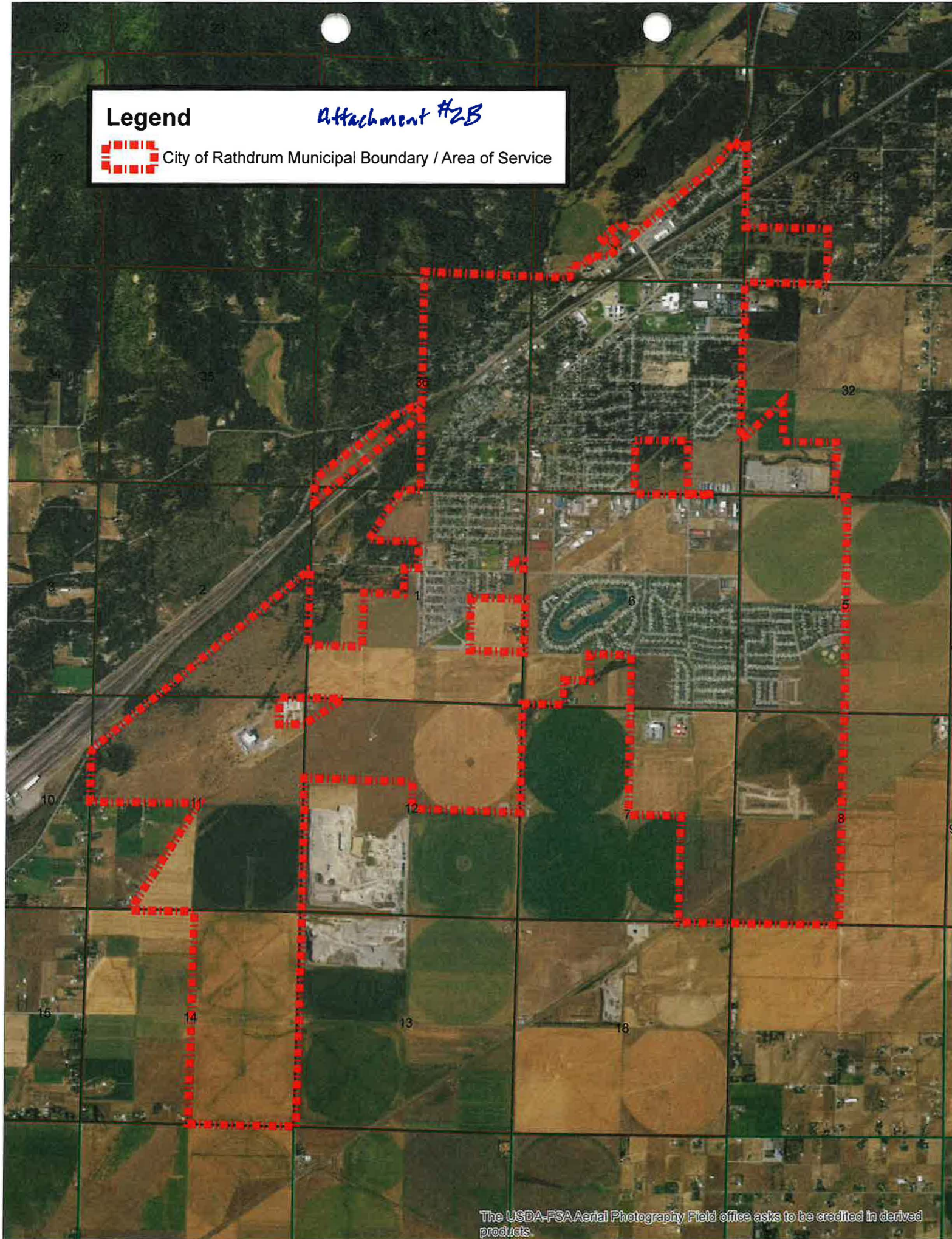
Krysti Clift
NOTARY PUBLIC for Idaho
Residing at Coeur d'Alene
My commission expires: 11/13/2026

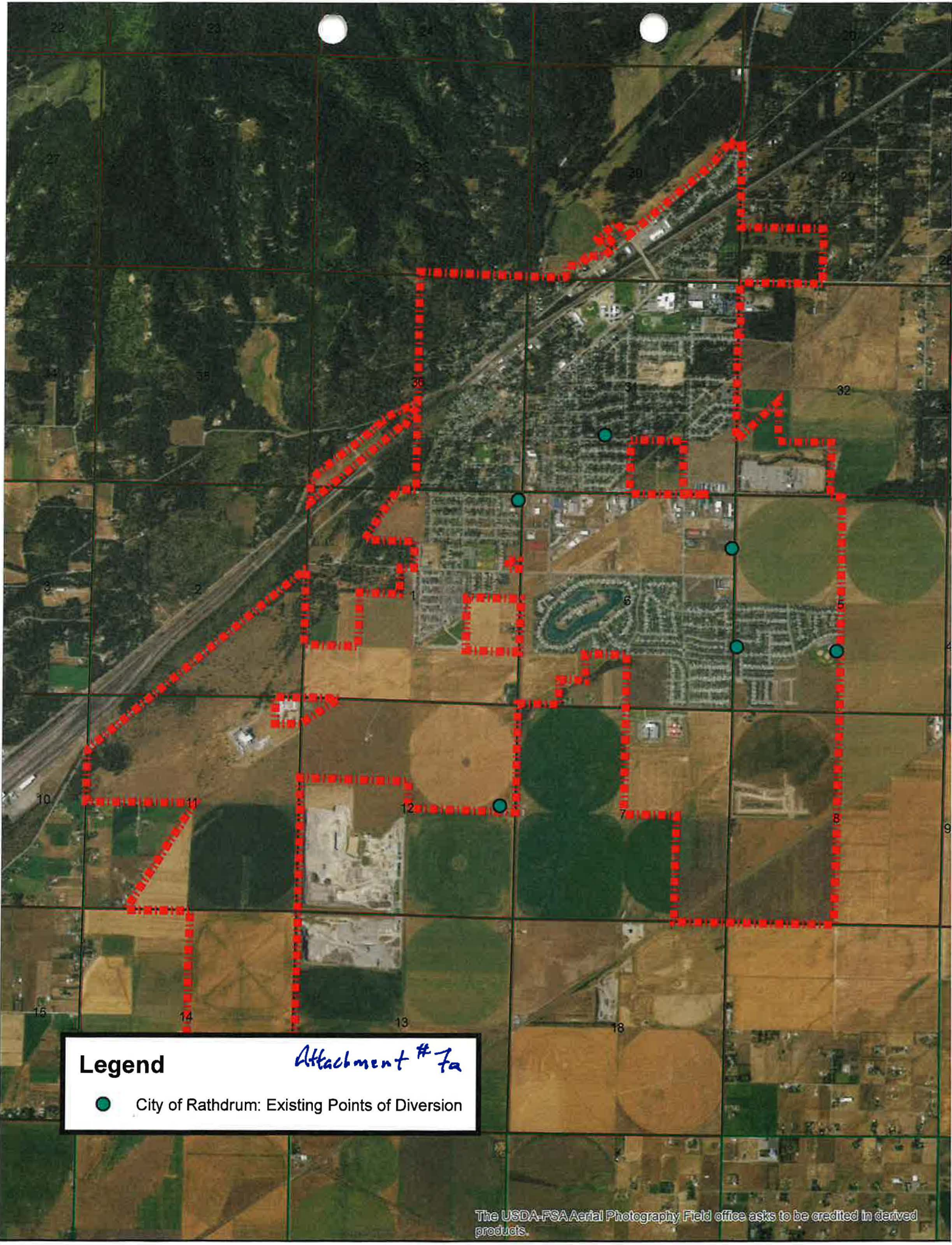
Legend

Attachment #2B



City of Rathdrum Municipal Boundary / Area of Service

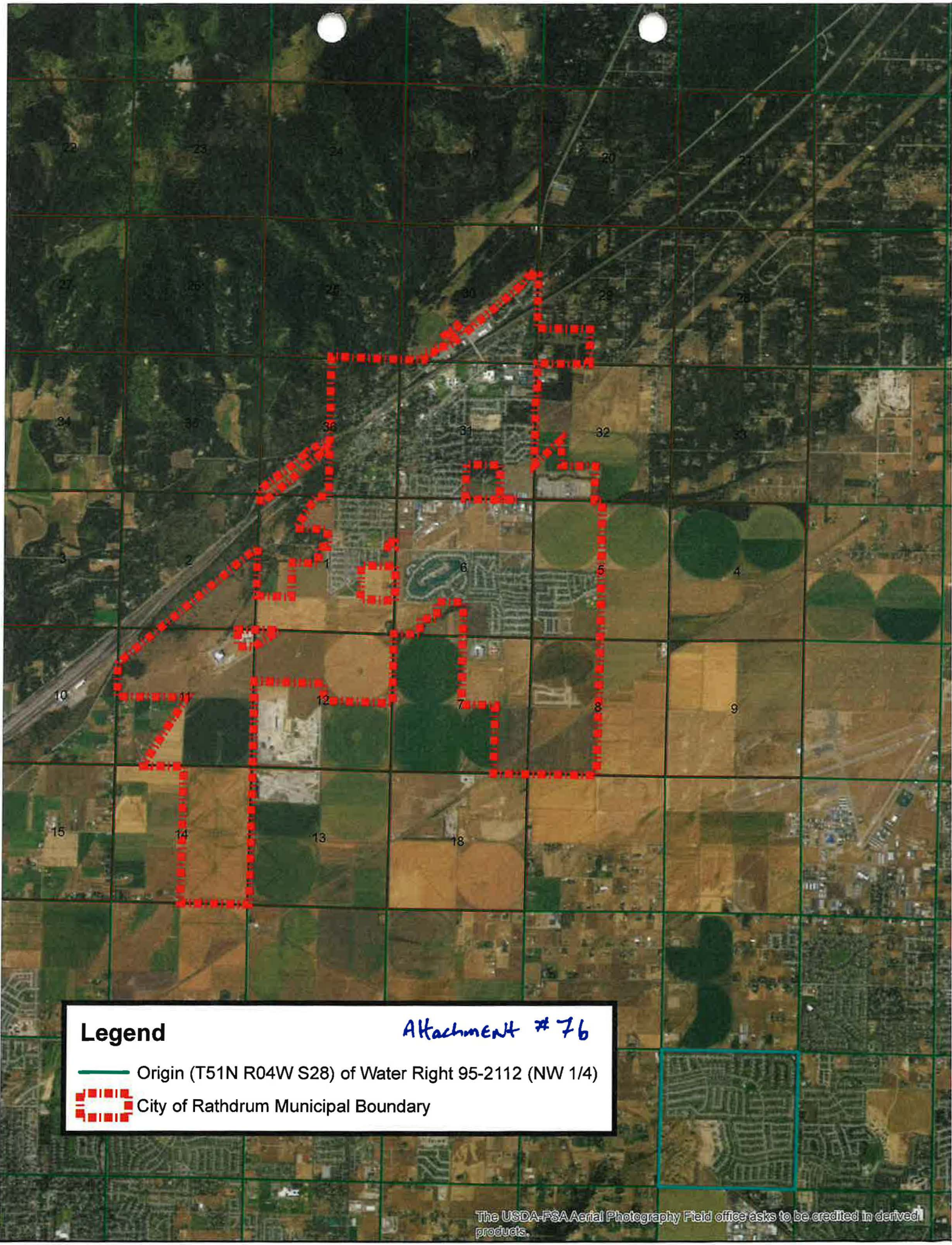




Legend

 City of Rathdrum: Existing Points of Diversion

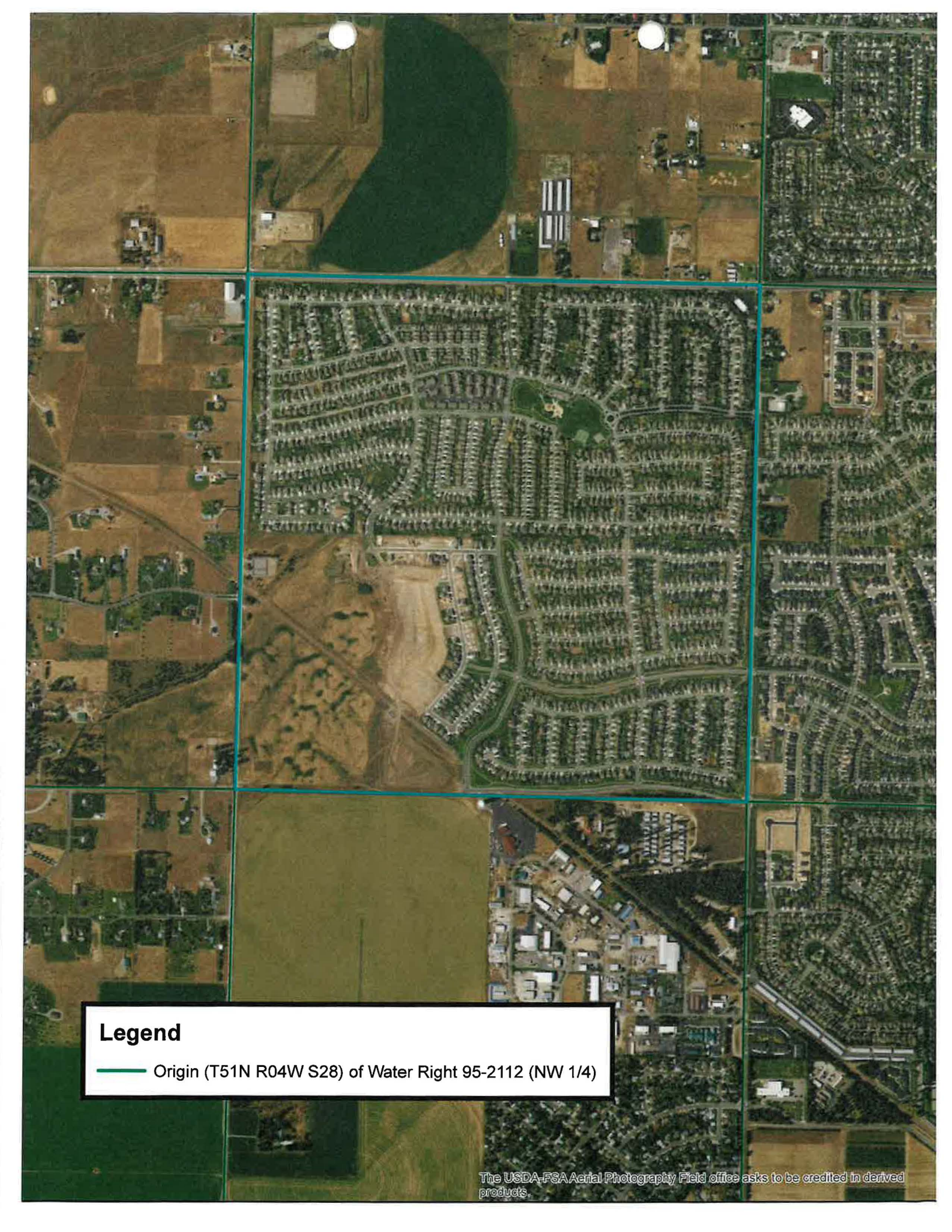
Attachment # 7a



Legend

Attachment #76

- Origin (T51N R04W S28) of Water Right 95-2112 (NW 1/4)
- City of Rathdrum Municipal Boundary



Legend

— Origin (T51N R04W S28) of Water Right 95-2112 (NW 1/4)

IDAHO Department of Water Resources



IDWR offices are open to the public and following the CDC guidelines for wearing masks and observing social distancing. For in-person visits, we encourage you to [call ahead for an appointment](#).

WATER RIGHT REPORT

2/4/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 95-2112

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BLUE WATER DEVELOPMENT LLC ATTN JOHN MAGNUSON 1250 NORTHWOOD CENTER CT PO BOX 2350 COEUR D ALENE, ID 83816-2350 2086670100
Attorney	JOHN F MAGNUSON 1250 N NORTHWOOD CENTER COURT STE A COEUR D ALENE, ID 83814 2086670100

Priority Date: 06/16/1955

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	2.24 CFS	480 AFA
Total Diversion			2.24 CFS	480 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWNW|Sec. 28|Township 51N|Range 04W|KOOTENAI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION KOOTENAI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
51N	04W	28		NENW	40		NWNW	40		SWNW	40		SENW	40

Total Acres: 160

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. F05 Right No. 95-2200 is also diverted through point of diversion described above.

Dates:

Licensed Date:

Decreed Date: 11/08/2019

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: NWD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

2/4/2021

Water Right Report

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Export Results to Excel](#)[Clear All Items](#)[Start Search](#)

Click any column to sort table

Options	Type ?	Basin	Sequence	Suffix	Application Number	Basis	Status	Priority Date	Div. Rate (cfs)	Source	Water U
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[Details](#)

More Options	<u>Water Right</u>	95	2112			Decreed	Active	06/16/1955	2.24	GROUND WATER	IRRIGATI
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[Export Results to Excel](#)[Clear All Items](#)[Start Search](#)

se	Owner

ION BLUE WATER
DEVELOPMENT LLC



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NOV 23 2021
IDWR / NORTH

$50\text{mm} * .0032808 = .16404$

$.16404 * 160 \text{ acres of irrigation} = 26.2464$

$$45\text{mm} \times .0032808 = 0.148$$

$$0.148 \times 160 \text{ acres of irrigation} = 23.7 \text{ acre feet}$$

SUPERSEDED



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

December 28, 2021

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

RE: Transfer No. 85542
Water Right No. 95-2112

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 1/6/2022 and 1/13/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, December 28, 2021 2:11 PM
To: Chantilly Higbee; Anna Moody
Subject: RE: Request for Comments for Transfer 85542 WR#95-2112

The deadline for comments on the application is January 24, 2022.

Sorry for not catching this.

Tammy

From: Alleman, Tammy
Sent: Tuesday, December 28, 2021 2:06 PM
To: Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; Anna Moody <Anna.Moody@deq.idaho.gov>
Subject: Request for Comments for Transfer 85542 WR#95-2112

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. The deadline for comments on the applications is January 24, 2021.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

Tammy



Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, December 28, 2021 1:34 PM
To: LEGALS@CDAPRESS.COM
Subject: Legal Notice for CdA Press
Attachments: Legal Notice for Transfer 85542, 95-18232 to 95-18234, 95-18236, & 95-18241.docx

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **January 6th & January 13th, 2022** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **January 24, 2022**. Your cooperation is appreciated.

Thank you,

Tammy



Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

**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 Published on 1/6/2022 and 1/13/2022

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.

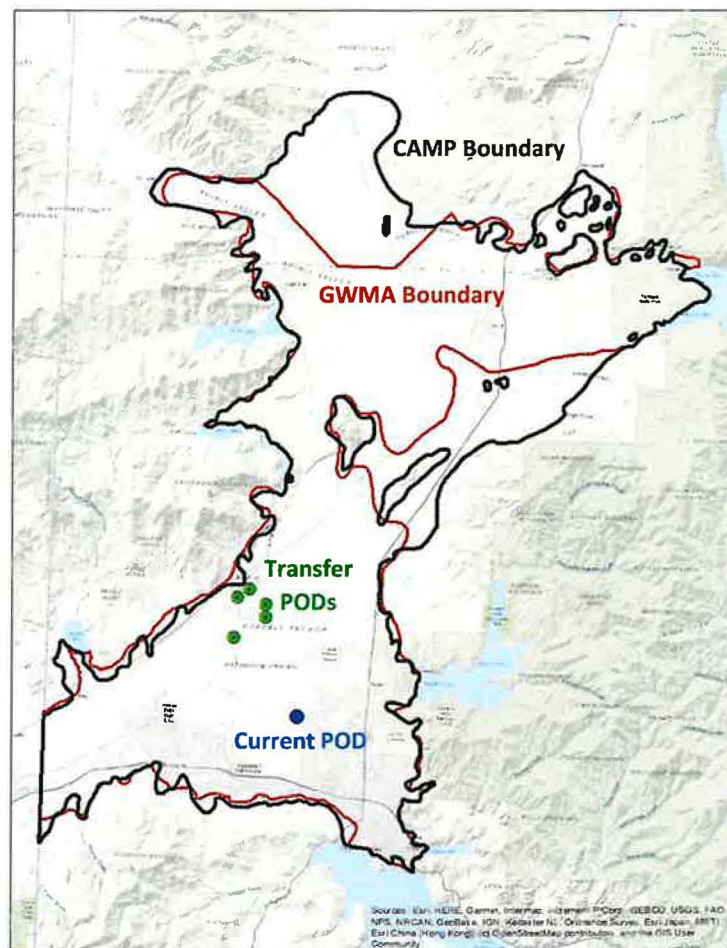


Figure 1. Rathdrum Prairie Ground Water Management Area (GWMA) and Comprehensive Aquifer Management Plan Boundary (CAMP) with the current and transfer application Point of Diversion (POD).

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.

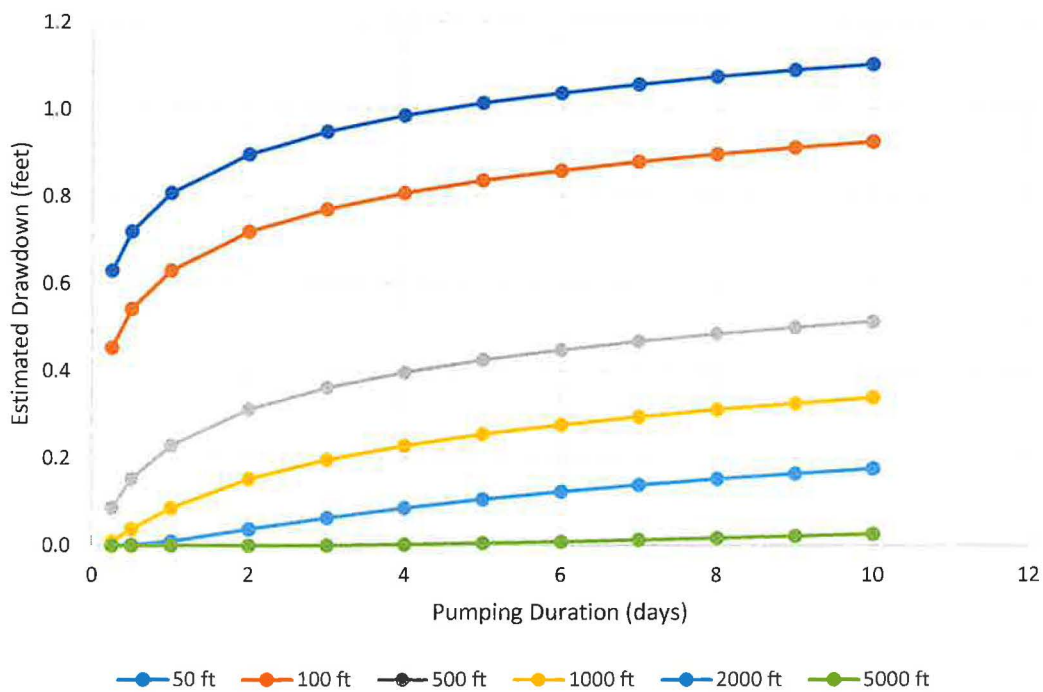


Figure 2. Estimated drawdown with time for select distances from the new point of diversion. Note: Pumping rate: 2.24 cfs; Transmissivity: 120,000 ft²/day; Storativity: 0.2.

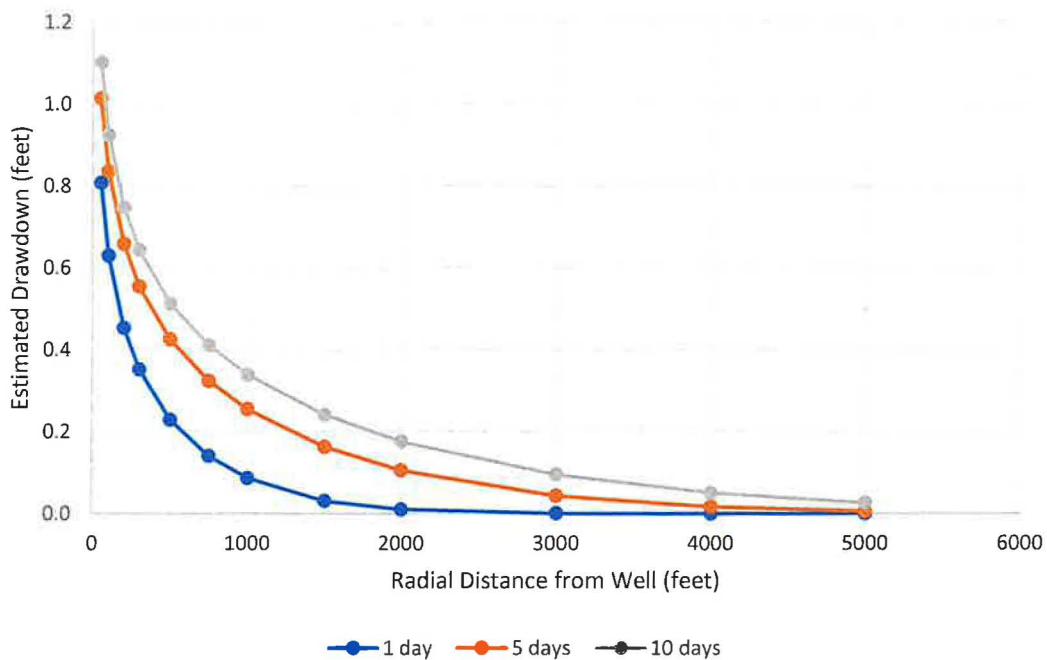


Figure 3. Estimated drawdown with distance from the new point of diversion for select pumping durations. Note: Pumping rate: 2.24 cfs; Transmissivity: 120,000 ft²/day; Storativity: 0.2.

Existing Water Rights

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.

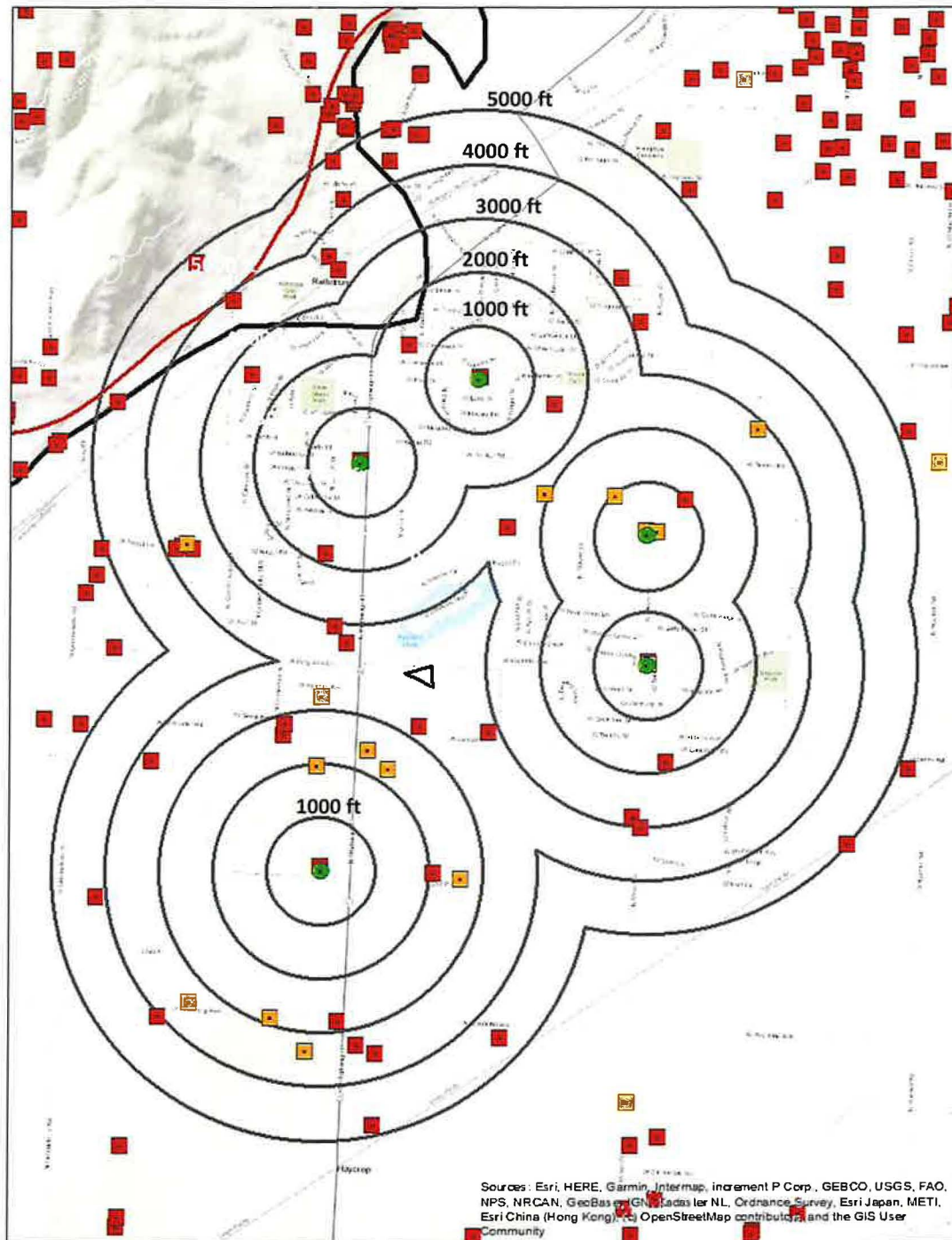


Figure 4. Location of existing water rights in the vicinity of City of Rathdrum wells. Active water rights are shown in red squares. Active claims shown in orange squares. City wells are shown in green.

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.

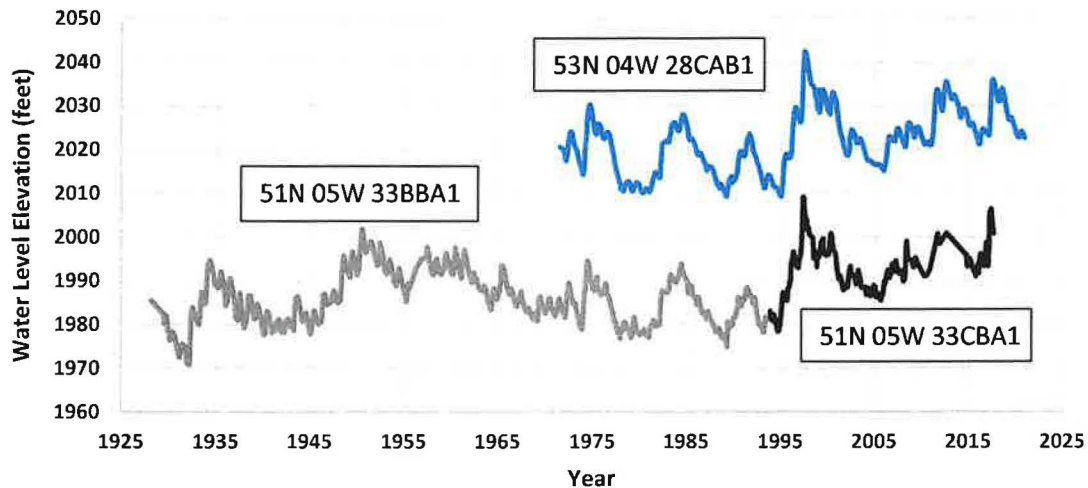


Figure 5. Water level data for select monitoring wells in the Rathdrum Prairie Aquifer.

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.

MEMORANDUM

Date: December 21, 2021
To: Transfer 85542
From: Shaun Maxey
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
12/21/2021

Authority to File: The applicant is listed as the current owner of the Water Right (95-2112) being transferred according to the Quitclaim Deed provided in the Transfer No. 85542 file.

Water Right Validity: The Water Right is valid and has been decreed in the Coeur d'Alene Spokane River Basin Adjudication (CSRBA).

Injury to Other Water Rights: See attached memorandum by Department staff member Daniel Sturgis, Dated 12/21/2021.

Enlargement of Use: None

Local Public interest: No negative issues anticipated.

Beneficial Use/Conservation of Water Resources: Proposed change of use is recognized as a beneficial use of water.

Effect on Economy in the Local Area: This will ensure a greater diversion rate for the City of Rathdrum and will provide additional volume for municipal services as the City's service area grows.

Effect on Agricultural Base of the Local Area: None anticipated as conversion of the Place of Use from irrigated farmland to a housing subdivision has already occurred.

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.

MEMORANDUM

Date: December 21, 2021

To: Transfer 85542

From: Shaun Maxey

Re: Comment/Analysis

Comment/Analysis
12/21/2021

Proposed 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. The conversion computations derived from irrigated acres to municipal volume (Acre-Feet) are as follows:

Bluegrass Seed precipitation deficit growing season mean (mm) = 50 mm
 $50\text{mm} \times 0.0032808 = 0.164 \text{ feet}$
 $160 \text{ acres retired} \times 0.164 \text{ feet} = 26.2 \text{ Acre Feet}$

MEMORANDUM

Date: December 21, 2021
To: Transfer 85542
From: Shaun Maxey
Re: Legal Notice Remarks

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.