

MAY 28 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION NORTH

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Cassandra Hills Owners Association Phone 208) 582-20642. MAILING ADDRESS PO Box 283 City St MariesState ID Zip 83861 Email gary.d.gertje@lesschwab.com

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 91-7132

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.2 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
New		NW	SW		9	46N	2W	Benewah	Groundwater	To be drilled
		SW	NW		9	46N	2W	Benewah	Groundwater	D0033246
		SW	NW		9	46N	2W	Benewah	Groundwater	92-78-N-2
		SE	NE		8	46N	2W	Benewah	Groundwater	D0054321

6. 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:

New point of diversion to be constructed. Upon completion, well head will be capped and the usage will be metered.

- b. Who owns the property at the point(s) of diversion? David Chilcote, member Cassandra Hills Owners Assoc.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
minimum 100 ftx100 ft. well lot to be surveyed and deeded/leased to Cassandra Hills Owners Association

- c. 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 used in a mitigation plan limiting the use of water under the right(s). or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Gary Beattie
Signature of applicant or authorized agent

Gary Beattie President
Print name and title if applicable

5-28-2021
Date

Kadee Bonds
Signature of applicant or authorized agent

Kadee Bonds Treasurer
Print name and title if applicable

5-28-2021
Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

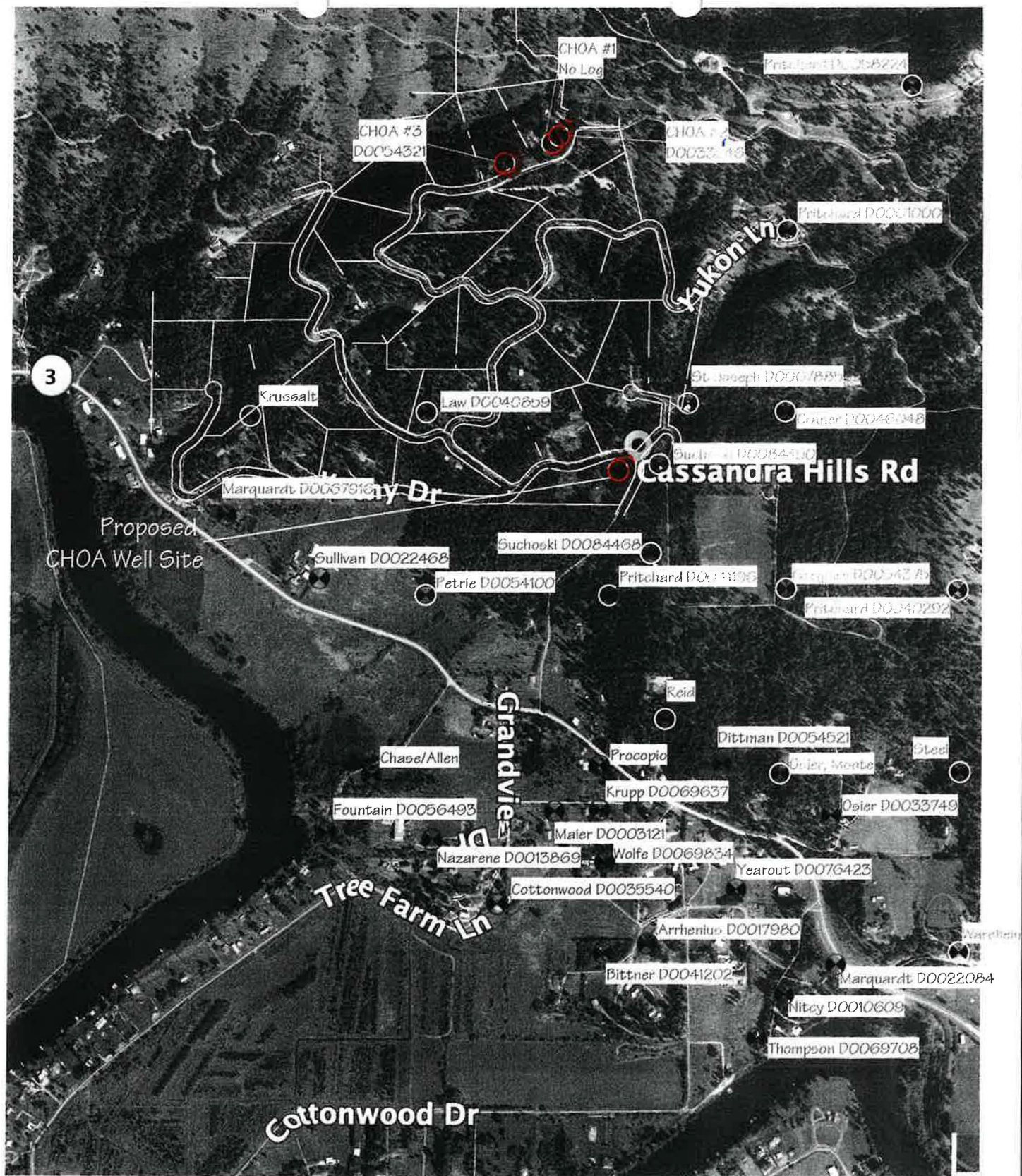
Transfer includes 5 pages of attachments. Received by JA Date 5-28-21

Fee paid 200.00 Date 5-28-21 Receipted by JA Receipt # N037023

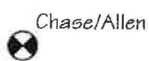
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)



Wells Developed in Shale



Wells developed in Basalt

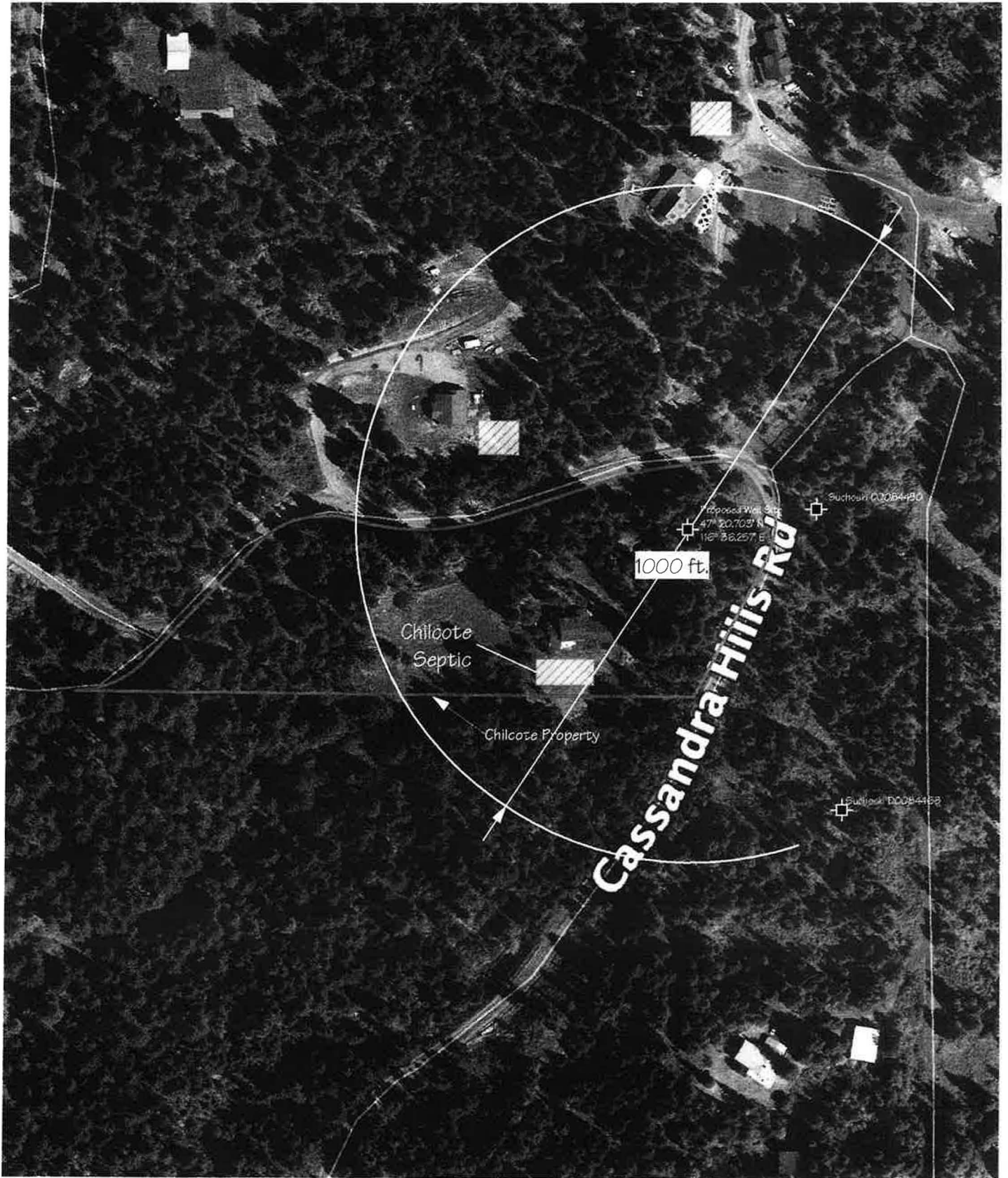


QUANTUM Engineering and Geologic Consulting*

ENGINEER: Jim De Smet
DRAWN BY: Jim De Smet
DATE: 5/27/21
SCALE: 1"=1000'
SHEET NO:

Site Vicinity Map:
Cassandra Hills
Owners Association
T4S N 2W, Secs 8, 9, 16 and 17
Benewah County, Idaho

7952820



QUANTUM Engineering and Geologic Consulting*

ENGINEER: Jim De Smet
DRAWN BY: Jim De Smet
DATE: 5/27/21
SCALE: 1" = 200'
SHEET NO:

Well Site Vicinity Map
Cassandra Hills
Canary Association
T4N R2W, Lots 6, 8, 16 and 17
Brewster County, Minn.

Cassandra Hills Owners Association Officers and Directors

Position	Name	Address	
President	Gary D. Gertje	83 Boulder Lane	St Maries, ID, 83861
Vice President	Mark Reinier	1168 Cassandra Hills Rd	St Maries, ID, 83861
Director	Nathan Burns	965 Cassandra Hills Rd	St Maries, ID, 83861
Director	Patrick McFadden	111 Susie Dr	St Maries, ID, 83861
Director	Dale Phillips	PO Box 193	St Maries, ID, 83861
Director	Pete Reedy	121 Susie Dr	St Maries, ID, 83861
Treasurer	Kadee Bonds	20 Debi Lane	St Maries, ID, 83861
Secretary	David Chilcote	474 Cassandra Hills Rd	St Maries, ID, 83861

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 91-7132

Current Owner: CASSANDRA HILLS OWNERS ASSN

Priority Date: 12/12/1994

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	0.7 CFS	126 AF
	<u>Total Diversion</u>	0.7 CFS	126 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 8,	Twp 46N,	Rge 02W B.M.
BENEWAH County				
GROUND WATER	SW1/4NW1/4	Sec. 9,	Twp 46N,	Rge 02W B.M.
BENEWAH County				
GROUND WATER	NW1/4NW1/4	Sec. 9,	Twp 46N,	Rge 02W B.M.
BENEWAH County				

Place of Use

MUNICIPAL Within BENEWAH County

T46N R02W S8	NENE	T46N R02W S8	SWNE
T46N R02W S8	SENE	T46N R02W S8	Lot 1 NESW
T46N R02W S8	NESE	T46N R02W S8	NWSE
T46N R02W S9	NWNW	T46N R02W S9	SWNW
T46N R02W S9	NWSW		

Conditions of Approval:

1. 128 Place of use is within the area served by the public water supply system of Cassandra Hills Owners Association.
2. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.



State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 7, 2021

CASSANDRA HILLS OWNERS ASSN
PO BOX 283
SAINT MARIES, ID 83861

RE: Transfer No. 85015
Water Right No. 91-7132

Dear Applicants:

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 ST MARIES GAZETTE RECORD on 6/16/2021 and 6/23/2021. 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,

A handwritten signature in blue ink that reads "Tammy Alleman".

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, June 7, 2021 2:28 PM
To: 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'
Subject: Request for Comments on Transfer 85015 for WR#91-7132

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 July 6, 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
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819*

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, June 7, 2021 2:27 PM
To: 'jamie@smgazette.com'
Subject: Legal Notice
Attachments: 85015 Legal Notice Transfer.docx

Please publish the enclosed legal notice in the **St Maries Gazette Record** on the dates indicated **June 16th & June 23rd, 2021** (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 **July 6, 2021**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85015

CASSANDRA HILLS OWNERS ASSN, PO BOX 283, SAINT MARIES, ID 83861 has filed Application No. 85015 for changes to the following water rights within BENEWAH County: Right No. 91-7132; 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:

This transfer proposes to add a new point of diversion to the Cassandra Hills Owners Assn's existing groundwater right in the NW1/4SW1/4 of Section 9, Twp 46N, Rge 02W.

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 7/6/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/16/2021 and 6/23/2021

MEMORANDUM

Date: June 4, 2021

To: Transfer 85015

From: Adam Frederick

Re: Legal Notice Remarks

This transfer proposes to add a new point of diversion to the Cassandra Hills Owners Assn's existing groundwater right in the NW1/4SW1/4 of Section 9, Twp 46N, Rge 02W.