

FEB 16 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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 § 42-221.0.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** City of Genesee Phone 208-285-1621
 2. **MAILING ADDRESS** 140 East Walnut City Genesee
 State Idaho Zip 83832 Email mayorodenburg@gmail.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)** 87-7150, 87-7151, 87-10413

- ☒ 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 1.820 cubic feet per second and/or N/A 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 #
No			SE	SW	11	37N	05W	Latah	Groundwater	Well #5, E0005279
No			SW	SW	11	37N	05W	Latah	Groundwater	Site 1
No			SW	NE	14	37N	05W	Latah	Groundwater	Well #3, E0005278
No			NE	NW	14	37N	05W	Latah	Groundwater	Site 2
No			NW	NW	14	37N	05W	Latah	Groundwater	Site 4
Yes			SW	SE	11	37N	05W	Latah	Groundwater	Site 3

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:

Diversion provided by groundwater well. Appurtenances required by IDEQ, including an instantaneous/totalizing flow meter, would be installed in a locking well house. Security fencing is provided at the site.

- b. Who owns the property at the point(s) of diversion? City of Genesee--lot is site of city's northeast reservoir
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- 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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Steve Odenborg
Signature of applicant or authorized agent

Mayor Steve Odenborg
Print name and title if applicable

2/11/2021
Date

Signature of applicant or authorized agent

Print name and title if applicable

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 10 pages of attachments. Received by Ja Date 2-16-21

Fee paid 580.00 Date 2-16-21 Receipted by Ja Receipt # N036723

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)

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

Current Water Right No.: 87-7150

Current Owner: CITY OF GENESEE
Priority Date: 12/12/1979
Origin: Adjudication Recommendation
Status: Active
Basis: License

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>
MUNICIPAL	01/01 to 12/31
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.78 CFS	
0.78 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 11,	Twp 37N,	Rge 05W B.M.
LATAH County				
GROUND WATER	SE1/4SW1/4	Sec. 11,	Twp 37N,	Rge 05W B.M.
LATAH County				
GROUND WATER	SW1/4SW1/4	Sec. 11,	Twp 37N,	Rge 05W B.M.
LATAH County				
GROUND WATER	SW1/4NE1/4	Sec. 14,	Twp 37N,	Rge 05W B.M.
LATAH County				
GROUND WATER	NE1/4NW1/4	Sec. 14,	Twp 37N,	Rge 05W B.M.
LATAH County				
GROUND WATER	NW1/4NW1/4	Sec. 14,	Twp 37N,	Rge 05W B.M.
LATAH County				

Place of Use

MUNICIPAL Within LATAH County

T37N R05W S11	SENW	T37N R05W S11	NESW
T37N R05W S11	SESW	T37N R05W S11	SWSE
T37N R05W S11	SESE	T37N R05W S13	SWNE
T37N R05W S13	SENE	T37N R05W S13	SWNW
T37N R05W S13	SENW	T37N R05W S13	NESW
T37N R05W S13	NWSW	T37N R05W S13	SESW
T37N R05W S13	NESE	T37N R05W S13	NWSE
T37N R05W S13	SWSE	T37N R05W S13	SESE
T37N R05W S14	NENE	T37N R05W S14	NWNE
T37N R05W S14	SWNE	T37N R05W S14	SENE
T37N R05W S14	NENW	T37N R05W S14	NWNW
T37N R05W S14	SWNW	T37N R05W S14	SENW
T37N R05W S14	NESW	T37N R05W S14	NWSW
T37N R05W S14	SWSW	T37N R05W S14	NESE
T37N R05W S14	NWSE	T37N R05W S15	NENE
T37N R05W S15	SENE	T37N R05W S24	NENE

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. Idaho Code § 42-1412(6).
2. T22 Failure of the right holder to comply with the conditions of Transfer No. 84493 is cause for the Director to rescind approval of the transfer.
3. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. 124 Place of use is within the service area of the City of Genesee municipal water supply system as provided for under Idaho Law. The place of use is generally located within Township 37 North, Range 5 West, Sections 11,13-15.
5. 004 This right does not grant any right-of-way or easement across the land of another.
6. T21 The right holder shall accomplish the change authorized by Transfer No. 84493 by December 11, 2021.
7. F06 The following rights are diverted through point(s) of diversion described above: 87-7150, 87-7151, and 87-10413.

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

Current Water Right No.: 87-7151

Current Owner: CITY OF GENESEE

Priority Date: 3/2/1981

Origin: Adjudication Recommendation

Status: Active

Basis: License

Source

GROUND WATER

Tributary

Beneficial Use

From To

Diversion Rate

Annual Volume

MUNICIPAL

01/01 to 12/31

1.04 CFS

Total Diversion

1.04 CFS

Location of Point(s) of Diversion

GROUND WATER

SE1/4SE1/4

Sec. 11, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

SE1/4SW1/4

Sec. 11, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

SW1/4SW1/4

Sec. 11, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

SW1/4NE1/4

Sec. 14, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

NE1/4NW1/4

Sec. 14, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

NW1/4NW1/4

Sec. 14, Twp 37N, Rge 05W B.M.

LATAH County

Place of Use

MUNICIPAL Within LATAH County

T37N R05W S11	SENW	T37N R05W S11	NESW
T37N R05W S11	SESW	T37N R05W S11	SWSE
T37N R05W S11	SESE	T37N R05W S13	SWNE
T37N R05W S13	SENE	T37N R05W S13	SWNW
T37N R05W S13	SENW	T37N R05W S13	NESW
T37N R05W S13	NWSW	T37N R05W S13	SESW
T37N R05W S13	NESE	T37N R05W S13	NWSE
T37N R05W S13	SWSE	T37N R05W S13	SESE
T37N R05W S14	NENE	T37N R05W S14	NWNE
T37N R05W S14	SWNE	T37N R05W S14	SENE
T37N R05W S14	NENW	T37N R05W S14	NWNW
T37N R05W S14	SWNW	T37N R05W S14	SENW
T37N R05W S14	NESW	T37N R05W S14	NWSW
T37N R05W S14	SWSW	T37N R05W S14	NESE
T37N R05W S14	NWSE	T37N R05W S15	NENE
T37N R05W S15	SENE	T37N R05W S24	NENE

Conditions of Approval:

1. E51 Right Nos. 87-7151 and 87-10413 are limited to a total combined diversion rate of 1.04 cfs.
2. T22 Failure of the right holder to comply with the conditions of Transfer No. 84493 is cause for the Director to rescind approval of the transfer.
3. 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. Idaho Code § 42-1412(6).
4. T21 The right holder shall accomplish the change authorized by Transfer No. 84493 by December 11, 2021.
5. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. F06 The following rights are diverted through point(s) of diversion described above: 87-7150, 87-7151, and 87-10413.
7. 124 Place of use is within the service area of the City of Genesee municipal water supply system as provided for under Idaho Law. The place of use is generally located within Township 37 North, Range 5 West, Sections 11,13-15.
8. 004 This right does not grant any right-of-way or easement across the land of another.

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

Current Water Right No.: 87-10413

Current Owner: CITY OF GENESEE

Priority Date: 10/17/1904

Origin: Adjudication Recommendation

Status: Active

Basis: Beneficial Use

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

MUNICIPAL 01/01 to 12/31
Total Diversion

0.15 CFS
0.15 CFS

Location of Point(s) of Diversion

GROUND WATER

SE1/4SE1/4 Sec. 11, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

SE1/4SW1/4 Sec. 11, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

SW1/4SW1/4 Sec. 11, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

SW1/4NE1/4 Sec. 14, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

NE1/4NW1/4 Sec. 14, Twp 37N, Rge 05W B.M.

LATAH County

GROUND WATER

NW1/4NW1/4 Sec. 14, Twp 37N, Rge 05W B.M.

LATAH County

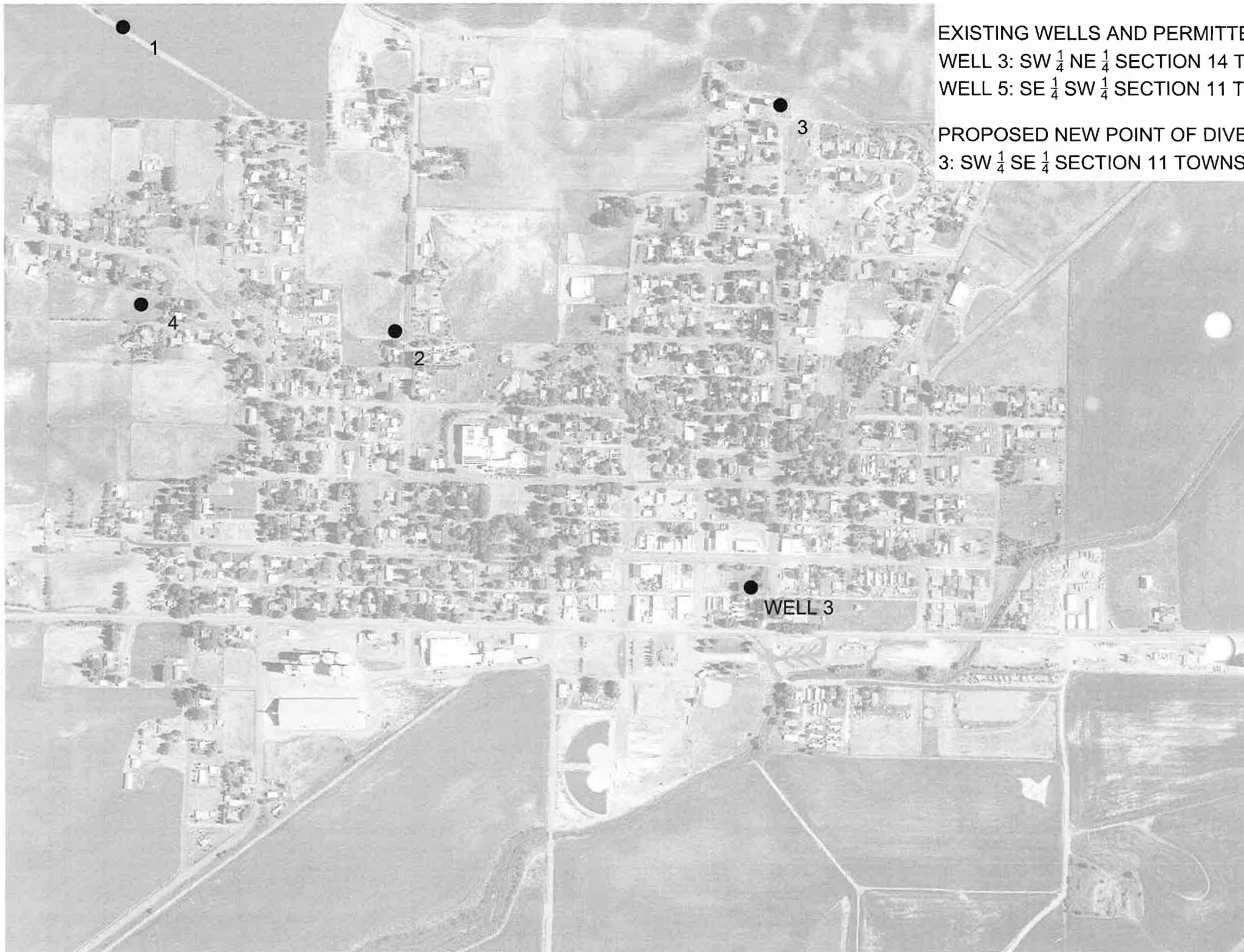
Place of Use

MUNICIPAL Within LATAH County

T37N R05W S11	SENW	T37N R05W S11	NESW
T37N R05W S11	SESW	T37N R05W S11	SWSE
T37N R05W S11	SESE	T37N R05W S13	SWNE
T37N R05W S13	SENE	T37N R05W S13	SWNW
T37N R05W S13	SENW	T37N R05W S13	NESW
T37N R05W S13	NWSW	T37N R05W S13	SESW
T37N R05W S13	NESE	T37N R05W S13	NWSE
T37N R05W S13	SWSE	T37N R05W S13	SESE
T37N R05W S14	NENE	T37N R05W S14	NWNE
T37N R05W S14	SWNE	T37N R05W S14	SENE
T37N R05W S14	NENW	T37N R05W S14	NWNW
T37N R05W S14	SWNW	T37N R05W S14	SENW
T37N R05W S14	NESW	T37N R05W S14	NWSW
T37N R05W S14	SWSW	T37N R05W S14	NESE
T37N R05W S14	NWSE	T37N R05W S15	NENE
T37N R05W S15	SENE	T37N R05W S24	NENE

Conditions of Approval:

1. E51 Right Nos. 87-7151 and 87-10413 are limited to a total combined diversion rate of 1.04 cfs.
2. T22 Failure of the right holder to comply with the conditions of Transfer No. 84493 is cause for the Director to rescind approval of the transfer.
3. 124 Place of use is within the service area of the City of Genesee municipal water supply system as provided for under Idaho Law. The place of use is generally located within Township 37 North, Range 5 West, Sections 11,13-15.
4. 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. Idaho Code § 42-1412(6).
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8. 046 Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.



EXISTING WELLS AND PERMITTE
WELL 3: SW $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 14 T
WELL 5: SE $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 11 T

PROPOSED NEW POINT OF DIVE
3: SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 11 TOWNS

February 9, 2021

Mr. Adam Frederick, Water Rights Supervisor
Idaho Department of Water Resources
Northern Regional Offices
7600 N. Mineral Dr., Ste. 100
Coeur d' Alene, ID 83815

RECEIVED

FEB 16 2021

IDWR / NORTH

City of Genesee—Point of Diversion Transfer Application
Water Rights 87-7150, 87-7151, and 87-10413

Dear Mr. Miller:

Enclosed please find a completed transfer application involving the above-referenced water rights submitted by Mountain Waterworks on behalf of the City of Genesee. A check in the amount of \$580.00 is also enclosed to cover the required processing fee.

The City is in the process of developing two new groundwater wells to supply its Public Drinking Water System following detection of elevated nitrate concentrations in its primary groundwater source, Well #3. The City and Mountain Waterworks previously submitted a transfer application (No. 84493) to add four new groundwater points of diversion to the City's existing municipal water rights. The two additional points of diversion were intended to provide the City with flexibility in the event a productive well was not obtained on one of the primary sites. Transfer Application No. 84493 was approved by IDWR on December 11, 2020.

During development of bidding documents for construction of the first well, the landowner at the new point of diversion in the SE ¼ of the SE ¼ of Section 11, T37N R5W elected not to allow construction of a well on his property. The City is now proposing to remove that point of diversion from its water rights and add a new point of diversion adjacent to the water storage reservoir located in the SW ¼ of the SE ¼ of Section 11, T37N R5W. The property at this point of diversion is owned by the City. Upon approval, this transfer application would incorporate these changes into the City's water rights. No other changes to the City's water rights are proposed.

Please let us know if you would like to discuss any issue related to this transfer application.

Sincerely,

Mountain Waterworks



Ed Stowe, P.E.
Project Manager



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

February 24, 2021

CITY OF GENESEE
140 EAST WALNUT
GENESEE, ID 83832

RE: Transfer No. 84718
Water Right No(s). 87-10413, 87-7150, 87-7151

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 MOSCOW PULLMAN DAILY NEWS on 3/4/2021 and 3/11/2021. 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,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, February 24, 2021 1:44 PM
To: 'Sujata.Connell@deq.idaho.gov'
Subject: Request for Comments for Transfer #84718

Dear Department of Environmental Quality:

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 March 22, 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: Wednesday, February 24, 2021 1:42 PM
To: legals
Subject: Legal Notice
Attachments: Legal Notice for Transfer 84718, Permit 86-12103 & 86-12104.docx

Please publish the enclosed legal notice in the **Moscow Pullman Daily News** on the dates indicated **March 4th & March 11th, 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 **March 22, 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. 84718

CITY OF GENESEE, 140 EAST WALNUT, GENESEE, ID 83832 has filed Application No. 84718 for changes to the following water rights within LATAH County(s): Right No(s). 87-10413, 87-7150, 87-7151; 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 move a point of diversion for the City of Genesee's existing ground water rights to the SW1/4SE1/4 of Section 11, Twp 37N, Rge 05W, B.M.

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 3/22/2021. 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:

86-12103

ROBERTSON AVON LLC
1060 OLD AVON RD
DEARY, ID 83823-9654
Point of Diversion SESE
S36 T41N R03W
LATAH County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-11-2021
Place Of Use: DOMESTIC
T41N R03W S36 SESE

86-12104

ROBERTSON AVON LLC
1060 OLD AVON RD
DEARY, ID 83823-9654
Point of Diversion SWSE
S36 T41N R03W
LATAH County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 02-11-2021
Place Of Use: DOMESTIC
T41N R03W S36 SWSE

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 3/22/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/4/2021 and 3/11/2021

MEMORANDUM

Date: February 16, 2021

To: Transfer 84718

From: Luke Bates *LSB*

Re: Legal Notice Remarks

This transfer proposes to move a point of diversion for the City of Genesee's existing ground water rights to the SW1/4SE1/4 of Section 11, Twp 37N, Rge 05W, B.M.