

RECEIVED

JUL 15 2020

IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 84587**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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) City of Rathdrum Phone 208.687.2700 x120
Mailing address 8047 W. Main St., Rathdrum, ID 83858 Email 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**.
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- ☐ 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.

 Vic Holmes - Mayor 6-26-2020
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period 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**.
Historic use of the property has been irrigation of bluegrass. Subject property has been developed into a housing subdivision, the City requests change of use of the existing water right (irrigation) to municipal water supply, and change in point of diversion (to a municipal well).

OCT 01 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDWR / 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.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	95-2200	2.24cfs /	Municipal	1/1 to 12/31	Groundwater
☐ ☐		25.7ac-ft		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.24 cfs and/or 549.5 acre-feet.2. Total amount of water proposed to be transferred or changed 2.24 cubic feet per second and/or 25.7 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	SW		31	52N	04W	Kootenai	Rathdrum Prairie Aquifer	
		NE	NE		1	51N	05W			
		SE	NE		12	51N	05W			
		NW	SW		5	51N	04W			
		SE	NE		6	51N	04W			

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

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
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☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

SUPERSEDED

Total authorized under rights 2.24 cfs and/or 549.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.24 cubic feet per second and/or 25.7 acre-feet per year.

3. Point(s) of Diversion:

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		NE	NE		1	51N	05W	Kootenai		
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		SE	NE		12	51N	05W	Kootenai		D0069929
		SE	NE		12	51N	05W	Kootenai		D0073529

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

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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 operates a water production well (for municipal purposes) which is enclosed in a masonry block well house building. The building is secured (via lock) and is surrounded with a secure perimeter chain link fence.
- 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:
Historic use of the property has been the cultivation of bluegrass with irrigation. The property has been developed into a housing subdivision, has been annexed into a city, and is supplied with municipal water. The land is no longer irrigated for agricultural purposes
- 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:
The City of Rathdrum possesses Water Rights 95-966(1cfs), 95-7881(2cfs), 95-2130(3.86cfs), 95-7047(1.3cfs) and 95-4403(.67cfs), with a total volume of 8.83cfs (Municipal Water Supply), the transfer and change of use of 95-2200 would be in addition to the current production of existing municipal well production.
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

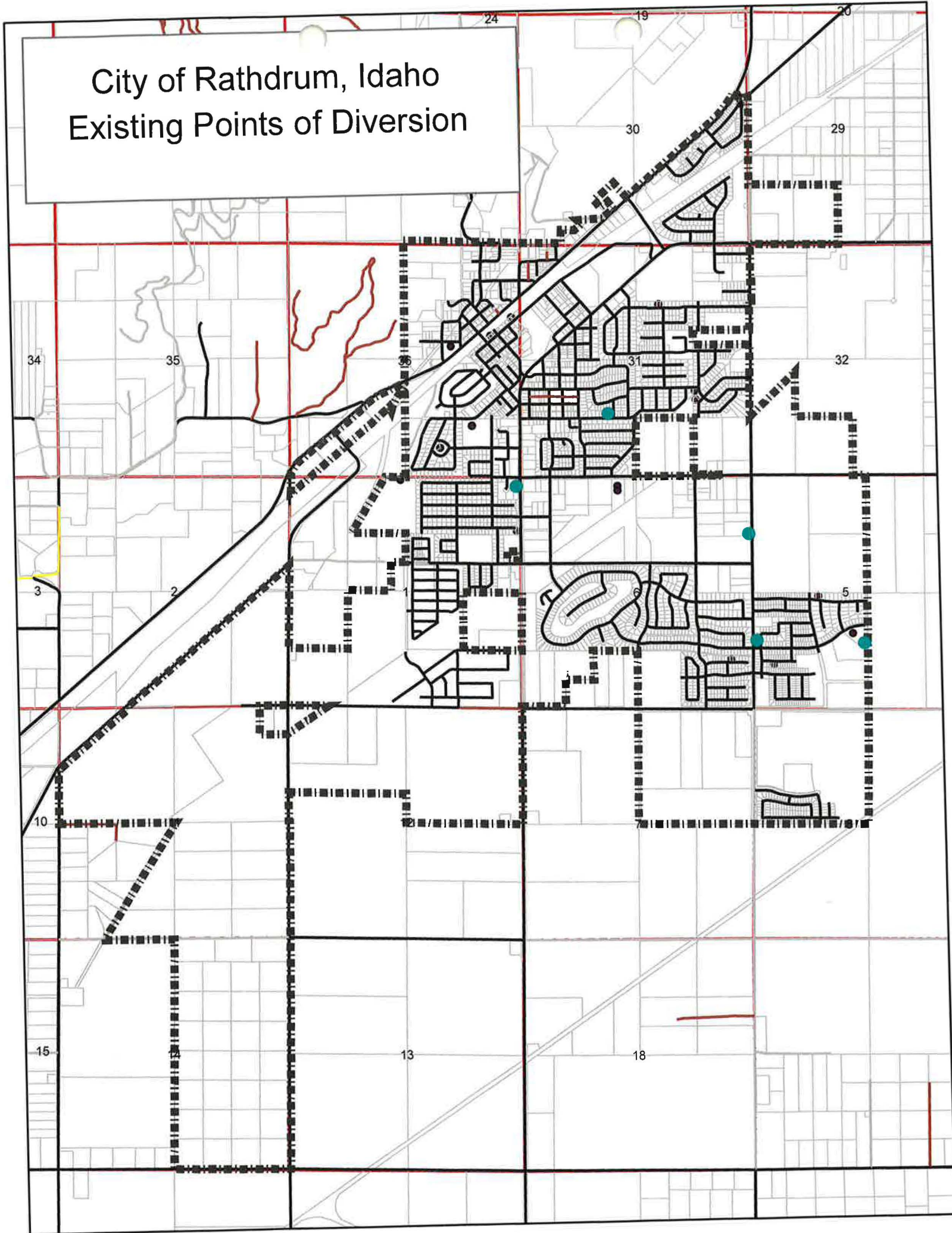
- | | | |
|-------------------------------------|-------------------------------------|---|
| ☒ | ☐ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under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

If yes, describe:

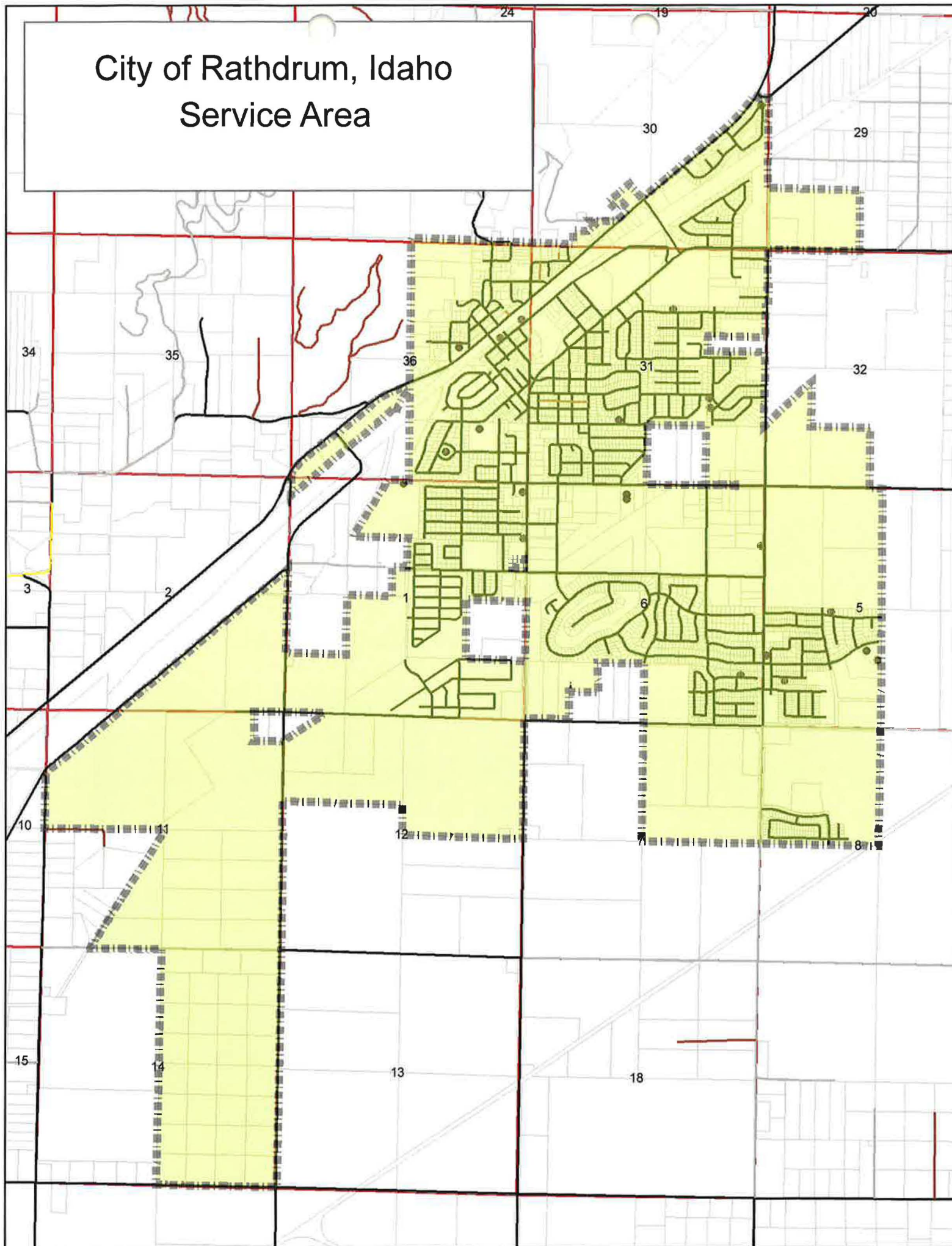
IDWR documentation indicates that the last crop on said property was harvested in 2004 (prior to the subsequent development of residential units). Said water right was placed in the Water Supply Bank in 2008 by Blue Water Development (said lease expired on 12/31/2018 (Lease Contract ID 721))

City of Rathdrum, Idaho

Existing Points of Diversion



City of Rathdrum, Idaho Service Area



Water Right No. 95-2200
Detail of location of land formerly irrigated under Water Right 95-220,
together with location of the Municipal well to be used as new point of diversion.

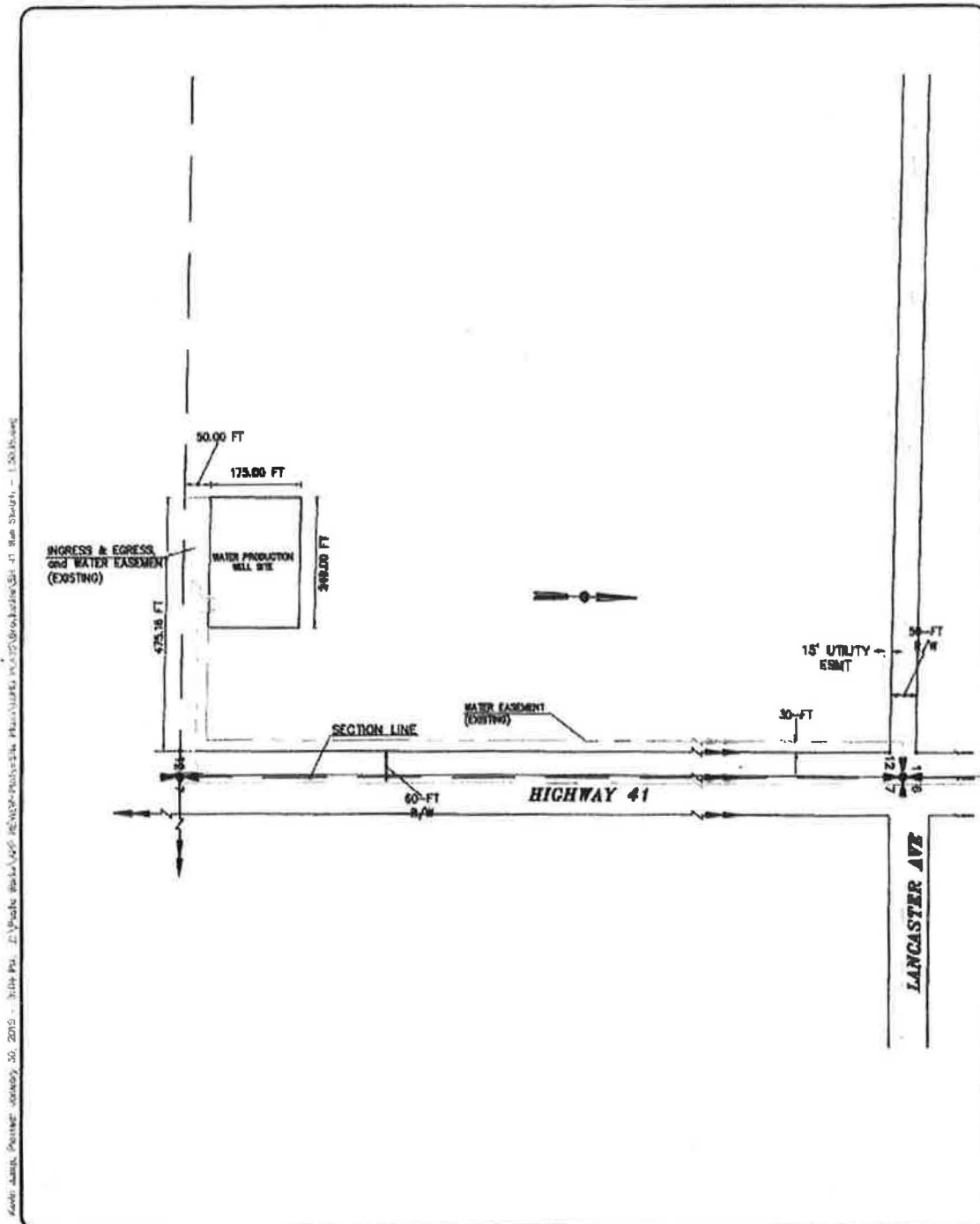
Imagery: NAIP 2017

Attachment 7B

"New" Diversion Point
SE SE NE 1/4, S12 T51N R05W BM
Tag #E0010093

Water Right 95-2200

NENE, NWNE, SWNE & SENE S28 T51N R04W BM
157 Acres



PUBLIC WORKS
2047 N. MAIN STREET
RATHDRUM, ID 83858
P 208.687.2293
F 208.687.1277
WWW.RATHDRUM.ID



SH 41 WATER WELL
CITY OF RATHDRUM — DEPARTMENT OF PUBLIC WORKS

IDAHO DEPARTMENT OF WATER RESOURCES

8/25/2020

Proof Report

Water Right 95-10175

Owner Type **Name and Address**
 Current Owner CITY OF RATHDRUM
 8047 W MAIN ST
 RATHDRUM, ID 83858-6436
 (208) 687-0261

Priority Date: 5/23/1978**Basis:** Decreed**Status:** Active

Source
 GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	03/15	11/15	0.800 CFS	140.0 AF
	<u>Total Diversion</u>		0.800 CFS	140.0 AF

Source and 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

Place Of Use

MUNICIPAL
 Large POU not Displayed

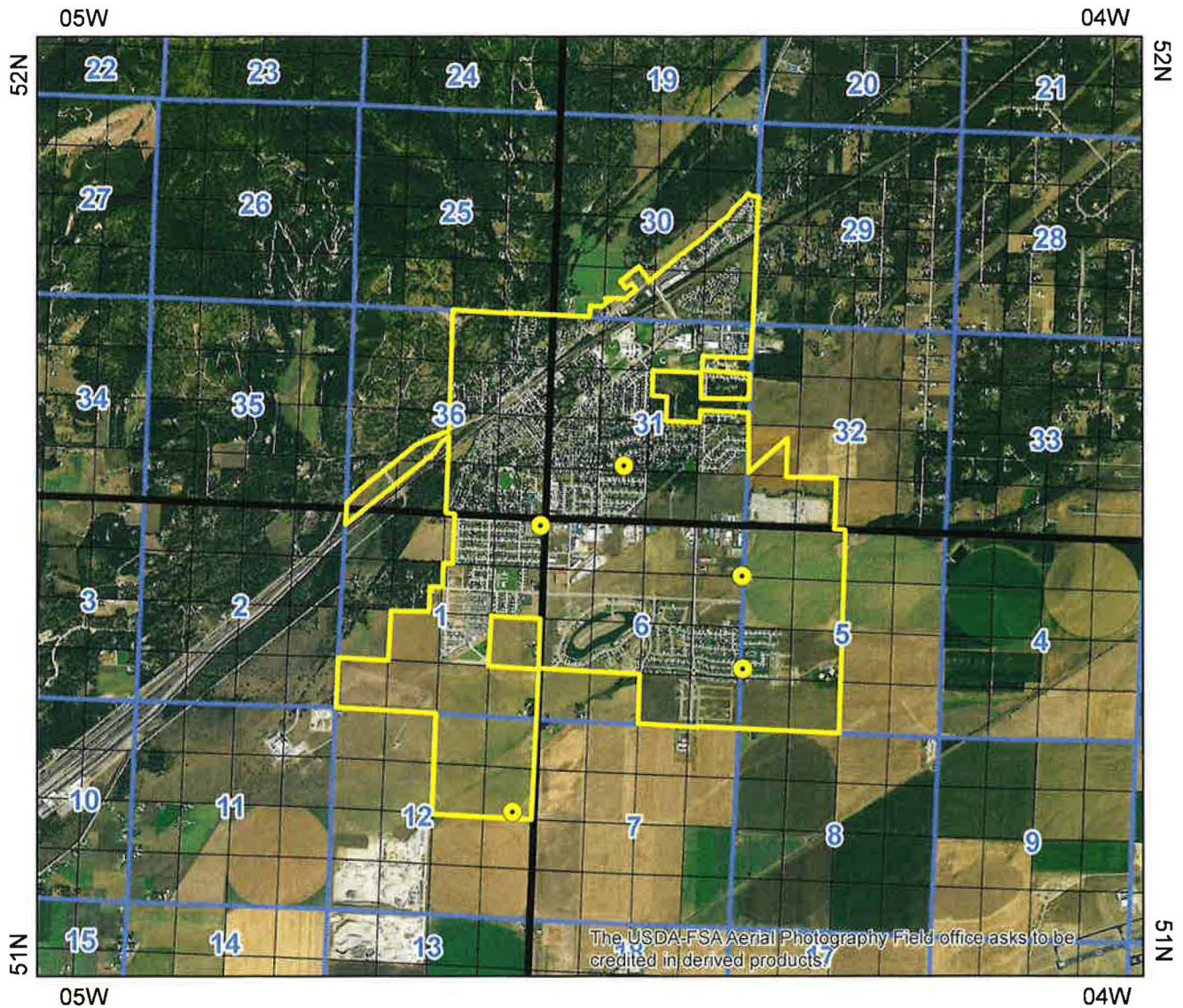
Conditions of Approval:

1. 124 Place of use is within the service area of the City of Rathdrum municipal water supply system as provided for under Idaho Law.
2. 174 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.
3. 01R 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.
4. 175 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 Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
5. 228 Municipal use is for irrigation of 40 acres within the authorized place of use in a single irrigation season.
6. P21 This right is a split from former right 95-9539.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. 004 This right does not grant any right-of-way or easement across the land of another.
9. T21 The right holder shall accomplish the change authorized by Transfer No. 81271 by

City Of Rathdrum

Water Right License

95-10175



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

0 0.5 1 2 Miles



City of Rathdrum
Application for Transfer of Water Rights

Calculation

$$.164 \times 157 \text{ acres} = 25.7 \text{ ac-ft}$$

$$50\text{mm} \times .0032808 = .164$$

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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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.
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PART 1**

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Mailing address 8047 W. Main St., Rathdrum, ID 83858 Email kevin@rathdrum.org

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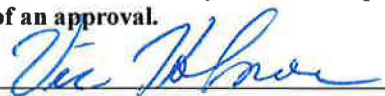
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Signature of Applicant or Authorized Representative

Vic Holmes - Mayor
Print Name and Title if applicable

3-24-2020
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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All or Part ☒ ☐	95-2200	53.454ac-ft	Municipal	_____ to _____	Rathdrum Prairie Aquifer
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	bluegrass seed	.16404ft	*157acre=25.75428ac-ft	_____ to _____	+27.7municipal = 53.454
☐ ☐	_____	_____	_____	_____ to _____	_____

Total authorized under rights	2.24	cfs and/or	549.5	acre-feet.
-------------------------------	------	------------	-------	------------

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or 53.454 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**.

[illegible]

SUPERSEDED

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 operates a water production well (for municipal purposes) which is enclosed in a masonry block well house building. The building is secured (via lock) and is surrounded with a secure perimeter chain link fence.

- 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:
Historic use of the property has been the cultivation of bluegrass with irrigation. The property has been developed into a housing subdivision, has been annexed into a city, and is supplied with municipal water. The land is no longer irrigated for agricultural purposes
- 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:
The City of Rathdrum possesses Water Rights 95-966(1cfs), 95-7881(2cfs), 95-2130(3.86cfs), 95-7047(1.3cfs) and 95-4403(.67cfs), with a total volume of 8.83cfs (Municipal Water Supply), the transfer and change of use of 95-2200 would be in addition to the current production of existing municipal well production.
- 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:

IDWR documentation indicates that the last crop on said property was harvested in 2004 (prior to the subsequent development of residential units). Said water right was placed in the Water Supply Bank in 2008 by Blue Water Development (said lease expired on 12/31/2018 (Lease Contract ID 721)

RECEIVED

MAR 26 2020

IDWR / NORTH

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 26 2020

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

IDWR / NORTH

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

SUPERSEDED

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 75000 Date 3-26-2020 Received by JA Receipt # N035985

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



SH 41 WATER WELL

CITY OF RATHDRUM - DEPARTMENT OF PUBLIC WORKS

Water Right No. 95-2200

Detail of location of land formerly irrigated under Water Right 95-220,
together with location of the Municipal well to be used as new point of diversion.

Imagery: NAIP 2017

Attachment 7B

"New" Diversion Point
SE SE NE 1/4, S12 T51N R05W BM
Tag #E0010093

SUPERSEDED

Water Right 95-2200

NENE, NWNE, SWNE & SENE S28 T51N R04W BM
157 Acres

Water Right No. 95-2200

T51N R04W S28 NENE 39 Acres T51N R04W S28 NWNE 39 Acres
T51N R04W S28 SWNE 40 Acres T51N R04W S28 SENE 39 Acres

Imagery: NAIP 2017

Attachment 8A (3)

SUPERSEDED

Water Right No. 95-2200

T51N R04W S28 NENE 39 Acres T51N R04W S28 NWNE 39 Acres
T51N R04W S28 SWNE 40 Acres T51N R04W S28 SENE 39 Acres

Imagery: NAIP 2009

Attachment 8A (2)

SUPERSEDED

Water Right No. 95-2200

T51N R04W S28 NENE 39 Acres T51N R04W S28 NWNE 39 Acres
T51N R04W S28 SWNE 40 Acres T51N R04W S28 SENE 39 Acres

Imagery: NAIP 2004

Attachment 8A (1)

SUPERSEDED

DEC 31 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, [see #6](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
95-2200	Yes ☐	Yes ☒		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

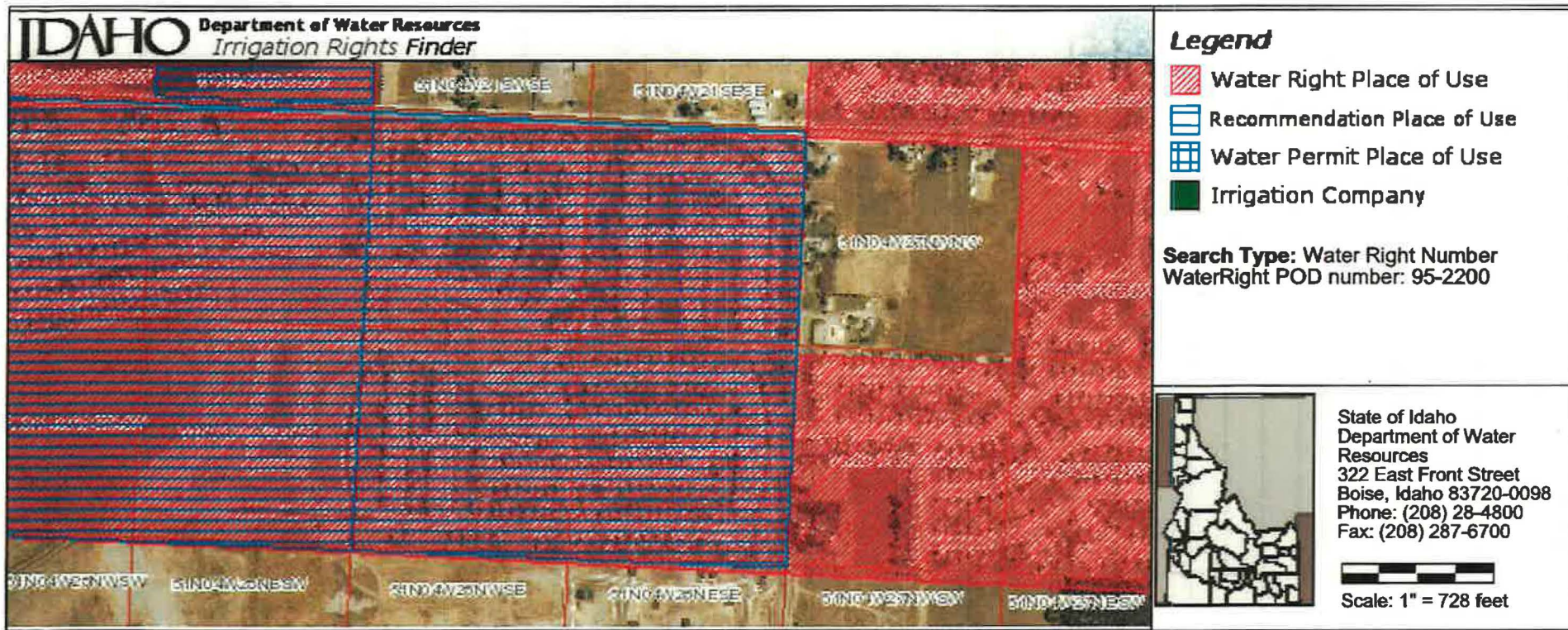
2. Previous Owner's Name: Blue Water Development LLC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): City of Rathdrum
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 8047 W. Main Rathdrum ID 83858
Mailing address City State ZIP
208-687-0261 leon@rathdrum.org
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ 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.
5. Date you acquired the water rights and/or claims listed above: December 18, 2018
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
o \$25 per *undivided* water right.
o \$100 per *split* water right.
o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Mayor 12/20/2018
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant

For IDWR Office Use Only:

Received by [Signature] Date 12-31-2018 Receipt No. N033976 Receipt Amt. \$25.00
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by [Signature] Processed by [Signature] Date 1-11-2019



Search Results

Water Right Number	Process	Owner
95-2200	Permit	BLUE WATER DEVELOPMENT LLC

Disclaimer: Shapes represent an approximation of the water right extent. Please review each water right of interest either on-line (choose the Details link) or by contacting IDWR (208-287-4800).

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

RECORDING FEE: \$0.00

DD



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, to wit:

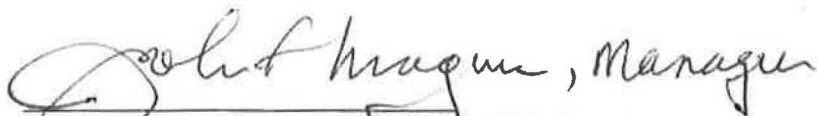
WATER RIGHT NO. 95-2200 for the irrigation of 157 acres with a diversion rate of 2.24 CFS and a volume limit of 549.5 acre-feet and a priority date of February 3, 1967

Location of Point(s) of Diversion: GROUND WATER, NWNW, Sec. 28, Township 51N, Range 04W, KOOTENAI County

Place of Use Legal Description: IRRIGATION KOOTENAI County; Township 51N, Range 04W, Section 28, Tract NENE, Acres 39, Tract NWNE, Acres 39, Tract SWNE, Acres 40, Tract SENE, Acres 39.

Total Acres: 157

IN WITNESS WHEREOF, Grantor has hereunto set his hand this 20th day of December, 2018.


BLUEWATER DEVELOPMENT, LLC, Grantor

Dated: 12/20/18

(Notary on Following Page)

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

On this 20th day of December, 2018, 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 hand 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: 11/13/20



State of 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

Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 11, 2019

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

Re: Water Right No. 95-2200

Dear Claimant:

Enclosed is a copy of the Notice of Completed Administrative Procedure and associated water right(s) that has been sent to the Coeur d'Alene-Spokane River Basin Adjudication Court, reflecting the ownership change for your water right(s). These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

This notification to the Court does not affect the previous approval of this water right(s). You will be notified of any future action on your water right(s) by the CSRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in blue ink that reads "Dawn R. Lenon". The signature is fluid and cursive, with the first name "Dawn" being the most prominent part.

Dawn R. Lenon
Technical Records Specialist 1

5/18/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF RATHDRUM 8047 W MAIN ST RATHDRUM, ID 83858-6436 (208) 687-0261

Status: Active

Tributary

Volume
549.5 AF
549.5 AF

Sec. 28, Twp 51N, Rge 04W, KOOTENAI County

IRRIGATION within KOOTENAI County

[illegible]

POU Total Acres: 157.0

- | | | |
|----|-----|---|
| 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. 95-2112 is also diverted through point of diversion described above. |

- | | | | |
|--|------------|-----------|------------------------------|
| 1. | sclellan | 9/24/2015 | WSB |
| This right and right 95-2112 have been part of the WSB since the land has been subdivided with houses and no longer irrigated. | | | |
| 2. | sclellan | 9/24/2015 | POD |
| Well site appears to be abandoned. shared well with right 95-2112. | | | |
| 3. | sclellan | 9/24/2015 | Volume |
| Standard volume rate for this area is 3 AF per Acre. License allowed for 3.5 AF per Acre. | | | |
| 4. | afrederick | 5/18/2020 | WR Termination/Status Change |



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

December 29, 2020

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

RE: Transfer No. 84587
Water Right No. 95-2200

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 1/7/2021 and 1/14/2021. 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

From: Alleman, Tammy
To: "Chantilly.Higbee@deg.idaho.gov"; "Anna.Moody@deg.idaho.gov"
Subject: Request for Comments for WR Transfer #84587
Date: Tuesday, December 29, 2020 1:15:00 PM

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Transfer 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 25, 2021.**

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Transfer 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: Tuesday, December 29, 2020 11:55 AM
To: 'LEGALS@CDAPRESS.COM'
Subject: Legal Notice
Attachments: Legal Notice Transfer 84587 & 84596, 95-17969, 95-18053, 95-18054.docx

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **January 7th & January 14th, 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 **January 25, 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. 84587

CITY OF RATHDRUM, 8047 W MAIN ST, RATHDRUM, ID 83858-6436 has filed Application No. 84587 for changes to the following water rights within KOOTENAI County: Right No. 95-2200; 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 95-2200's original point to the city's existing municipal wells.

TRANSFER NO. 84596

JOE HOWARD, 2342 S SIGNAL POINT RD, POST FALLS, ID 83854-5777 has filed Application No. 84596 for changes to the following water rights within KOOTENAI County: Right No. 95-11303; 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 applicant's existing domestic water right 95-11303 in the SE1/4NE1/4 of Section 17, Twp 50N, Rge 05W.

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 1/25/2021. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director

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

95-17969

OHIO MATCH ROAD WATER DISTRICT

PO BOX 523

HAYDEN LAKE, ID 83835-0523

Point of Diversion SENW

S24 T52N R04W

KOOTENAI County

Source GROUND WATER

Use: MUNICIPAL

01/01 to 12/31

Total Diversion: 0.3 CFS

Date Filed: 07-02-2019

Place Of Use: MUNICIPAL

T52N R03W S18

L2(SWNW), NESW, L3(NWSW), L4(SWSW)

Place Of Use: MUNICIPAL

T52N R04W S11

SWSE, SESE

Place Of Use: MUNICIPAL

T52N R04W S13

SWNE, SENE, SWNW, SENW, NESW, NWSW, SWSW, SESW, NESE, NWSE, SWSE, SESE

Place Of Use: MUNICIPAL

T52N R04W S14

NENE, NWNE, SWNE, SENE, SENW, NESW, SESW, NESE, NWSE, SWSE, SESE

Place Of Use: MUNICIPAL

T52N R04W S23

NENE, NWNE, SWNE, SENE, NENW, SENW

Place Of Use: MUNICIPAL

T52N R04W S24

NWNE, SWNE, NENW, NWNW, SWNW, SENW

95-18053

JOHN KEVIN BALDWIN IRREVOCABLE TRUST

PO BOX 10001 PMB 29

SAIPAN, MP 96950-8901

Point of Diversion L6(SESW)

S15 T51N R03W

KOOTENAI County

Source HAYDEN LAKE

Tributary SINKS

Point of Diversion L6(SWSW)

S15 T51N R03W

KOOTENAI County

Source HAYDEN LAKE
Tributary SINKS
Use: IRRIGATION
03/15 to 11/15
Total Diversion: 0.2 CFS
Date Filed: 12-11-2020
Place Of Use: IRRIGATION
T51N R03W S15
L6(SWSW),L6(SESW)
Place Of Use: IRRIGATION
T51N R03W S22
L2(NENW),NWNW
Total Acres: 2.4

95-18054
FRED MILLER
1900 E HAWTHORNE AVE
COLVILLE, WA 99114-9354
Point of Diversion NESW
S35 T50N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 12-14-2020
Place Of Use: DOMESTIC
T50N R04W S35 NESW

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 1/25/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 1/7/2021 and 1/14/2021

MEMORANDUM

Date: December 21, 2020
To: Transfer 84587
From: Luke Bates 
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 95-2200's original point to the city's existing municipal wells.

MEMORANDUM

Date: December 21, 2020

To: Transfer 84587

From: Luke Bates *JSB*

Re: Comment/Analysis

Proposed transfer includes a change in nature of use which changes 157 acres of irrigated bluegrass crop to municipal use. the conversion computation derived from irrigated acres to municipal volume (acre-feet) are as follows:

- Bluegrass Seed precipitation deficit growing season mean (mm) = 50 mm
- $50\text{mm} \times 0.0032808 = 0.164 \text{ feet}$
- $157 \text{ acres retired} \times 0.164 \text{ feet} = 25.7 \text{ acre-feet}$

The total volume applied to this transfer equals 25.7 acre-feet.