

NOV 04 2020

42-222 POD - 07/18

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.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** City of Genesee Phone 208-285-16212. **MAILING ADDRESS** 140 East Walnut City GeneseeState Idaho Zip 83832 Email mayorodenborg@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)** 87-10413 (new combined water right, in adjudication), 87-7150 (old), 87-7151 (old)

- ☒ 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 1.82 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 #
Yes		SW	SW	SW	11	37N	5W	Latah	Groundwater Well	
Yes		SW	NE	NW	14	37N	5W	Latah	Groundwater Well	
Yes		SW	SE	SE	11	37N	5W	Latah	Groundwater Well	
Yes		SW	NW	NW	14	37N	5W	Latah	Groundwater Well	
No		SE	SW	NE	14	37N	5W	Latah	Groundwater Well	Well #3, E0005278
No		NW	SE	SW	11	37N	5W	Latah	Groundwater Well	Well #5, E0005279

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:

Groundwater well, pitless adapter, well house with flow meter, fenced site

- b. Who owns the property at the point(s) of diversion? (1) Jason Meyer, (2) Jason Meyer, (3) Ray Esser, (4) Bill Krick
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
City is working with current property owners to purchase each property. Agreements will be in place prior to drilling.

- 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)?

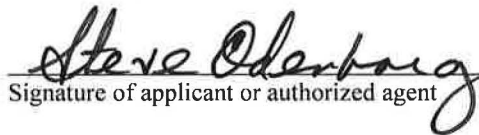
If yes, describe:

- 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.


Signature of applicant or authorized agent

Mayor Steve Odenborg
Print name and title if applicable

11/4/2020
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

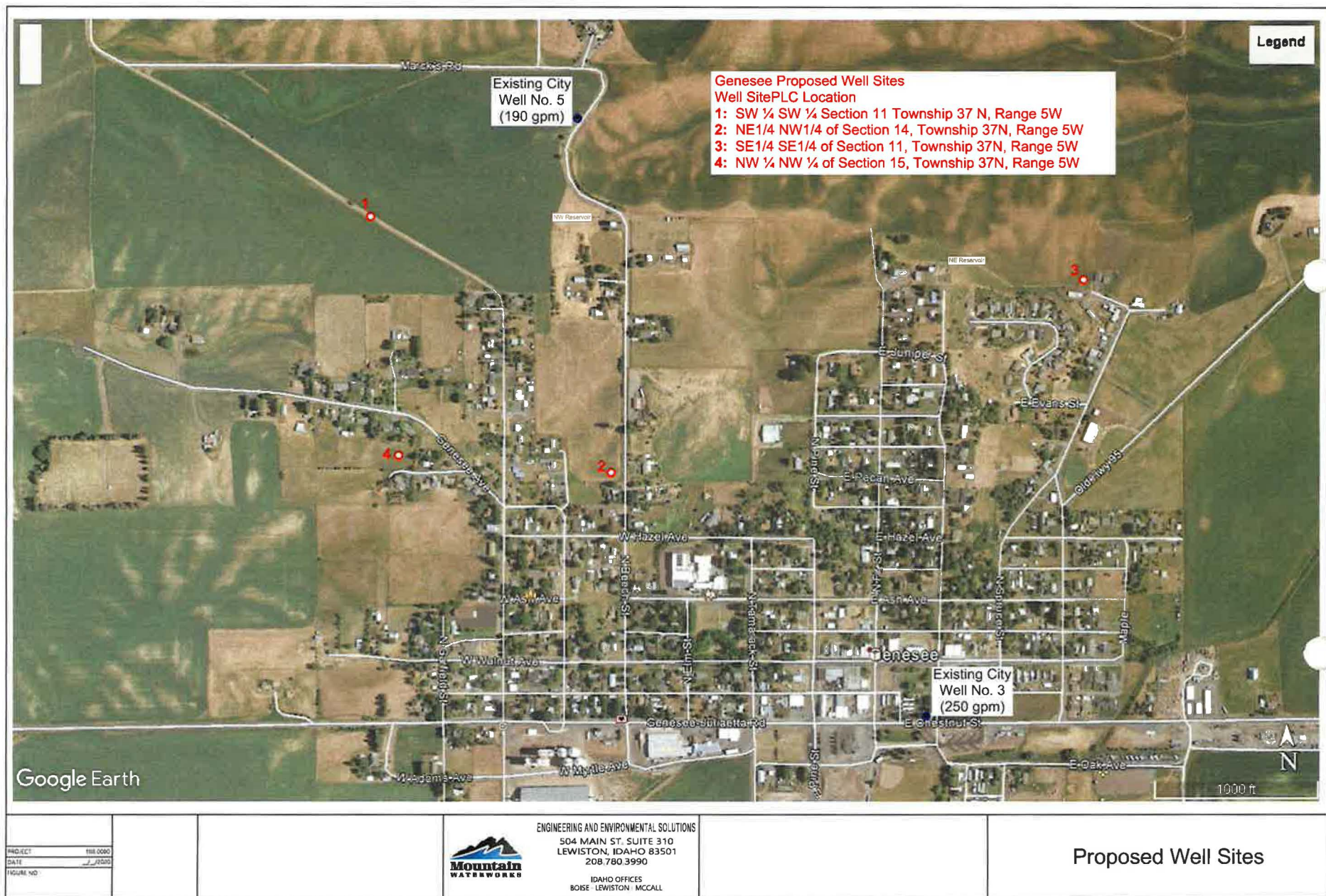
Transfer includes 3 pages of attachments. Received by AF Date 11-4-2020

Fee paid \$580.00 Date 11-4-2020 Received by Ja Receipt # N036531

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)





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

November 10, 2020

CITY OF GENESEE
PO BOX 38
GENESEE, ID 83832

RE: Transfer No. 84493
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 11/19/2020 and 11/26/2020. 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: Tuesday, November 10, 2020 3:54 PM
To: 'Sujata.Connell@deq.idaho.gov'; kwoodley@uidaho.edu; commisioners; 'Kara Egan'; Michelle Fuson
Subject: Application for Transfer of Water Right #84493

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 December 7th, 2020.

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, November 10, 2020 2:58 PM
To: legals
Subject: Legal Notice for Transfer 84493, WR 86-12095, 86-12096, & 87-12246
Attachments: Legal Notice for Transfer 84493, WR 86-12095, 86-12096, & 87-12246.docx

Please publish the enclosed legal notice in the **Moscow Pullman Daily News** on the dates indicated **November 19th & November 26th, 2020** (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 **December 7, 2020**. 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. 84493**

CITY OF GENESEE, PO BOX 38, GENESEE, ID 83832 has filed Application No. 84493 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 add four (4) new groundwater points of diversion to the City of Genesee's existing water system.

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 12/7/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/19/2020 and 11/26/2020

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

86-12095

DAVID SALMERI

3108 HIGHWAY 3

DEARY, ID 83823-9603

Point of Diversion SESW

S23 T40N R02W

LATAH County

Source GROUND WATER

Use: DOMESTIC

01/01 to 12/31

Total Diversion: 0.04 CFS

Date Filed: 11-05-2020

Place Of Use: DOMESTIC

T40N R02W S23

SWSW, SESW

Place Of Use: DOMESTIC

T40N R02W S26 NENW

86-12096

DAVID SALMERI

3108 HIGHWAY 3

DEARY, ID 83823-9603

Point of Diversion SESW

S23 T40N R02W

LATAH County

Source UNNAMED STREAM

Tributary PINE CREEK

Point of Diversion SESW

S23 T40N R02W

LATAH County

Source UNNAMED STREAM

Tributary PINE CREEK

Use: FIRE PROTECTION STORAGE

01/01 to 12/31 4.9 AF

Use: WILDLIFE STORAGE

01/01 to 12/31 4.9 AF

Use: STOCKWATER FROM STORAGE

01/01 to 12/31 0.1 AF

Use: RECREATION STORAGE

01/01 to 12/31 4.9 AF

Use: STOCKWATER STORAGE

01/01 to 12/31 0.1 AF

Total Diversion: 5 AF

Date Filed: 11-05-2020

Place Of Use: FIRE PROTECTION STORAGE, RECREATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE

T40N R02W S23 SESW

Place Of Use: STOCKWATER FROM STORAGE

T40N R02W S23 SWSW

87-12246

NANCY DERNELL

WILLIAM DERNELL

1164 SUNSET LN

POTLATCH, ID 83855-1101

Point of Diversion NWNE

S21 T41N R04W

LATAH County

Source SURFACE RUNOFF

Tributary SINKS

Use: WILDLIFE STORAGE

01/01 to 12/31 2.4 AF

Use: RECREATION STORAGE

01/01 to 12/31 2.4 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 2.4 AF
Total Diversion: 2.4 AF
Date Filed: 10-30-2020
Place Of Use: FIRE PROTECTION STORAGE, RECREATION STORAGE, WILDLIFE STORAGE
T41N R04W S21 NWNE

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 12/7/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/19/2020 and 11/26/2020

MEMORANDUM

Date: November 4, 2020
To: Transfer 84493
From: Luke Bates *gsb*
Re: Legal Notice Remarks

This transfer proposes to add four (4) new groundwater points of diversion to the City of Genesee's existing water system.

MEMORANDUM

Date: November 4, 2020
To: Transfer 84493
From: Luke Bates *LB*
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to add four (4) new groundwater point(s) of diversion to the City of Genesee's existing municipal groundwater rights: 87-7150, 87-7151, and 87-10413.

Authority to File:

The applicant is listed as the current owner of the rights being transferred according to IDWR records. The application was signed by the Mayor of Genesee, Steve Odenborg.

Water Right Validity:

The water rights are valid and have been recommended in the CSRBA.

Injury to Other Water Rights:

Injury is not anticipated.

Enlargement of Use:

None

Local Public interest:

No negative issues anticipated.

Beneficial Use/Conservation of Water Resources:

Proposed use is recognized as a beneficial use of water.

Effect on Economy the Local Area:

New well(s) will ensure a safe drinking water source for future economy in the city.

Effect on Agricultural Base of the Local Area:

None anticipated.

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.