

AUG 24 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)** Three Mile water District Phone 208-267-5166
 2. **MAILING ADDRESS** P.O. Box 906 City Bonnars Ferry
 State Idaho Zip 83805 Email marlaina@ydacpa.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)** 98-7820, 98-7822, 98-7672, 98-7818

- ☒ 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 5.65 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
			SE	SW	1	62N	01E	Boundary	Ground Water	(NW#1)
			SE	SW	1	62N	01E	Boundary	Ground Water	(NW#2) D0017429
			SE	SW	1	62N	01E	Boundary	Ground Water	(NW#3) D0017432
		SE	NE	SW	1	62N	01E	Boundary	Ground Water	(NW#4) D0054272
			SE	SW	1	62N	01E	Boundary	Ground Water	(NW#5) D0053955

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:

North Well field water is metered at well heads. Canyon Well field is metered upon reaching distribution plant and again when being pumped out to main lines and reservoirs. All points of use are metered also.

- b. Who owns the property at the point(s) of diversion? Three Mile Water District

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 $\frac{1}{4}$ 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.

Doug Higgins
Signature of applicant or authorized agent

Doug Higgins
Print name and title if applicable

8-13-2020
Date

Bryan Regehr
Signature of applicant or authorized agent

Bryan Regehr
Print name and title if applicable

8-5-2020
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 _____ pages of attachments. Received by _____ Date _____

Fee paid 9000 Date 8-24-2020 Received by ja Receipt # N036363

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)

Ident. No. _____

6/15/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THREE MILE WATER DISTRICT PO BOX 906 BONNERS FERRY, ID 83805 (208) 267-5166

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	2.000 CFS	840.0 AF
	Total Diversion		2.000 CFS	840.0 AF

Source and Point(s) of Diversion

[illegible]

Place Of Use

Large POU not Displayed

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | 180 | A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes. |
| 2. | 124 | Place of use is within the service area of the Three Mile Water District municipal water supply system as provided for under Idaho Law. |
| 3. | X35 | Rights 98-7820,98-7822 and 98-7672 when combined shall not exceed a total diversion rate of 2.65 cfs, a total annual maximum diversion volume of 1095.3 af. |
| 4. | 004 | The issuance of this right does not grant any right-of-way or easement across the land of another. |

Comments:

- | | | |
|----------------------------|-----------|-----|
| 1. edavis
Updated Shape | 1/10/2013 | POU |
| 2. edavis
Updated PLS | 1/10/2013 | POU |
| 3. edavis
Updated Shape | 4/30/2013 | POD |

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/15/2020

Water Right 98-7818

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THREE MILE WATER DISTRICT PO BOX 906 BONNERS FERRY, ID 83805 (208) 267-5166

Priority Date: 7/3/2002

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	3.000 CFS	
	<u>Total Diversion</u>		3.000 CFS	

Source and Point(s) of Diversion

GROUND WATER	SESW	Sec. 1, Twp 62N, Rge 01E,	BOUNDARY County
GROUND WATER	SESW	Sec. 1, Twp 62N, Rge 01E,	BOUNDARY County
GROUND WATER	SESW	Sec. 1, Twp 62N, Rge 01E,	BOUNDARY County
GROUND WATER	SESW	Sec. 1, Twp 62N, Rge 01E,	BOUNDARY County
GROUND WATER	SESW	Sec. 1, Twp 62N, Rge 01E,	BOUNDARY County

Place Of Use

MUNICIPAL
Large POU not Displayed

Conditions of Approval:

1. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
2. X35 Rights 98-7820,98-7822,98-7672 and 98-7818 when combined shall not exceed a total diversion rate of 5.65 cfs.
3. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
4. 126 Place of use is within the service area of Three Mile Water District as provided for under Idaho law.
5. 004 This right does not grant any right-of-way or easement across the land of another.

Comments:

1. mciscell 6/10/2013 POD
Bulk Generate Shape From PLS
2. afrederick 2/25/2016 Field Report Narrative
FIELD EXAM SHOWED WATER DISTRICT HAD 5 WELLS LOCATED NEAR EACH OTHER
IN A WELL FIELD. FLOW DATA WAS PROVIDED BY SYSTEM OPERATOR. DATA

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/15/2020

Water Right 98-7822

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THREE MILE WATER DISTRICT PO BOX 906 BONNERS FERRY, ID 83805 (208) 267-5166

Priority Date: 6/25/1979

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/01	0.510 CFS	198.0 AF
	<u>Total Diversion</u>		0.510 CFS	198.0 AF

Source and Point(s) of Diversion

GROUND WATER	SESW	Sec. 1, Twp 62N, Rge 01E, BOUNDARY County
GROUND WATER	SESW	Sec. 1, Twp 62N, Rge 01E, BOUNDARY County
GROUND WATER	SESW	Sec. 1, Twp 62N, Rge 01E, BOUNDARY County
GROUND WATER	SESW	Sec. 1, Twp 62N, Rge 01E, BOUNDARY County

Place Of Use

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. WB4 The total instantaneous diversion of water from all points of diversion under Rights 98-7309 and 98-7625 shall not exceed .64 cfs, nor total combined annual volume of 255.3 af.
5. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. 125 Place of use is within the service area of Three Mile Water District as provided for under Idaho law.
8. T20 Approval of this transfer does not confirm the validity of this water right.

Comments:

- | | | |
|------------|-----------|-------------------|
| 1. scurtis | 12/4/2002 | Transferred Right |
|------------|-----------|-------------------|

Untitled Map

Write a description for your map.

Legend

- 1.5"
- 2"
- 3"
- 4"
- Feature 1
- Feature 2
- Feature 3
- Feature 4
- Feature 5
- Feature 6
- Feature 7
- Moyie Springs
- reservoir
- Untitled Path

#2 reservoir
#3 reservoir
#1 reservoir

M.Ck.R. #1 reservoir M.Ck.R. #2 reservoir

Maas Lp. reservoir

Moyie sp

C.W.6

Google Earth

© 2020 Europa Technologies

© 2020 Google

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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

August 28, 2020

THREE MILE WATER DISTRICT
PO BOX 906
BONNERS FERRY, ID 83805

RE: Transfer No. 84319
Water Right No(s). 98-7672, 98-7818, 98-7820, 98-7822

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 BONNERS FERRY HERALD on 9/3/2020 and 9/10/2020. 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: Friday, August 28, 2020 9:09 AM
To: 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'
Subject: Request for Comments for Transfer #84319

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right applications. You can find copies of the applications 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 September 21, 2020.

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

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: Friday, August 28, 2020 9:05 AM
To: 'BFHLegals@bonnersferryherald.com'
Subject: Legal Notice
Attachments: Legal Notice Transfer 84319, 98-8025-98-8026.docx

Please publish the enclosed legal notice in the **Bonners Ferry Herald** on the dates indicated **September 3rd & September 10th, 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 **September 21, 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. 84319

THREE MILE WATER DISTRICT, PO BOX 906, BONNERS FERRY, ID 83805 has filed Application No. 84319 for changes to the following water rights within BOUNDARY County(s): Right No(s). 98-7672, 98-7818, 98-7820, 98-7822; 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 all existing groundwater wells to all of Three Mile Water Districts groundwater rights 98-7672, 98-7818, 98-7820, & 98-7822.

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 9/21/2020. 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:

98-8025

SHEM JOHNSON

PO BOX 1952

BONNERS FERRY, ID 83805-1952

Point of Diversion SENW

S31 T65N R01E

BOUNDARY County

Source UNNAMED STREAM

Tributary HALL CREEK

Use: FIRE PROTECTION STORAGE

01/01 to 12/31 3.8 AF

Use: FIRE PROTECTION FROM STORAGE

01/01 to 12/31 3.8 AF

Use: IRRIGATION STORAGE

01/01 to 12/31 120 AF

Use: IRRIGATION FROM STORAGE

04/01 to 10/31 120 AF

Use: STOCKWATER STORAGE

01/01 to 12/31 1.3 AF

Use: STOCKWATER FROM STORAGE

01/01 to 12/31 1.3 AF

Use: AESTHETIC STORAGE

01/01 to 12/31 3.8 AF

Use: WILDLIFE STORAGE

01/01 to 12/31 3.8 AF

Use: RECREATION STORAGE

01/01 to 12/31 3.8 AF

Total Diversion: 125.1 AF

Date Filed: 08-10-2020

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

T65N R01E S31

NENW, SENW

Place Of Use: IRRIGATION FROM STORAGE

T65N R01E S31

NENW, L1(NWNW), SWNE, SENW

Total Acres: 40

98-8026

SHEM JOHNSON

PO BOX 1952

BONNERS FERRY, ID 83805-1952

Point of Diversion SWNE

S31 T65N R01E

BOUNDARY County

Source UNNAMED STREAM

Tributary SINKS

Use: IRRIGATION STORAGE

01/01 to 12/31 90 AF

Use: IRRIGATION FROM STORAGE

04/01 to 10/31 90 AF

Use: STOCKWATER STORAGE

01/01 to 12/31 0.7 AF

Use: STOCKWATER FROM STORAGE

01/01 to 12/31 0.7 AF

Use: WILDLIFE STORAGE

01/01 to 12/31 1.2 AF

Use: RECREATION STORAGE

01/01 to 12/31 1.2 AF

Use: FIRE PROTECTION STORAGE

01/01 to 12/31 1.2 AF

Use: FIRE PROTECTION FROM STORAGE

01/01 to 12/31 1.2 AF

Use: AESTHETIC STORAGE

01/01 to 12/31 1.2 AF

Total Diversion: 91.9 AF

Date Filed: 08-10-2020

Place Of Use: AESTHETIC STORAGE, FIRE PROTECTION FROM STORAGE, FIRE PROTECTION STORAGE, IRRIGATION STORAGE, RECREATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE, WILDLIFE STORAGE
T65N R01E S31

SWNE, SENW

Place Of Use: IRRIGATION FROM STORAGE

T65N R01E S31

NESW, SENW

Total Acres: 30

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 9/21/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 9/3/2020 and 9/10/2020

MEMORANDUM

Date: August 25, 2020

To: Transfer 84319

From: Adam Frederick **AF**

Re: Legal Notice Remarks

This transfer proposes to add all existing groundwater wells to all of Three Mile Water Districts groundwater rights 98-7672, 98-7818, 98-7820, & 98-7822.