

42-222 POD - 07/18 AUG 10 2020

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESIDWR / 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)** Richard (Rick) Powell Phone 208 660-2459  
 2. **MAILING ADDRESS** 396 Powell Road City St. Maries  
 State ID Zip 83861 Email tworiversrick@hotmail.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)** 92-10982

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

4. **TOTAL AMOUNT OF WATER** transferred is 0.06 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 #
			NW	NW	35	46N	02W	Benewah	Well	

## 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:

Drilling a new well in hopes the water i get will be better quality than existing well.

- b. Who owns the property at the point(s) of diversion? Richard (Rick) Powell

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 ¼ ¼ of section information. You may create a map at [idwr.idaho.gov](http://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.

Richard Powell  
Signature of applicant or authorized agent

Richard (Rick) Powell  
Print name and title if applicable

8/10/2020  
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](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

### FOR DEPARTMENT USE ONLY

Transfer includes 4 pages of attachments. Received by LB Date 8-10-2020

Fee paid 200.00 Date 8-10-2020 Receipted by JA Receipt # N036327

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)





### Legend

-  Parcels
-  Township/Range
-  Sections
- QQ

0 0.0275 0.055 0.11 Miles



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRB  
Case No. 49576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 92-10982

RECEIVED

OCT 02 2015

DEPARTMENT OF  
WATER RESOURCES

NAME AND ADDRESS: RICK POWELL  
396 POWELL RD  
SAINT MARIES, ID 83861

SOURCE: GROUND WATER

QUANTITY: 0.06 CFS

The quantity of water under Right Nos 92-10981, 92-10982, and  
92-10983 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/06/2005

POINT OF DIVERSION: T46N R02W S26 SWSW Within Benewah County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.04 CFS

Domestic use is for 1 home.

PLACE OF USE: Stockwater Within Benewah County  
T46N R02W S26 SWSW  
Domestic Within Benewah County  
T46N R02W S26 SWSW

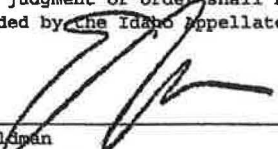
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a  
determination of historical beneficial use.


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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
Eric J. Wilgman  
Presiding Judge of the  
Coeur d'Alene-Spokane River Adjudication


## MEMORANDUM

**Date:** August 12, 2020  
**To:** Transfer 84280  
**From:** Luke Bates   
**Re:** Legal Notice Not Required

Legal Notice Not Required  
8/12/2020

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

## MEMORANDUM

**Date:** August 10, 2020  
**To:** Transfer 84280  
**From:** Luke Bates   
**Re:** Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information  
8/10/2020

**Authority to File:**

The applicant is listed as the current owner of the rights being transferred according to IDWR records.

**Water Right Validity:**

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

**Injury to Other Water Rights:**

Injury is not anticipated due to the new well being drilled near old well site on applicant's property, and the old well being abandoned once connected to new well.

**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:**

None

**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.