STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84012

This is to certify that: CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE, ID 83814

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
95-17513	AR/BENEFICIAL USE	5/21/1981	0.060 cfs	N/A	N/A	N/A	GROUND WATER
95-17793	AR/BENEFICIAL USE	7/1/1959	0.030 cfs	2.4 af	N/A	N/A	GROUND WATER
95-4706	AR/BENEFICIAL USE	3/15/1961	0.090 cfs	9.0 af	N/A	3.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
95-17513	NO	YES	NO	NO	NO	NO
95-17793	NO	YES	NO	NO	NO	NO
95-4706	NO	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
95-17513	95-17513	0.030 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-17793	95-17793	0.030 cfs	2.4 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-4706	95-4706	0.090 cfs	9.0 af	N/A	3.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**0.120 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 5th day of June, 2020.

T Douglas Jones

Douglas Jones, Northern Regional Manager

Transfer No. 84012

WATER RIGHT NO. 95-4706

As Modified by Transfer No. 84012

In accordance with the approval of Transfer No. 84012, Water Right No. 95-4706 is now described as follows:

Right Holder: CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE, ID 83814

Priority Date: 3/15/1961

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	0.090 cfs	9.0 af
				0.090 cfs	9.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 9 Twp 50N Rge 04W KOOTENAI County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
50N	04W	9											3.0						3.0

POU Total Acres: 3.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Coeur d'Alene-Spokane River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. The following rights are diverted through point(s) of diversion described above: 95-4706, 95-17513, & 95-17793.
7. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 84012

WATER RIGHT NO. 95-17513

As Modified by Transfer No. 84012

In accordance with the approval of Transfer No. 84012, Water Right No. 95-17513 is now described as follows:

Right Holder: CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE, ID 83814

Priority Date: 5/21/1981

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	01/01	to	12/31	0.030 cfs
				0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 9 Twp 50N Rge 04W KOOTENAI County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
50N	04W	9											X						

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Coeur d'Alene-Spokane River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. The quantity of water under this right shall not exceed 13,000 gallons per day.
6. Domestic use is for 1 home.
7. The rights listed below are limited to a total combined diversion rate of 0.03 cfs. Combined Right Nos: 95-17513, 95-17793.

Transfer No. 84012

WATER RIGHT NO. 95-17513

As Modified by Transfer No. 84012

CONDITIONS OF APPROVAL

8. The following rights are diverted through point(s) of diversion described above: 95-4706, 95-17513, & 95-17793.

9. This right does not grant any right-of-way or easement across the land of another.

WATER RIGHT NO. 95-17793

As Modified by Transfer No. 84012

In accordance with the approval of Transfer No. 84012, Water Right No. 95-17793 is now described as follows:

Right Holder: CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE, ID 83814

Priority Date: 7/1/1959

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to	12/31	0.030 cfs	2.4 af
				0.030 cfs	2.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 9 Twp 50N Rge 04W KOOTENAI County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
50N	04W	9											X						

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Coeur d'Alene-Spokane River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. Commercial use is for an event center.
6. The rights listed below are limited to a total combined diversion rate of 0.03 cfs. Combined Right Nos.: 95-17513, 95-17793
7. The following rights are diverted through point(s) of diversion described above: 95-4706, 95-17513, & 95-17793.

Transfer No. 84012

WATER RIGHT NO. 95-17793

As Modified by Transfer No. 84012

CONDITIONS OF APPROVAL

8. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources

Attachment to Transfer # 84012

95-4706 Irrigation

Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.035 0.07 0.14 Miles

N

Prepared By: Frederick, Adam

State of Idaho
Department of Water Resources

Attachment to Transfer # 84012

95-17793 Commercial

Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.035 0.07 0.14 Miles

N

Prepared By:Frederick, Adam

State of Idaho
Department of Water Resources

Attachment to Transfer # 84012

95-17513 Domestic

Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters

0 0.035 0.07 0.14 Miles

N

Prepared By:Frederick, Adam

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

June 5, 2020

CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE ID 83814

Re: Transfer No: 84012
Water Right No(s).: 95-4706, 95-17513, 95-17793
Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 762-2800.

Sincerely,

Adam Frederick

Adam Frederick
Water Rights Supervisor

Enclosure

CC:
THOMAS J BUDGE
PO BOX 1391
POCATELLO ID 83204

CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84012
Water Right No(s).: 95-4706, 95-17513, 95-17793

CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE ID 83814

THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO ID 83204

Tammy Alleman

Tammy Alleman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Kootenai)

Alley Wolf, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive weeks commencing on the 7th day of May, 2020, and ending on the 14th day of May, 2020, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

On this 14th day of May in the year of 2020 before me, a Notary Public, personally appeared Alley Wolf, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

KATRINA GEORGE NOTARY PUBLIC COMM. NO. 58374 STATE OF IDAHO

Katrina George
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84012
CHRIS VARELA
5803 WEST RIVERVIEW DR
COEUR D ALENE, ID 83814
has filed Application No. 84012 for changes to the following water rights within KOOTENAI County(s): Right No(s). 95-17513, 95-17793, 95-4706; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows:
This transfer proposes to move the point of diversion for the applicants existing groundwater rights to the SW1/4SW1/4 of Section 9, Twp 50N, Rge 04W.

THE FOLLOWING APPLICATION(S) HAVE BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO:

95-17944
BLR MATERIALS, LLC
3420 N TSCHIRLEY RD
STE 1
SPOKANE VLY, WA
99216-1735
Point of Diversion SWSE
S36 T51N R06W
KOOTENAI County
Source GROUND WATER
Point of Diversion SWSE
S36 T51N R06W
KOOTENAI County
Source GROUND WATER
Use: FIRE PROTECTION
01/01 to 12/31 1.11 CFS
Total Diversion: 1.11 CFS
Date Filed: 04-09-2020
Place Of Use: FIRE PROTECTION
T51N R06W S36
NWSE,SWSE

95-17945
BLR MATERIALS, LLC
3420 N TSCHIRLEY RD
STE 1
SPOKANE VLY, WA
99216-1735
Point of Diversion SWSE
S36 T51N R06W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.16 CFS
Use: IRRIGATION
03/15 to 11/15 0.12 CFS
Total Diversion: 0.28 CFS
Date Filed: 04-09-2020
Place Of Use:

DOMESTIC,IRRIGATION
T51N R06W S36
NWSE,SWSE
Total Acres: 6

RECEIVED
MAY 28 2020
IDWR / NORTH

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/WRApplicationResults/. 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 5/26/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
CDA LEGAL 3495
AD#379564
MAY 7, 14, 2020