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IDWR/NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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)** Christopher James Varela Phone 208-929-2507
2. **MAILING ADDRESS** 5803 West Riverview Drive City Coeur D'Alene

State Idaho Zip 83814 Email cvarela@settlerscreek.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)** 95-17513, 95-17793, 95-4706

☑ 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 .15 CFS (diversion rate) cubic feet per second and/or 0 (storage volume) acre-feet per annum.

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	9	50N	4W	Kootenia	ground water	TBD

Transfer No. 84012

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:
Well to be drilled with an electric pump installed. Installation shall accommodate a measuring device and lockable controls if required.

b. Who owns the property at the point(s) of diversion? Applicant
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, *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	Print name and title if applicable	Date
	Christopher J. Varela	04/15/2020

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

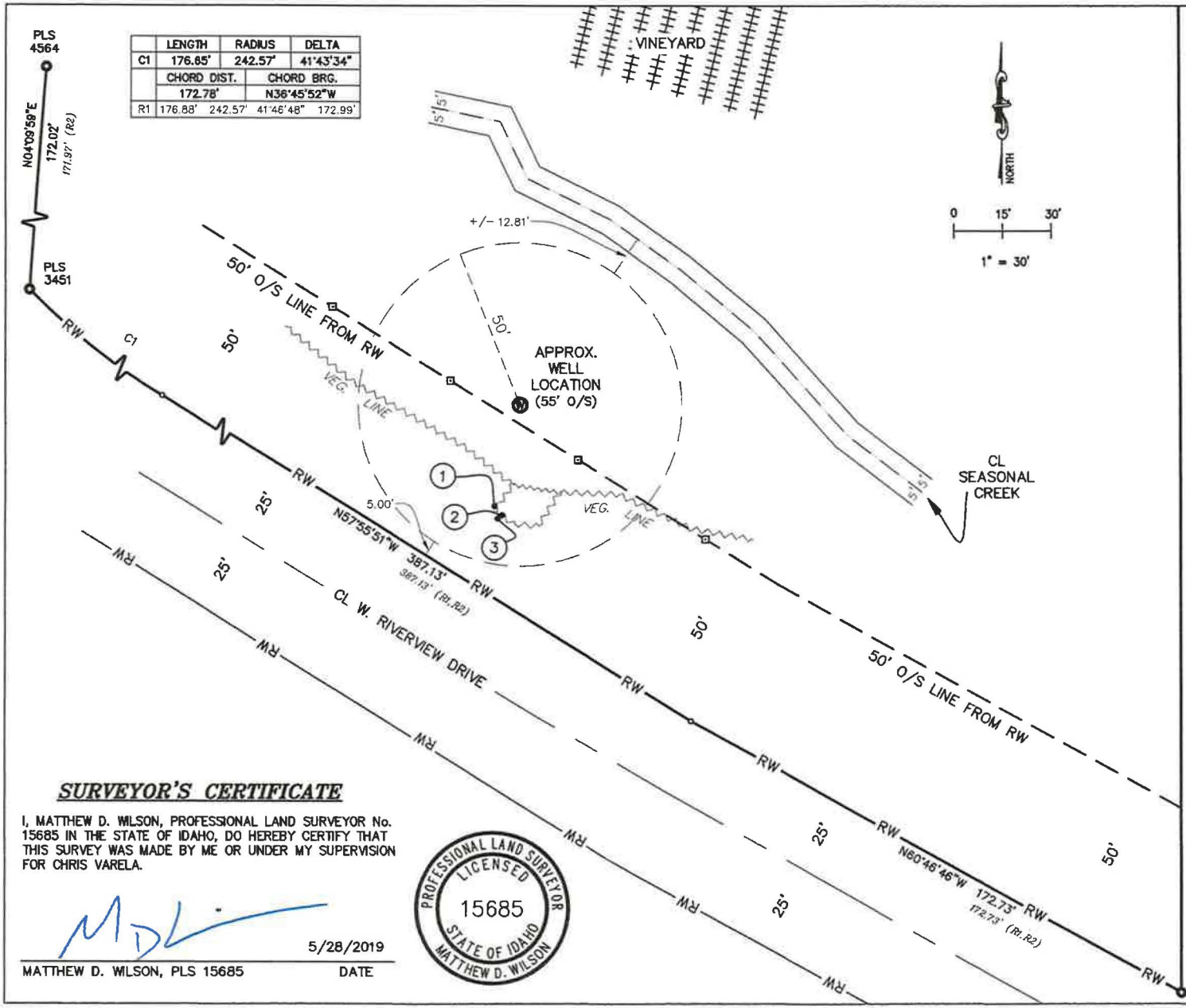
Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid $200.00 Date 4-15-2020 Receipted by NS Receipt # N036015

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)



	LENGTH	RADIUS	DELTA
C1	176.65'	242.57'	41°43'34"
	CHORD DIST.	CHORD BRG.	
	172.78'	N36°45'52"W	
R1	176.88' 242.57'	41°46'48" 172.99'	

LEGEND

- FOUND AN IRON ROD, 1/2 INCH DIAMETER, WITH A YELLOW PLASTIC CAP, AS NOTED
- SET A WOOD HUB AND LATH
- CALC POINT, NOTHING FOUND OR SET
- (R#) PRIOR SURVEYS
- VEG. LINE VEGETATION LINE / BRUSH LINE
- RW RIGHT OF WAY
- O/S OFFSET
- OTHERS AS NOTED

PURPOSE OF SURVEY

THIS SURVEY WAS PERFORMED TO LOCATE THE NORTHERLY RW LINE OF W. RIVERVIEW DRIVE AND TO ESTABLISH A LINE 50 FOOT OFFSET FROM SAID RW LINE TO FACILITATE A WELL LOCATION.

SURVEYS OF RECORD

R1) J. MECKEL PLS 3451
JULY 1981 BOOK 3, PAGE 85

R2) R. SCHROEDER PLS 4564
AUG. 1986 BOOK 4, PAGE 396

NOTES

1. FOUND CLIENT PROVIDED "WELL SITE" LATH
2. FOUND 2 INCH GRAY PIPE (ELEC)
3. FOUND 2 INCH BLACK PIPE (WATER)

SURVEYOR'S CERTIFICATE

I, MATTHEW D. WILSON, PROFESSIONAL LAND SURVEYOR No. 15685 IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION FOR CHRIS VARELA.

PROFESSIONAL LAND SURVEYOR LICENSED 15685 STATE OF IDAHO MATTHEW D. WILSON

5/28/2019

MATTHEW D. WILSON, PLS 15685 DATE

MW SURVEYING
HAYDEN, IDAHO, 83835
(410) 708 4589

Details More Options	Recommendation	95	4706			Beneficial Use	Active	03/15/1961	0.09	GROUND WATER	IRRIGATION	VARELA, CHRIS
Details More Options	Recommendation	95	17513			Beneficial Use	Active	05/21/1981	0.06	GROUND WATER	DOMESTIC	VARELA, CHRIS
Details More Options	Recommendation	95	17793			Beneficial Use	Active	07/01/1959	0.06	GROUND WATER	COMMERCIAL	VARELA, CHRIS
Details More Options	Claim	95	4706			Statutory Claim	Active	01/01/1961	0.2	GROUND WATER	IRRIGATION	VARELA, CHRIS
Details More Options	Claim	95	17513			Beneficial Use	Active	05/21/1978	0.06	GROUND WATER	DOMESTIC	VARELA, CHRIS
Details More Options	Claim	95	17793			Beneficial Use	Active	07/01/1959	0.06	GROUND WATER	COMMERCIAL	VARELA, CHRIS

Export Results to Excel | Clear All Items | Start Search

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

April 27, 2020

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

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

Dear Applicant:

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 5/7/2020 and 5/14/2020. 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,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, April 27, 2020 4:53 PM
To: 'Chantilly.Higbee@deq.idaho.gov'; 'Anna.Moody@deq.idaho.gov'
Subject: Request for Comments on Transfer 84012

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also 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, 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 application is May 26, 2020.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the 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: Monday, April 27, 2020 4:50 PM
To: 'LEGALS@CDAPRESS.COM'
Subject: Legal Notice
Attachments: Legal Notice Transfer 84012, WR 95-17944 & 95-179450.docx

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **May 7th & May 14th, 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 **May 26th, 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. 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

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 Published on 5/7/2020 and 5/14/2020

MEMORANDUM

Date: April 20, 2020

To: Transfer 84012

From: Adam Frederick AF

Re: Legal Notice Remarks

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.

MEMORANDUM

Date: April 20, 2020

To: Transfer 84012

From: Adam Frederick AF

Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
4/20/2020

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 recommended in the CSRBA.

Injury to Other Water Rights:
There are some domestic recommendations in the general area of new wells location. Because of the proximity, this transfer will be advertised for the public's consideration.

Enlargement of Use:
None anticipated.

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 will insure an adequate and safe water source for the applicant.

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.