

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83857**

This is to certify that: CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE, ID 83869

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

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
95-9581	WR/DECREED	5/12/1971	0.700 cfs	N/A	N/A	N/A	GROUND WATER
95-9591	WR/DECREED	5/29/1972	1.820 cfs	N/A	N/A	N/A	GROUND WATER
95-9725	WR/DECREED	6/17/1962	0.700 cfs	N/A	N/A	N/A	GROUND WATER
95-9950	WR/DECREED	1/25/1995	1.450 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
95-9581	NO	NO	NO	YES	NO	NO
95-9591	NO	NO	NO	YES	NO	NO
95-9725	NO	NO	NO	YES	NO	NO
95-9950	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
95-9581	95-9581	0.700 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-9591	95-9591	1.820 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-9725	95-9725	0.700 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-9950	95-9950	1.450 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.670 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 26th day of February, 2020.


Adam Frederick, Water Rights Supervisor

Transfer No. 83857

WATER RIGHT NO. 95-9950
As Modified by Transfer No. 83857

In accordance with the approval of Transfer No. 83857, Water Right No. 95-9950 is now described as follows:

Right Holder: CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE, ID 83869

Priority Date: 1/25/1995

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.450 cfs 1.450 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 5	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SWSE	Sec 5	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County

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. 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. Place of use is within the service area of the City of Spirit Lake municipal water supply system as provided for under Idaho Law.
5. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
6. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from the City of Spirit Lake Well No. 4 located in T53N, R04W, S5, SWSE.
7. The three points of diversion located in T53N R04W S06 SESE are in Tract 37 as depicted in the 2005 resurvey.

Transfer No. 83857

WATER RIGHT NO. 95-9950
As Modified by Transfer No. 83857

CONDITIONS OF APPROVAL

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

WATER RIGHT NO. 95-9725
As Modified by Transfer No. 83857

In accordance with the approval of Transfer No. 83857, Water Right No. 95-9725 is now described as follows:

Right Holder: CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE, ID 83869

Priority Date: 6/17/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	0.700 cfs 0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 5	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SWSE	Sec 5	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County

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. Place of use is within the service area of the City of Spirit Lake municipal water supply system as provided for under Idaho Law.
4. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
5. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from the City of Spirit Lake Well Nos. 1 and 2 located in T53N, R04W, S6, SESE Tract 37.
6. The three points of diversion located in T53N R04W S06 SESE are in Tract 37 as depicted in the 2005 resurvey.
7. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 83857

WATER RIGHT NO. 95-9591
As Modified by Transfer No. 83857

In accordance with the approval of Transfer No. 83857, Water Right No. 95-9591 is now described as follows:

Right Holder: CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE, ID 83869

Priority Date: 5/29/1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.820 cfs
			1.820 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 5	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SWSE	Sec 5	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County

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. Place of use is within the service area of the City of Spirit Lake municipal water supply system as provided for under Idaho Law.
4. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
5. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from the City of Spirit Lake Well Nos. 1, 2, and 3 located in T53N, R04W, S6, SESE Tract 37.
6. The three points of diversion located in T53N R04W S06 SESE are in Tract 37 as depicted in the 2005 resurvey.
7. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.

Transfer No. 83857

WATER RIGHT NO. 95-9591
As Modified by Transfer No. 83857

CONDITIONS OF APPROVAL

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

WATER RIGHT NO. 95-9581
As Modified by Transfer No. 83857

In accordance with the approval of Transfer No. 83857, Water Right No. 95-9581 is now described as follows:

Right Holder: CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE, ID 83869

Priority Date: 5/12/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	0.700 cfs 0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 5	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SWSE	Sec 5	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County
GROUND WATER	SESE	Sec 6	Twp 53N Rge 04W KOOTENAI County

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. Place of use is within the service area of the City of Spirit Lake municipal water supply system as provided for under Idaho Law.
4. A map generally depicting the service area for this water right at the time of this approval is attached to this document for illustrative purposes.
5. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from the City of Spirit Lake Well Nos. 1, 2, and 3 located in T53N, R04W, S6, SESE Tract 37.
6. The three points of diversion located in T53N R04W S06 SESE are in Tract 37 as depicted in the 2005 resurvey.
7. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.

Transfer No. 83857

WATER RIGHT NO. 95-9581
As Modified by Transfer No. 83857

CONDITIONS OF APPROVAL

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

Rights 95-9581, 95-9591, 95-9725, & 95-9950





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

February 26, 2020

CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE ID 83869

Re: Transfer No: 83857
Water Right No(s): 95-9581, 95-9591, 95-9725, 95-9950
Transfer Approval Notice

Dear Water Right Holder:

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 the Northern Region Office at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink that reads "Adam Frederick". The signature is written in a cursive style with a blue ink color.

Adam Frederick
Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 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.: 83857

Water Right No(s): 95-9581, 95-9591, 95-9725, 95-9950

**CITY OF SPIRIT LAKE
PO BOX 309
SPIRIT LAKE ID 83869**



**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)

Ashley Kinzer, 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 week commencing on the 6 day of February, 2020, and ending on the 13 day of February, 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

Ashley Kinzer.

On this 13 day of February in the year of 2020 before me, a Notary Public, personally appeared Ashley Kinzer, 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 for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

PUBLIC NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

95-17921

NORMAN L & ROHND
CROOK VENTURINO REVO-
CABLE TRUST
4212 E GARWOOD RD
HAYDEN, ID 83835-7898
Point of Diversion SWNENW
S29 T52N R03W
KOOTENAI County
Source SPRING
Tributary SINKS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 1/13/2020

Place Of Use: STOCKWATER
T52N R03W S29 NENW

95-17922

THE BRICK AND MORTAR
GROUP LLC
1385 W BUCKLES AVE
HAYDEN, ID 83835-7743
Point of Diversion SWNE
S4 T53N R03W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Use: IRRIGATION
04/01 to 10/31 0.03 CFS
Total Diversion: 0.09 CFS
Date Filed: 1/10/2020
Place Of Use: DOMESTIC
T53N R03W S4 SWNE
Place Of Use: IRRIGATION
T53N R03W S4 SWNE
Total Acres: 1.0

95-17923

SUSAN E DICKSON
7475 E YELLOWSTONE TRL
COEUR D ALENE, ID
83814-9371
Point of Diversion SWNW
S22 T50N R02W
KOOTENAI County
Source GROUND WATER
Point of Diversion SWNW
S22 T50N R02W
KOOTENAI County
Source GROUND WATER
Point of Diversion SWNW
S22 T50N R02W
KOOTENAI County
Source GROUND WATER
Use: WILDLIFE STORAGE
01/01 to 12/31 3.8 AF
Total Diversion: 3.8 AF
Date Filed: 1/21/2020
Place Of Use: WILDLIFE
STORAGE
T50N R02W S22 SWNW

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83857

CITY OF SPIRIT LAKE, PO
BOX 309, SPIRIT LAKE, ID
83869, has filed Application
No. 83857 for changes to the
following water rights within
KOOTENAI County(s): Right
No(s). 95-9581, 95-9591,
95-9725, 95-9950; to see a full
description of these rights and
the proposed transfer, please
see [www.idwr.idaho.gov/apps/
wr/QueryNewTransfers/Query
NewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The pur-
pose of the transfer is to
change a portion of the above
rights as follows:

This transfer proposes to
add a new point of diversion
to the City of Spirit Lake's
groundwater rights 95-9725,
95-9581, 95-9591, & 95-9950
in the NE1/4NE1/4 of Section
5, Twp 53N, Rge 04W.

Permits will be subject to all
prior water rights. For addition-
al information concerning the
property location, contact
Northern Region office at (208)
762-2800. 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 Wa-
ter Resources, Northern Re-
gion, 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
2/24/2020. The protestant
must also send a copy of the
protest to the applicant.
GARY SPACKMAN, Director
CDA LEGAL 3080
AD#361773
FEBRUARY 6, 13, 2020