Page 1 of 3

## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

### TRANSFER OF WATER RIGHT TRANSFER NO. 83801

This is to certify that:

ARTHUR W EATON JR 16015 EATON RD LEWISTON, ID 83501

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	<u>Diversion</u> <u>Rate</u>	<u>Diversion</u> <u>Volume</u>	Acre Limit	<u>Total</u> <u>Acres</u>	Source	
86-7304	WR/LICENSE	1/14/1992	0.200 cfs	36.2 af	2.3	2.3	GROUND WATER	

### Purpose of Transfer (Changes Proposed)

<b>Current Number</b>	<b>Split</b>	POD	POU	Add POD	Period of Use	Nature of Use
86-7304	NO	NO	NO	YES	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
86-7304	86-7304	0.200 cfs	36.2 af	2.3	2.3	N/A	N/A	N/A	N/A	N/A
COMBINE	D TOTALS	0.200 cfs	36.2 af	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 29th day of January 2020.

Adam Frederick, Water Rights Supervisor

Transfer No. 83801

### WATER RIGHT NO. 86-7304

### As Modified by Transfer No. 83801

In accordance with the approval of Transfer No. 83801, Water Right No. 86-7304 is now described as follows:

Right Holder:

ARTHUR W EATON JR 16015 EATON RD

LEWISTON, ID 83501

**Priority Date:** 

1/14/1992

Source:

**GROUND WATER** 

BENEFICIAL USE	From		To	Diversion Rate	<b>Diversion Volume</b>
DOMESTIC	01/01	to	12/31	0.200 cfs	27.0 af
IRRIGATION	02/15	to	11/30	0.070 cfs	9.2 af
				0.200 cfs	36.2 af

### LOCATION OF POINT(S) OF DIVERSION

GROUND WATER GROUND WATER GROUND WATER SWNE SWNE SENW Sec 27 Twp 36N Rge 05W NEZ PERCE County Sec 27 Twp 36N Rge 05W NEZ PERCE County Sec 27 Twp 36N Rge 05W NEZ PERCE County

### PLACE OF USE: DOMESTIC

			NE				NW			SW				SE					
Twp	Rng	Sec	NE	NW	SW	SE	Totals												
36N	05W	27		Х	Х														

### PLACE OF USE: IRRIGATION

_			NE			NW			SW										
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
36N	05W	27		0.4	1,9												1		2.3

Right Acre Limit:

2.3

POU Total Acres:

2.3

### 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. Domestic use is for 45 homes and does not include lawn, garden, landscape, or other types of irrigation.

Transfer No. 83801

### WATER RIGHT NO. 86-7304

### As Modified by Transfer No. 83801

### CONDITIONS OF APPROVAL

- 4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
- 5. Place of use is located within Phase 1 of Eaton Mobile Home Park.
- 6. The following rights are diverted through point(s) of diversion described above: 86-7304, and 86-12001 thru only one of the points of diversion.
- 7. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 83801

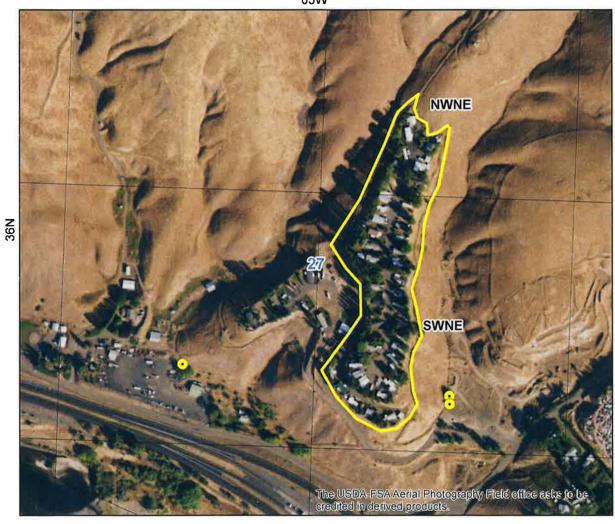
# State of Idaho Department of Water Resources

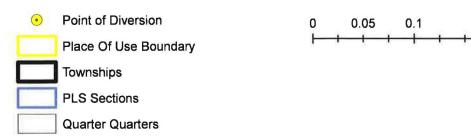
### Attachment to Transfer # 83801

86-7304

This map depicts the DOMESTIC and IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

05W







0.2 Miles



# 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

January 29, 2020

ARTHUR W EATON JR 16015 EATON RD LEWISTON ID 83501

Re: Transfer No: 83801 Water Right No(s).: 86-7304 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,

Adam Frederick

Water Rights Supervisor

adam Frederick

Enclosure

### CERTIFICATE OF SERVICE

I hereby certify that on January 29, 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.: 83801

Water Right No(s).: 86-7304

ARTHUR W EATON JR 16015 EATON RD LEWISTON ID 83501

**Tammy Alleman** 

Janny all

**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 <u>received</u> 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.

#### TRIBUNE PUBLISHING COMPANY, INC Date: 01/09/2020 INVOICE NO. The Lewiston Tribune 505 C St., P.O.Box 957 964750 Account No. Lewiston, Idaho 83501 (208) 743-9411 Description 156233 The foll

**LEGAL ADVERTISING** Times 2 Lines INVOICE Tab. lines 104.03

Sold To: ID DEPT. OF WATER RESOURCES

7600 MINERAL DR #100 COEUR D ALENE ID 83814 PO#

156233

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

156233 The following application has been filed to appropriate the public waters of the State of

Idaho: 85-15805 RICHARD KELLY & CONNIE KELLY REVOCABLE LIVING TRUST 30880 VOLMER RD LEWISTON, ID 83501-7011 Point of Diversion SESW 329 T35N R05W NEZ PERCE County Source GROUND WATER Jse: IRRIGATION 02/15 to 11/30 0.08 CFS 12/15 to 11/30 0.08 CFS
Total Diversion: 0.08 CFS
Date Filed: 12/10/2019
Place Of Use: IRRIGATION
TOTAL CONTROL OF PROPOSED
THANGE OF
WATER RIGHT
RANSFER NO. 83801
RTHUR W EATON JR. 16015
ATON RD, LEWISTON, ID
3501; has filed Application No.
3801 for changes to the following atter rights within NEZ PERCE ounty(s): Right No(s). 86-7304:

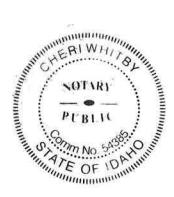
ghts and the proposed transer, please see www.idwr.idaho. cv., please see www.ldwr.idano. jov/apps/wr/QueryNewTrans-ers/QueryNewTransfers.aspx. The purpose of the transfer is o change a portion of the above ights as follows:

ounty(s): Right No(s). 86-7304; see a full description of these

his transfer proposes to add a lew point of diversion to existing groundwater right 86-7304 in he SW1/4NE1/4 of Section 27, wp 36N, Rge 05W.

Permits will be subject to all prior water rights. 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 42on the criteria of Idaho Code 42-203A. Any protest against the ap-proval of this application must be filed with the Director, Dept. of Water Resources, Northern Re-gion, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee 7763 together with a protest fee of \$25.00 for each application on or before 1/21/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 1/2/2020 and 1/9/2020



### AFFIDAVIT OF PUBLICATION

Hollie K Posey, being duly sworn, deposes and Legal Clerk of the Tribune says, Ι am the Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 156233 The foll attached hereto and which is made a part of this affadavit was published in the said Lewiston Tribune.

time(s). Publication being on 01/02, or once a Week consecutive Week the first publication thereof being on the 01/02/2020 and the last publication thereof being on the 01/09/2020, and said 156233 The foll was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication forth above.

State of Idaho

County of Nez Perce

On thisday of before me, a Notary Public, personally Hollie K Posey , 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

Notary Public in and for the State of Idaho, residing Lewiston. at therein Commission **Expires**