

**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

<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>
86-7304	WR/LICENSE	1/14/1992	0.200 cfs	36.2 af	2.3	2.3	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>
86-7304	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>
86-7304	86-7304	0.200 cfs	36.2 af	2.3	2.3	N/A	N/A	N/A	N/A	N/A
COMBINED 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

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
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	SWNE	Sec 27 Twp 36N Rge 05W NEZ PERCE County
GROUND WATER	SWNE	Sec 27 Twp 36N Rge 05W NEZ PERCE County
GROUND WATER	SENE	Sec 27 Twp 36N Rge 05W NEZ PERCE County

PLACE OF USE: DOMESTIC

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

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N	05W	27		0.4	1.9														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.

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.



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

0 0.05 0.1 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,

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

Adam Frederick
Water Rights Supervisor

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
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.

TRIBUNE PUBLISHING COMPANY, INC

The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Date:	<u>01/09/2020</u>	INVOICE NO.	<u>156233</u>
Account No.	<u>964750</u>		
Description	<u>156233 The foll</u>		
Times	<u>2</u>	Lines	<u>73</u>
		Tab. lines	
		\$	<u>104.03</u>

**LEGAL ADVERTISING
INVOICE**

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

PO#

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.

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
Use: IRRIGATION
12/15 to 11/30 0.08 CFS
Total Diversion: 0.08 CFS
Date Filed: 12/10/2019
Place Of Use: IRRIGATION
329 T35N R05W S29 SESW
NOTICE OF PROPOSED
CHANGE OF
WATER RIGHT
TRANSFER NO. 83801
ARTHUR W EATON JR, 16015
EATON RD, LEWISTON, ID
83501; has filed Application No.
83801 for changes to the following
water rights within NEZ PERCE
County(s): Right No(s). 86-7304;
see a full description of these
rights and the proposed trans-
fer, please see www.idwr.idaho.
gov/apps/wr/QueryNewTrans-
fers/QueryNewTransfers.aspx.
The purpose 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 exist-
ing groundwater right 86-7304 in
the SW1/4NE1/4 of Section 27,
Twp 36N, Rge 05W.

Permits will be subject to all
prior water rights. For additional
information concerning the prop-
erty 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 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
of \$25.00 for each application on
or before 1/21/2020. The protes-
tant 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
says, I am the Legal Clerk of the Tribune
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 news-
paper 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 affidavit
was published in the said Lewiston Tribune,
2 time(s). Publication being on
01/02, or once a Week
for 2 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 as set forth above.

Hollie K Posey

State of Idaho

S.S.

County of Nez Perce

On this 9th day of Jan in the year
of 2020, before me, a Notary Public, personally
appeared 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 the same.

Cheri W. Ruby
Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 11/17/24

