

42-221 PCD 5077819  
JUL 05 2019STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## IDWR / NADP 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) Hagadone Family Trust Phone 208 667-3431  
 2. MAILING ADDRESS P.O. Box 6200 City Coeur d'Alene  
 State ID Zip 83815 Email john@magnusononline.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) 95-16537

- ☒ 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 0.04 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
 (diversion rate) (storage volume)

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 # |
|------|-----|---|----|----|-----|-----|-----|----------|--------------------|---------------------|
| N    |     |   | SW | SE | 22  | 50N | 4W  | Kootenai | Coeur d'Alene Lake |                     |
| Y    | 4   |   | SW | SE | 22  | 50N | 4W  | Kootenai | Coeur d'Alene Lake |                     |
|      |     |   |    |    |     |     |     |          |                    |                     |
|      |     |   |    |    |     |     |     |          |                    |                     |
|      |     |   |    |    |     |     |     |          |                    |                     |
|      |     |   |    |    |     |     |     |          |                    |                     |
|      |     |   |    |    |     |     |     |          |                    |                     |
|      |     |   |    |    |     |     |     |          |                    |                     |
|      |     |   |    |    |     |     |     |          |                    |                     |
|      |     |   |    |    |     |     |     |          |                    |                     |

## 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:

Diversion system consists of two pumps that are shared with WR's 95-9048, 95-16536, & 95-1639. See field exams for 95-16536 & 95-16539 for system description. Discharge line can accept a lockable measuring device.

- 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)?

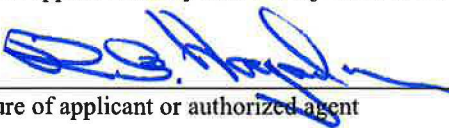
If yes, describe:

- 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](http://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.

 Trustee 7/3/19  
Signature of applicant or authorized agent Print name and title if applicable Date

\_\_\_\_\_  
Signature of applicant or authorized agent Print name and title if applicable Date

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](http://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 5000 15000 Date 7-5-19 7-15-19 Received by JG JA Receipt # N035152 N035197

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)

# IDAHO Department of Water Resources



[Home](#) / [Water Rights](#) / [Research](#) / [Search Water Rights](#)

## WATER RIGHT REPORT

6/19/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommended Right Report

WATER RIGHT NO. 95-16537

| <u>Owner Type</u> | <u>Name and Address</u>                                                                         |
|-------------------|-------------------------------------------------------------------------------------------------|
| Current Owner     | DUANE B HAGADONE<br>PO BOX 6200<br>COEUR D ALENE, ID 83816<br>2086673431                        |
| Attorney          | JOHN F MAGNUSON<br>1250 N NORTHWOOD CENTER COURT STE A<br>COEUR D ALENE, ID 83814<br>2086670100 |

Priority Date: 04/01/1933

Basis: Beneficial Use

Status: Active

| <u>Source</u>      | <u>Tributary</u> |
|--------------------|------------------|
| COEUR D ALENE LAKE | SPOKANE RIVER    |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 0.04 CFS              |               |
| Total Diversion       |             |           | 0.04 CFS              |               |

Location of Point(s) of Diversion:

COEUR D ALENE LAKE|SWSE Lt 4|Sec. 22|Township 50N|Range 04W|KOOTENAI County

IRRIGATION Use:

Acre Limit: 1

Place(s) of use:

Place of Use Legal Description: IRRIGATION KOOTENAI County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 50N             | 04W          | 22             | 4          | SWSE 1       |              |            |              |              |            |              |              |            |              |              |

Total Acres: 1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. PIN Parcel No. 50N04W228600
3. F05 Right Nos. 95-9048, 95-16536, and 95-16539 are also diverted through the point of diversion described above.

Dates:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

# Transfer Application 95-16537



6/19/2019, 2:16:21 PM

POU - Adjudication Recommendations



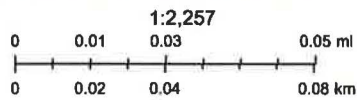
All Other POU (non-provider)



Irrigation Providers and Municipal Service Areas



POD - Adjudication Recommendations



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

## QUITCLAIM DEED

FOR VALUE RECEIVED, DUANE B. HAGADONE, Grantor, does hereby release, remise and forever quitclaim unto, the HAGADONE FAMILY TRUST as Grantees, and to Grantees' heirs and assigns forever, the following described real property situated in Kootenai County, State of Idaho, together with all after acquired title of the Grantors therein:  
Water Right numbered in the files of the Idaho Department of Water Resources 95-16537.

DATED this 3rd day of July 2019.

  
DUANE B. HAGADONE

State of Idaho

County of Kootenai

On this day of July 3, 2019, personally appeared before me DUANE B. HAGADONE, who duly acknowledged to me that he executed the same.



Notary Public Lori L. Loughheed  
Post Falls, ID

My commission expires: August 3, 2024

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP  
3101 W. MAIN STREET, SUITE 200  
P.O. Box 7156  
BOISE, ID 83707-1156  
208/344-8600

CLIFFORD T. HAYES SP 2347154000  
KOOTENAI COUNTY RECORDER Page 1 of 5  
DLS Date 02/23/2012 Time 03:13:55  
REQ OF THORNTON BYRON LLP  
RECORDING FEE: \$22.00  
  
2347154000 DD

(SPACE ABOVE LINE FOR RECORDER'S USE)

## QUITCLAIM DEED

\*\*\*\*\*

DUANE B. HAGADONE, a married man dealing with his sole and separate property, Grantor, does hereby convey, release, remise and forever quitclaim unto DUANE B. HAGADONE, Trustee of the HAGADONE FAMILY TRUST u/t/d November 11, 1999, as amended and restated, Grantee, whose current address is P.O. Box 6200, Coeur d'Alene, Idaho 83816-1937, all of his right, title and interest in and to that certain real property located in Kootenai County, Idaho, more particularly described on Exhibit A, attached hereto and made a part hereof by this reference.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument effective the 15 day of July, 2011.

GRANTOR:

  
DUANE B. HAGADONE

STATE OF IDAHO )  
SS.  
COUNTY OF KOOTENAI )

On this 15 day of July, 2011, before me, the undersigned Notary Public in and for said State, personally appeared DUANE B. HAGADONE, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



  
NOTARY PUBLIC, State of Idaho

Residing at Coeur d'Alene

My commission expires: 4/14/15

QUITCLAIM DEED



Engineering & Surveying

**MECKEL ENGINEERING & SURVEYING**  
3906 N. Schreiber Way  
Coeur d'Alene, ID 83815  
Office 208-667-4638 • Fax 208-664-3347  
www.meckel.com



February 17, 2010

Sec. 22, T50N, R4W

2/17/10

**20 ACRE FREE SPLIT PARCEL  
LEGAL DESCRIPTION**

A tract of land, being a portion of that property as described in the Quitclaim Deed for Boundary Line Adjustment on file under Instrument Number 2230508000, situated in Government Lot 4 and the Southeast Quarter of the Southwest Quarter, Section 22, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho; more particularly described as follows:

Beginning at the South Quarter Corner of said Section 22, monumented with an existing iron pipe, as described in Corner Perpetuation and Filing Record form on file under Instrument Number 2154760000, and from which the Meander Corner, between Sections 22 and 27, monumented with an iron pipe, 1-1/2 inch diameter, according to Corner Perpetuation and Filing Record form on file under Instrument Number 1248868, bears North 89°06'40" East, a distance of 1,447.92 feet;

thence around the subject parcel in a clockwise manner, the following twenty-seven (27) courses;

- 1) along the South Section line of said Section 22, South 89°22'40" West (as calculated from an unrecorded Record of Survey by C. V. Adams, CE 376, dated October 1940) a distance of 231.40 feet to the Southeast corner of Tax Number 18242, as recorded in Quitclaim Deed, on file under Instrument Number 1590157;
- 2) thence along the East line of said Tax Number 18242, North 00°37'20" West (as calculated from said Quitclaim Deed), a distance of 947.91 feet to the Northeast corner of said Tax Number 18242;
- 3) thence leaving said East line, South 81°55'09" East, a distance of 616.74 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, monumenting the Southwest corner of Tax Number 21869, as recorded in Deed, under Instrument Number 2149750000 and as shown on Record of Survey, on file under Instrument Number 2158156000;
- 4) thence along the Southwesterly line of said Tax Number 21869, South 52°01'14" East, a distance of 123.39 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, monumenting the Westerly corner of Tax Number 21870, as recorded in Deed, on file under Instrument Number 2149749000 and as shown on said Record of Survey;

EXHIBIT "B"

- 5) thence along the Southwesterly line of said Tax Number 21870, South 52°01'14" East, a distance of 313.17 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, monumenting the Southerly corner of said Tax Number 21870 and as shown on said Record of Survey;
- 6) thence along the Southeasterly line of said Tax Number 21870, North 55°39'37" East, a distance of 308.58 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, monumenting the Southern-most corner of Tax Number 21868, as recorded in Deed, under Instrument Number 2139798000 and as shown on said Record of Survey;
- 7) thence along the Southern-most line of said Tax Number 21868, North 78°58'30" East, a distance of 186.83 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, monumenting the Southeast corner of said Tax Number 21868, on the shore of Lake Coeur d'Alene, at the line of Administrative Jurisdiction of the Idaho Department of Lands, elevation 2125.0 feet, NGVD29 Datum, as shown on said Record of Survey;

thence along the line of Administrative Jurisdiction of the Idaho Department of Lands, the meanders of which are the following eleven (11) courses;

- 8) thence South 28°08'50" East, a distance of 22.17 feet;
- 9) thence South 31°34'27" West, a distance of 25.91 feet;
- 10) thence South 03°15'22" West, a distance of 47.63 feet;
- 11) thence South 03°06'43" East, a distance of 62.84 feet;
- 12) thence South 03°01'39" East, a distance of 68.98 feet;
- 13) thence South 01°54'02" West, a distance of 62.63 feet;
- 14) thence South 02°18'38" East, a distance of 61.30 feet;
- 15) thence South 07°25'25" East, a distance of 64.73 feet;
- 16) thence South 14°39'23" East, a distance of 56.63 feet;
- 17) thence South 35°00'31" East, a distance of 64.98 feet;

- 18) thence South 52°28'33" East, a distance of 80.68 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, monumenting the Northeast corner of Tax Number 21929 as described in Deed on file under Instrument Number 2155172 and as shown on Record of Survey, on file under Instrument Number 2158156000;

thence leaving the said line of Administrative Jurisdiction of the Idaho Department of Lands and along the North and West line of said Tax Number 21929, as follows:

- 19) South 89°02'05" West, a distance of 10.59 feet, to an existing spike, as shown on said Record of Survey;
- 20) thence South 85°43'09" West, a distance of 93.45 feet, to an existing iron pipe, 1 inch diameter, monumenting an angle point in the North line of the said parcel as shown on said Record of Survey;
- 21) thence South 83°46'58" West, a distance of 65.72 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, monumenting the Northeast corner of a parcel recorded in Deed, under Instrument Number 2155171000, and as shown on said Record of Survey;
- 22) thence South 43°58'35" West, a distance of 78.10 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, as shown on said Record of Survey;
- 23) thence South 83°46'58" West, a distance of 97.20 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, as shown on said Record of Survey;
- 24) thence North 89°25'18" West, a distance of 442.79 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, monumenting the Southwest corner of said parcel and as shown on said Record of Survey;
- 25) thence North 00°34'42" East, a distance of 50.00 feet, to an existing iron rod, 5/8 inch diameter, with a plastic cap marked PLS 6374, as shown on said Record of Survey;
- 26) thence North 89°25'18" West, a distance of 508.24 feet, to an existing iron pipe, 1 inch diameter, at the Northwest corner of said Tax Number 21929, as shown on said Record of Survey;
- 27) thence South 01°43'06" West, a distance of 212.48 feet, to the Point of Beginning, containing 20.858 acres of land, more or less.

20 Acre Free Split  
Legal Description  
February 17, 2010  
Page 4 of 4

SUBJECT TO:

Any existing rights-of-ways, easements, covenants, conditions, rights, reservations, restrictions, encumbrances or applicable subdivision, building and zoning ordinances and use regulations, of record or in view.

NOTE:

The bearings and distances of the South line of the Southwest Quarter and the East line of Tax Number 18242 are computed from record information without the benefit of an actual field survey.

## MEMORANDUM

**Date:** September 24, 2019  
**To:** Transfer 83627  
**From:** Adam Frederick **AF**  
**Re:** Review & Evaluation of Sufficiency of Information

This transfer proposes to add a point of diversion to the applicants existing water right 95-16537.

Review & Evaluation of Sufficiency of Information  
9/24/2019

Authority to File: The applicant is listed as the current owner of the right being transferred according to IDWR records.

Water Right Validity: The water right is valid and has been recommended in the CSRBA.

Injury to Other Water Rights: Injury is not anticipated as 2nd pump has already been installed with no complaints for any other water users.

Enlargement of Use: None

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: None anticipated.

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.

## MEMORANDUM

**Date:** September 24, 2019  
**To:** Transfer 83627  
**From:** Adam Frederick Af  
**Re:** Legal Notice Not Required

Legal Notice Not Required  
9/24/2019

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.