

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83459**

This is to certify that: **BLACKSTONE ESTATES WATER ASSOCIATION INC**
320 E NEIDER AVE STE 204
COEUR D ALENE, ID 83815-6007

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>
95-9312	AR/LICENSE	10/12/2005	0.200 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

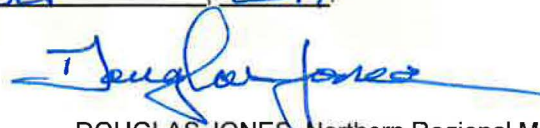
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
95-9312	NO	NO	NO	YES	NO	NO

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>
95-9312	95-9312	0.200 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.200 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 24th day of September, 2019.



DOUGLAS JONES, Northern Regional Manager

WATER RIGHT NO. 95-9312
As Modified by Transfer No. 83459

In accordance with the approval of Transfer No. 83459, Water Right No. 95-9312 is now described as follows:

Right Holder: BLACKSTONE ESTATES WATER ASSOCIATION INC
320 E NEIDER AVE STE 204
COEUR D ALENE, ID 83815-6007

Priority Date: 10/12/2005

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	0.200 cfs
			0.200 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NENE)	Sec 2	Twp 49N Rge 04W KOOTENAI County
GROUND WATER	L1 (NENE)	Sec 2	Twp 49N 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. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality.
5. The water system described in this right has been assigned Public Water Supply ID 1280335 by the Idaho Department of Environmental Quality.
6. Place of use is within the area served by the public water supply system of Ridgeview Development, LLC. The place of use is generally located within Township 49N, Range 04W, Section 2.
7. 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.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Coeur d'Alene-Spokane River Basin Adjudication.

Transfer No. 83459

WATER RIGHT NO. 95-9312

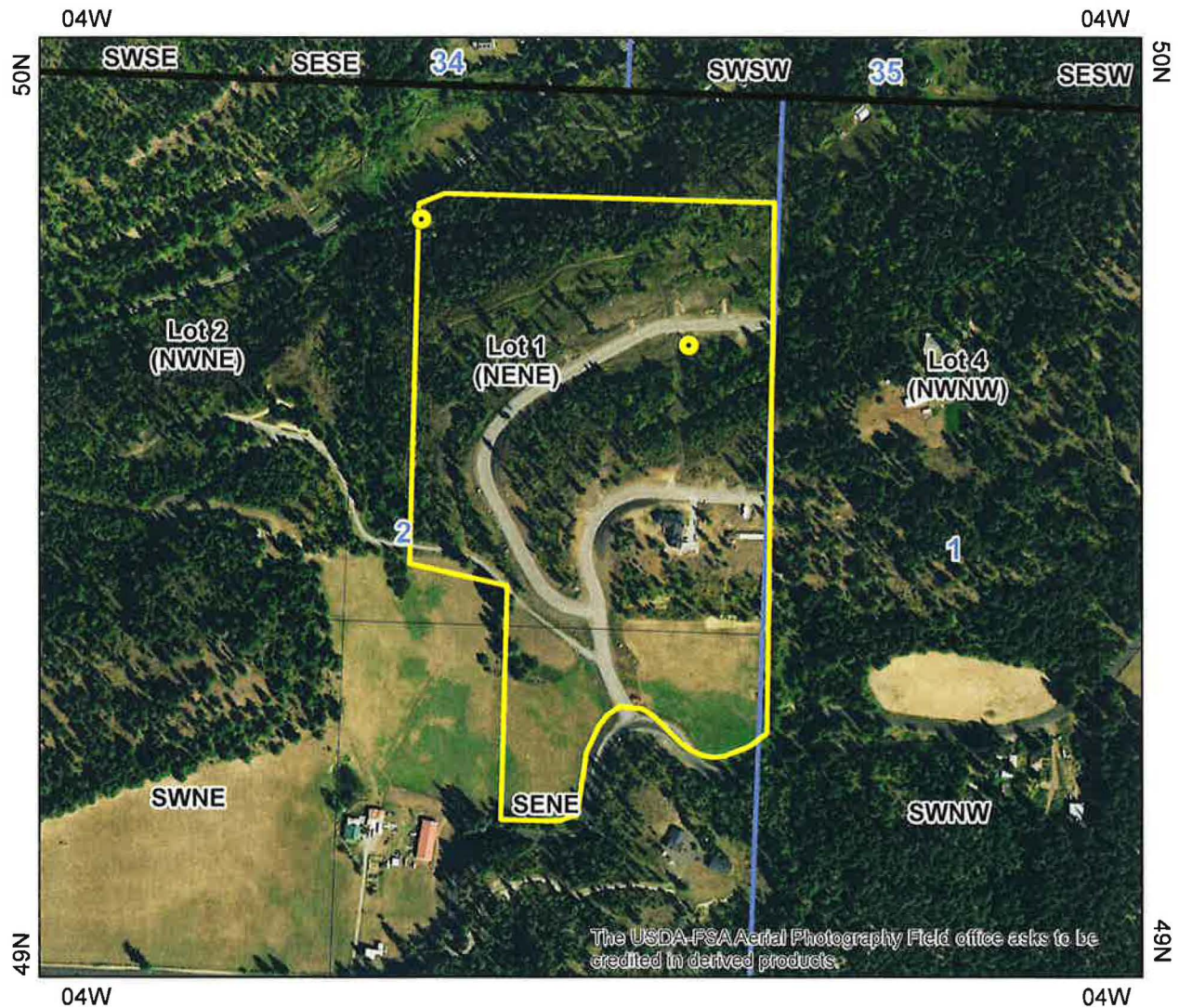
As Modified by Transfer No. 83459

CONDITIONS OF APPROVAL

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

Attachment to Transfer # 83459

95-9312



- Point of Diversion
- Water Service Area 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

September 24, 2019

BLACKSTONE ESTATES WATER ASSOCIATION INC
320 E NEIDER AVE STE 204
COEUR D ALENE ID 83815-6007

Re: Transfer No: 83459
Water Right No(s): 95-9312
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, appearing to read "Douglas Jones", is written over the typed name.

Douglas Jones
Northern Regional Manager

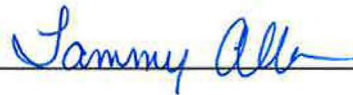
Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2019 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.: 83459
Water Right No(s): 95-9312

BLACKSTONE ESTATES WATER ASSOCIATION INC
320 E NEIDER AVE STE 204
COEUR D ALENE ID 83815-6007



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 1 day of August, 2019, and ending on the 8 day of August, 2019, 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 8 day of August in the year of 2019 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

RECEIVED
AUG 19 2019

IDWR / NOTARY

application on or before 8/19/2019. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

94-9633
RANDALL W OENS
503 N BURNS RD
SPOKANE VLY, WA 99216-2098
Point of Diversion L8(NESE)
S31 T49N R01E
KOOTENAI County
Source COEUR D ALENE RIVER
Tributary COEUR D ALENE LAKE
Use: IRRIGATION
03/15 to 10/31 0.01 CFS
Total Diversion: 0.01 CFS
Date Filed: 7/15/2019
Place Of Use: IRRIGATION
T49N R01E S31
L8(NESE)
Total Acres: 0.3

95-17608
NORTH KOOTENAI WATER DISTRICT
13649 N MEYER RD
RATHDRUM, ID 83858-4904
Points of Diversion:
26 existing GROUND WATER source wells in KOOTENAI County within portions of T51N R04W Sec 2, 14, 15, 23, & 24; T51N R05W Sec 23 & 32; T52N R03W Sec 8 & 18; T52N R04W Sec 6, 17, 28 & 33; and T53N R04W Sec 28.
See remarks below.

Use: MUNICIPAL
01/01 to 12/31 32 CFS
Total Diversion: 32 CFS
Date Filed: 7/24/2018
Place Of Use: MUNICIPAL
See remarks below.

Applicant proposes a Reasonably Anticipated Future Needs (RAFN) municipal water right of 32.0 CFS for a 30 year planning horizon within the North Kootenai Water District service area. Total beneficial use for a RAFN water right will occur by the end of the planning horizon.

95-17847
TRAVIS R BURGUS
JENNIFER L BURGUS
14808 E 48TH LN
VERADALE, WA 99037-8701
Point of Diversion SESW
S14 T48N R04W
KOOTENAI County
Source COEUR D ALENE LAKE

Tributary SPOKANE RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 7/12/2019
Place Of Use: DOMESTIC
T48N R04W S14
L5(SESW)

95-17849
RICK LOUIE
13907 N WANDERMERE ESTATES LN
SPOKANE, WA 99208-4981
Point of Diversion NENW
S11 T50N R05W
KOOTENAI County
Source SPOKANE RIVER
Tributary COLUMBIA RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 7/17/2019
Place Of Use: DOMESTIC
T50N R05W S11 NENW .
95-17850
JAMES M MC NAMARA
JODY MC NAMARA
18670 N CRYSTAL SPRINGS LN

RATHDRUM, ID 83858-6045
Point of Diversion SWSNE
S26 T52N R05W
KOOTENAI County
Source SPRING
Tributary SINKS
Use: AESTHETIC STORAGE
01/01 to 12/31 2.4 AF
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 2.4 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 2.4 AF
Total Diversion: 2.4 AF
Date Filed: 7/17/2019

Place Of Use: FIRE PROTECTION STORAGE
T52N R05W S26 SENE
Place Of Use: AESTHETIC STORAGE
T52N R05W S26 SENE
Place Of Use: WILDLIFE STORAGE
T52N R05W S26 SENE

95-17851
JAMES M MC NAMARA
JODY MC NAMARA
18670 N CRYSTAL SPRINGS LN

RATHDRUM, ID 83858-6045
Point of Diversion SENE
S26 T52N R05W
KOOTENAI County
Source GROUND WATER
Point of Diversion SENE
S26 T52N R05W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: IRRIGATION
03/15 to 11/15 0.09 CFS
Total Diversion: 0.13 CFS
Date Filed: 7/17/2019

Place Of Use: DOMESTIC
T52N R05W S26 SENE
Place Of Use: IRRIGATION
T52N R05W S26 SENE
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 § 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 8/19/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 8/1/2019 & 8/8/2019
CDA LEGAL # 2089
AD# 313428
AUGUST 1, 8, 2019

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83459

BLACKSTONE ESTATES WATER ASSOCIATION INC, 320 E NEIDER AVE STE 204, COEUR D ALENE, ID 83815-6007; has filed Application No. 83459 for changes to the following water rights within KOOTENAI County(s): Right No(s). 95-9312; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/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 Blackstone Estates Water Assn Inc's existing groundwater right in the NE1/4NE1/4 of Section 2, Twp 49N, Rge 05W.

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 Sec. 42-222. Any protest against the proposed change must be filed with the Department 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



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

2110 Ironwood Parkway, Coeur d'Alene, ID 83814 (208) 769-1422

Brad Little, Governor
John H. Tippetts, Director

July 23, 2019

Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815
Tammy.Alleman@idwr.idaho.gov

Subject: Comments on Application for Transfer No. 83459

The Idaho Department of Environmental Quality (DEQ) Coeur d'Alene Regional Office received a request for comment regarding the subject Application for Transfer No. 83459 from Blackstone Estates Water Association, Inc. The request is for a water right transfer of point of diversion for an existing public drinking water system (PWS# ID1280136). DEQ has the following comments.

Per the application, the drinking water system serving this project is subject to the requirements of a public drinking water system under the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08), as it is expected the project will serve at least 25 persons, 60 days per year at full build out. The proposed well, well location, and physical parts for connection to existing water system water system are not approved by DEQ as of this letter.

- The well location and construction must first be assessed and approved by DEQ.
- An updated facility plan, preliminary engineering report and plans and specifications for the drinking water infrastructure, which includes relevant requirements listed in IDAPA 58.01.18 Sections 500-513, must be submitted to DEQ by an Idaho licensed professional engineer and approved by DEQ prior to and following construction.
- Initial water quality monitoring, acceptable pump test data and record drawings are part of the aforementioned requirements.
- Demonstration of technical, financial and managerial capacity according to IDAPA 58.01.18 Section 500 may be required.

Thank you for the opportunity to comment on the Application for Transfer No. 83459. If you have questions or comments regarding these comments and the Idaho Rules for Public Drinking Water Systems please contact DEQ at (208) 769-1422.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anna Moody".

Anna Moody
Drinking Water Program Supervisor
Anna.Moody@deq.idaho.gov

cc: Brent Baldwin, Association Director – 4brentbaldwin@gmail.com
Matthew Plaisted, DEQ Coeur d'Alene Engineering Manager – Matthew.Plaisted@deq.idaho.gov
Katy Baker-Casile, DEQ Coeur d'Alene Engineer – Katy.Baker-Casile@deq.idaho.gov
Jim Williamson, DEQ Drinking Water Compliance – Jim.Williamson@deq.idaho.gov