

JUL 11 2019

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

DDWR / NORTH

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)** BLACKSTONE ESTATES WATER ASSOCIATION INC Phone 310-906-6572

2. MAILING ADDRESS 320 E NEIDER AVE STE 204 City COEUR D ALENE

State ID Zip 83815

Email

- ☐ 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) 95-9312

- ☐ 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 0.20 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*.

[illegible]

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:

APPLICANT HAS CURRENT WELL THAT FEEDS A 60K STORAGE TANK. NEW WELL WILL BE PIPED TO STORAGE TANK.

- 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 $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at 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.

Brent Baudwin Director
Signature of applicant or authorized agent

BRENT BAUDWIN
Print name and title if applicable

7/11/19
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, *Water Right Transfers*, *Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 5 pages of attachments. Received by AF Date 7-11-19

Fee paid 200⁰⁰ Date 7-11-19 Received by JA Receipt # N035180

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)



0003465544

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003465544

Date Filed: 3/28/2019 11:41:53 AM

Entity Name and Mailing Address:

BLACKSTONE ESTATES WATER ASSOCIATION, INC.

The file number of this entity on the records of the Idaho Secretary
of State is: 0000630900

Address 320 E NEIDER AVE
STE 204
COEUR D ALENE, ID 83815-6007

Entity Details:

Entity Status Active-Good Standing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the
Idaho Secretary of State was: C213289

The registered agent on record is:

Registered Agent SCOTT L POORMAN
Registered Agent
Physical Address
320 E NEIDER AVE STE 204
COEUR D ALENE, ID 83815
Mailing Address

Corporate Officers and Directors:

Name	Title	Address
BRENT BALDWIN	Director	10075 N GOVT WAY HAYDEN, ID 83835
DAN TAYLOR	Director	10075 N GOVT WAY HAYDEN, ID 83835
Johnny D Powell	Director	5275 S. TUMBLESTONE DR COEUR D'ALENE, ID 83814

The annual report must be signed by an authorized signer of the entity.

Scott L. Poorman

Sign Here

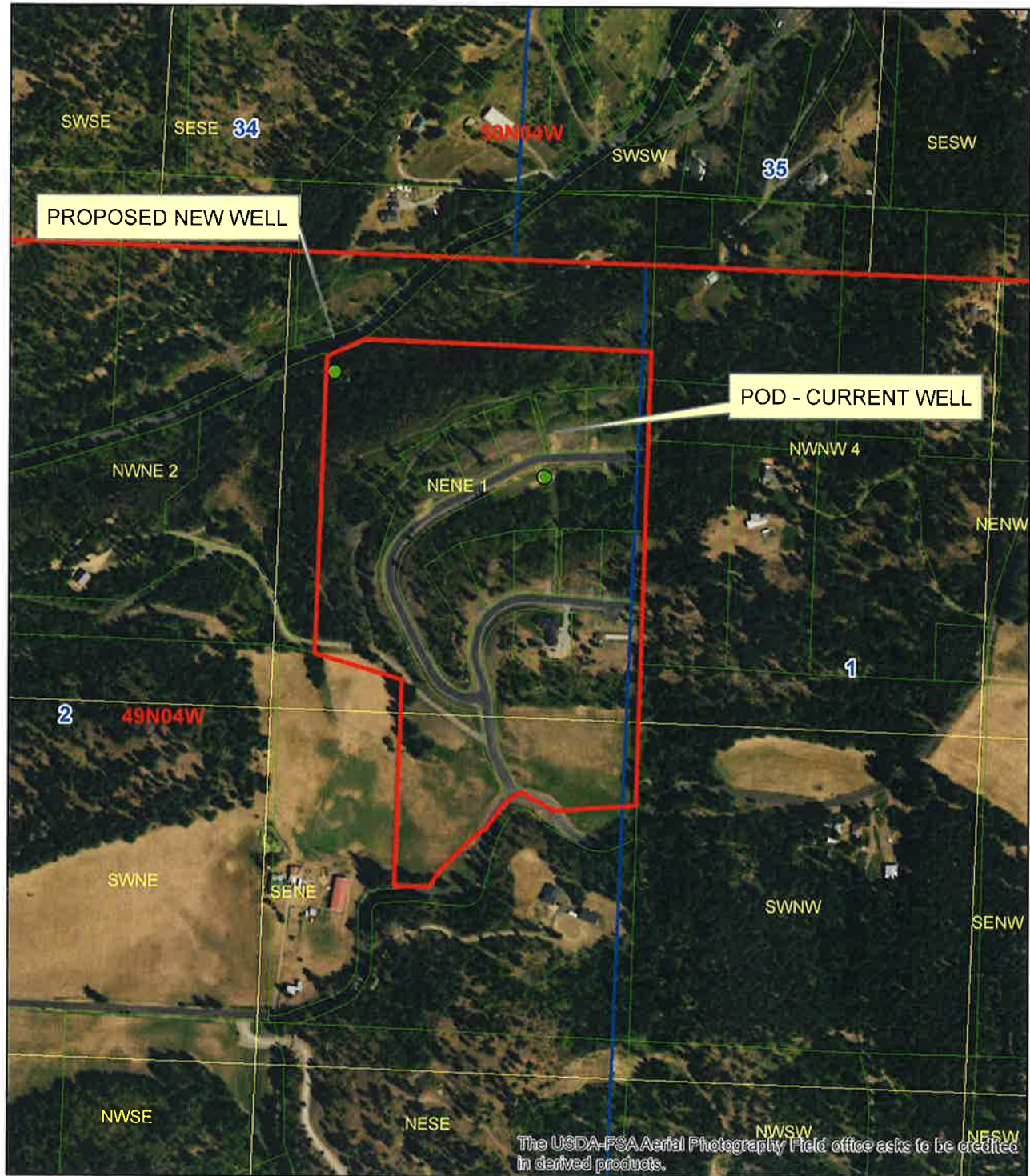
03/28/2019

Date

Signer's Title: Registered Agent

B0213-5433 03/28/2019 11:41 AM Received by ID Secretary of State Lawrence Denney

APPLICATION MAP



Legend

- Parcels
- Township/Range
- Sections
- QQ

0 0.05 0.1 0.2 Miles



**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 95-9312

Current Owner: BLACKSTONE ESTATES WATER ASSOCIATION INC
Priority Date: 10/12/2005
Origin: Adjudication Recommendation
Status: Active
Basis: License

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	0.2 CFS	
	<u>Total Diversion</u>	0.2 CFS	

Location of Point(s) of Diversion

GROUND WATER L1(N E 1/4 N E 1/4) Sec. 2, Twp 49N, Rge 04W B.M.
KOOTENAI County

Place of Use

MUNICIPAL Within KOOTENAI County

T49N R04W S1	Lot 4	NWNW	T49N R04W S1	SWNW
T49N R04W S2	Lot 1	NENE	T49N R04W S2	SENE

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. 128 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.
3. PWS The water system described in this right has been assigned Public Water Supply ID 1280335 by the Idaho Department of Environmental Quality.
4. 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.



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

July 22, 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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 8/1/2019 and 8/8/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, July 23, 2019 12:36 PM
To: 'Anna.Moody@deq.idaho.gov'
Subject: Request for Comments on Application for Transfer 83459
Attachments: 83459 Application for Transfer.pdf

Dear Department of Environmental Quality:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. **The deadline for comments on the application is August 19, 2019.**

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the application.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, July 23, 2019 12:41 PM
To: 'Thomas.Herron@deq.idaho.gov'
Subject: FW: Request for Comments on Application for Transfer 83459
Attachments: 83459 Application for Transfer.pdf

Dear Department of Environmental Quality:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. The deadline for comments on the application is August 19, 2019.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the application.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

Alleman, Tammy

From: Alleman, Tammy
Sent: Monday, July 22, 2019 4:40 PM
To: 'LEGALS@CDAPRESS.COM'
Subject: Legal Notice
Attachments: Legal Notice for CdA Press including North Kootenai Water District.doc

Please publish the enclosed legal notice in the **Coeur d'Alene Press** on the dates indicated **August 1st and August 8th, 2019** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **August 19, 2019**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

**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 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 SWSENE
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 and 8/8/2019

MEMORANDUM

Date: July 19, 2019
To: Transfer 83459
From: Adam Frederick *AF*
Re: Review & Evaluation of Sufficiency of Information

The transfer proposes to add a 2nd point of diversion in Township 49 North, Range 04 West, Section 2 in the NENE.

Review & Evaluation of Sufficiency of Information
7/19/2019

Authority to File:

The applicant is listed as the current owner of the right being transferred according to IDWR records. The application was signed by Brent Baldwin who is listed as a Director according to the Secretary of States records.

Water Right Validity:

The water right is valid and has been recommended in the CSRBA.

Injury to Other Water Rights:

This proposed transfer will be advertised because of the low producing wells in the area. This will give the opportunity to neighboring well owners to learn about the proposed transfer.

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:

New well will insure an additional source of water.

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: July 19, 2019
To: Transfer 83459
From: Adam Frederick *AF*
Re: Legal Notice Remarks

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.