

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83089**

This is to certify that: AVONDALE IRRIGATION DISTRICT
PO BOX 81
HAYDEN LAKE, ID 83835

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>
95-8774	AR/LICENSE	10/20/1992	3.000 cfs	N/A	N/A	N/A	GROUND WATER
95-8867	AR/LICENSE	5/13/1994	2.000 cfs	N/A	N/A	N/A	GROUND WATER
95-8909	AR/LICENSE	3/8/1995	3.000 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>
95-8774	NO	NO	NO	YES	NO	NO
95-8867	NO	NO	NO	YES	NO	NO
95-8909	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>
95-8774	95-8774	3.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-8867	95-8867	2.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-8909	95-8909	3.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		8.000 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 15th day of May, 2019.


Douglas Jones, Northern Regional Manager

WATER RIGHT NO. 95-8867

As Modified by Transfer No. 83089

In accordance with the approval of Transfer No. 83089, Water Right No. 95-8867 is now described as follows:

Right Holder: AVONDALE IRRIGATION DISTRICT
PO BOX 81
HAYDEN LAKE, ID 83835

Priority Date: 5/13/1994

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	2.000 cfs 2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 11 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NESW	Sec 15 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NESW	Sec 15 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SWSW	Sec 24 Twp 51N Rge 04W KOOTENAI County

CONDITIONS OF APPROVAL

1. 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. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
3. This right does not grant any right-of-way or easement across the land of another.
4. Place of Use is within the service area boundary of the Avondale Irrigation District pursuant to Section 43-323, Idaho Code.
5. The water system described in this right has been assigned Public Water Supply ID 1280008 by the Idaho Department of Environmental Quality.
6. Right Nos. 95-7558, 95-8144, 95-8321, 95-8687, 95-8774, 95-8867, and 95-8909 are limited to a total combined diversion rate of 18.05 cfs.
7. Place of Use may include lands outside the boundary of the Avondale Irrigation District pursuant to Section 43-1901, Idaho Code.

Transfer No. 83089

WATER RIGHT NO. 95-8774

As Modified by Transfer No. 83089

In accordance with the approval of Transfer No. 83089, Water Right No. 95-8774 is now described as follows:

Right Holder: AVONDALE IRRIGATION DISTRICT
PO BOX 81
HAYDEN LAKE, ID 83835

Priority Date: 10/21/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	3.000 cfs 3.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L0 (SWNW)	Sec 11 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NESW	Sec 15 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NESW	Sec 15 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SWSW	Sec 24 Twp 51N Rge 04W KOOTENAI County

CONDITIONS OF APPROVAL

1. 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. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
3. This right does not grant any right-of-way or easement across the land of another.
4. The water system described in this right has been assigned Public Water Supply ID 1280008 by the Idaho Department of Environmental Quality.
5. Place of use is within the service area boundary of Avondale Irrigation District pursuant to Section 43-323, Idaho Code.
6. Place of Use may include lands outside the boundary of the Avondale Irrigation District pursuant to Section 43-1901, Idaho Code.
7. Right Nos. 95-7558, 95-8144, 95-8321, 95-8687, 95-8774, 95-8867, and 95-8909 are limited to a total combined diversion rate of 18.05 cfs.

WATER RIGHT NO. 95-8909

As Modified by Transfer No. 83089

In accordance with the approval of Transfer No. 83089, Water Right No. 95-8909 is now described as follows:

Right Holder: AVONDALE IRRIGATION DISTRICT
PO BOX 81
HAYDEN LAKE, ID 83835

Priority Date: 3/8/1995

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	3.000 cfs 3.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNE	Sec 11 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NWSE	Sec 14 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NESW	Sec 15 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	NESW	Sec 15 Twp 51N Rge 04W KOOTENAI County
GROUND WATER	SWSW	Sec 24 Twp 51N Rge 04W KOOTENAI County

CONDITIONS OF APPROVAL

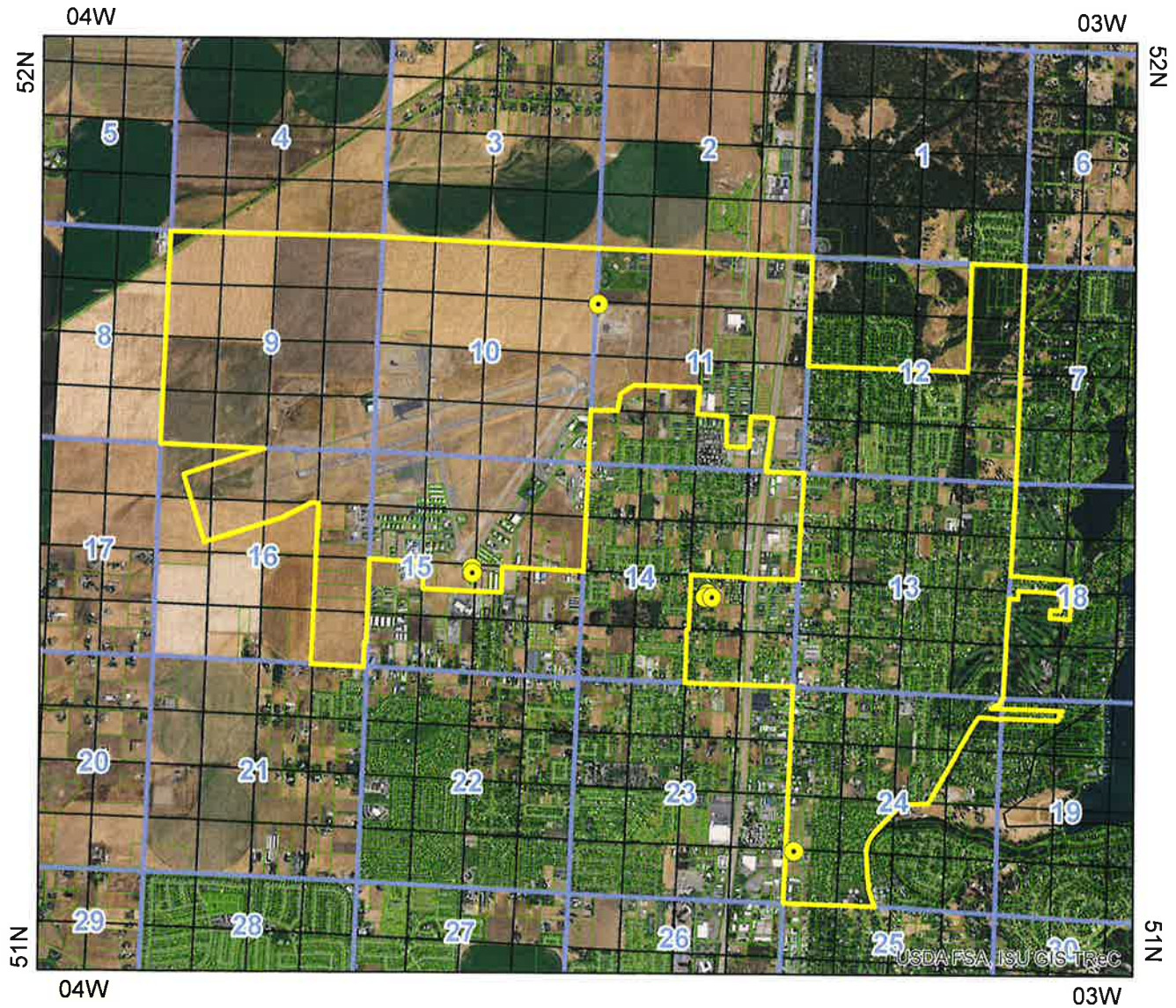
1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right does not grant any right-of-way or easement across the land of another.
3. Place of Use is within the service area boundary of the Avondale Irrigation District pursuant to Section 43-323, Idaho Code.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The water system described in this right has been assigned Public Water Supply ID 1280008 by the Idaho Department of Environmental Quality.
6. Right Nos. 95-7558, 95-8144, 95-8321, 95-8687, 95-8774, 95-8867, and 95-8909 are limited to a total combined diversion rate of 18.05 cfs.
7. Place of Use may include lands outside the boundary of the Avondale Irrigation District pursuant to Section 43-1901, Idaho Code.

Transfer No. 83089

Avondale Irrigation District

Attachment to Approved Transfer 83089

This map depicts the MUNICIPAL 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
-  Water Service Area Boundary
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.5 1 2 Miles



Tax parcel information provided by Kootenai County.



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

June 6, 2019

AVONDALE IRRIGATION DISTRICT
PO BOX 81
HAYDEN LAKE ID 83835

Re: Transfer No: 83089
Water Right No(s): 95-8774, 95-8867, 95-8909
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 "Doug Jones", is written over the typed name.

Doug Jones
Northern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 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.: 83089**
 Water Right No(s): 95-8774, 95-8867, 95-8909

AVONDALE IRRIGATION DISTRICT
PO BOX 81
HAYDEN LAKE ID 83835



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 4 day of April, 2019, and ending on the 11 day of April, 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 11 day of April 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.



RECEIVED
APR 17 2019

Katrina George
IDWR / NORTH
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

MY COMMISSION EXPIRES 8/29/23

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

94-9627

LYNETTE MYHRE
JOHN MYHRE
PO BOX 328
HARRISON, ID 83833-0328
Point of Diversion NWNW
S26 T47N R03W
KOOTENAI County
Source GROUND WATER
Tributary COEUR D ALENE LAKE

Point of Diversion SWNW
S26 T47N R03W
KOOTENAI County
Source GROUND WATER
Tributary COEUR D ALENE LAKE

Point of Diversion SWNW
S26 T47N R03W
KOOTENAI County
Source UNNAMED STREAM
Tributary COEUR D ALENE LAKE

Use: IRRIGATION FROM STORAGE

04/01 to 10/31 24 AF

Use: IRRIGATION STORAGE

01/01 to 12/31 34.9 AF

Total Diversion: 34.9 AF

Date Filed: 3/19/2019

Place Of Use: IRRIGATION

STORAGE

T47N R03W S26

NWNW SWNW

Place Of Use: IRRIGATION

FROM STORAGE

T47N R03W S23

SWSW SESW

T47N R03W S26

NWNW SWNW

T47N R03W S27

NENE NWNE

This application proposes to irrigate 18 acres within the described place of use within any year.

95-17787

THE WAZ FAMILY TRUST

CARISA M & ANDREW

WISNIEWSKI TRUSTEES

11724 NEGLEY DR

SAN DIEGO, CA 92131

Point of Diversion SWSE

S23 T49N R04W

KOOTENAI County

Source COEUR D ALENE LAKE

Tributary SPOKANE RIVER

Use: DOMESTIC

03/15 to 11/15 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 3/26/2019

Place Of Use: DOMESTIC

T49N R04W S23

L4(SWSE)

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

4/22/2019. The protestant

must also send a copy of the

protest to the applicant.

GARY SPACKMAN, Director

Published on

4/4/2019 and 4/11/2019

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 83089
AVONDALE IRRIGATION DIS-**

TRICT, PO BOX 81, HAYDEN
LAKE, ID 83835; has filed Ap-
plication No. 83089 for
changes to the following water
rights within KOOTENAI
County(s): Right No(s).
95-8774, 95-8867, 95-8909; to
see a full description of these
rights and the proposed trans-
fer, 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:

**PURPOSE OF TRANSFER
ADDS A NEW BACKUP
WELL LOCATED NEAR THE
JUNCTION OF LANCASTER
ROAD & RAMSEY ROAD.**

For additional information con-
cerning 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
4/22/2019. The protestant
must also send a copy of the
protest to the applicant. GARY
SPACKMAN, Director

Published on 4/4/2019
and 4/11/2019

CDA LEGAL 1418

AD#281204

April 4, 11, 2019