



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763

Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 17, 2019

CHARLES W MC KETTA
PO BOX 3555
MOSCOW ID 83843-1913

RE: Water Right No(s): 86-10687

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Application for Transfer (Transfer).

Because this water rights appear to be part of an ownership change and not a transfer, the Department is returning your Transfer and all documentation to you at this time along with the unprocessed check (the Department cannot process an incomplete check). Enclosed is the Notice of Change in Water Right Ownership form the Department requires when changing the ownership of a water right.

If you have any questions regarding this matter, please contact me at (208) 762-2813.

Sincerely,

Natalie Steading
Natalie Steading
Tech Records Specialist 1

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Charles W. McKetta

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. ** *Sales warranty deed*
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). ** *deed deed*
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☒ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Charles W. McKetta Phone (208) 301-4654
Mailing address P.O. Box 3555, Moscow, Idaho 83843 Email forestecon@moscow.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

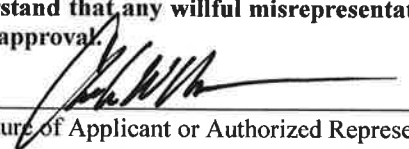
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative NA Phone _____
Mailing address NA Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative  Print Name and Title if applicable Charles W. McKetta landowner Date 5/14/2019

Signature of Applicant or Authorized Representative _____ Print Name and Title if applicable _____ Date _____

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
☐ Add diversion point(s)
☐ Change period of use
☒ Other change ownership
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
make rights ownership consistent with land ownership - no other changes in rights proposed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	86-10687	13,000 g/day	stockwater (.02 cfs)	1/1 to 12/31	Nova Creek
☐ ☐	86-10687		domestic (.04 cfs)	1/1 to 12/31	Nova Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

portable pumps, cased spring house & adjacent bore

- b. Who owns the property at the point(s) of diversion? Charles W. McKetta

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **No**
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? **No**

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

no place or purpose change proposed

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

NA

- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Page _____ of _____

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

Current Water Right No.: 86-10687

Current Owner: ARCHIE BENDEL
NORMA BENDEL

Priority Date: 12/31/1904

Origin: Water Right

Status: Active

Basis: Decreed

Source

SPRING

Tributary

SINKS

Beneficial UseFrom ToDiversion RateAnnual Volume

STOCKWATER

1/01 to 12/31

0.02 CFS

DOMESTIC

1/01 to 12/31

0.04 CFS

Total Diversion

0.06 CFS

Location of Point(s) of Diversion

SPRING

SE1/4SE1/4NW1/4

Sec. 34, Twp 40N, Rge 03W B.M.

LATAH County

Place of UseSTOCKWATER Within NEZ PERCE County

T40N R03W S34

SENW

DOMESTIC Within NEZ PERCE County

T40N R03W S34

SENW

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. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. STOCKWATER; 2 HOGS, 3 HORSES, 20 CATTLE PARCEL NOS. 40N03W342405, 40N03W342555

Decreed Date: 12/29/2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. *NA*

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated. *No changes proposed*

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use. *NA*

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**. *No changes proposed*

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

No place of use changes proposed

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid _____ Date _____ Receipted by _____ Receipt # _____

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Application for Transfer or Exchange Fee Schedule

Applications for changes pursuant to [Idaho Code § 42-221.0.8](#) require a filing fee of \$50 per water right. **All other application fees** are based on the storage volume (acre-feet per year or AFY) or on the diversion rate (cubic feet per second or CFS) being transferred, not necessarily on the amount of the entire right. For applications proposing a change in the diversion rate and storage volume, determine each fee separately and pay the greater of the two. [See Transfer Processing Memo No. 23.](#)

(CFS = cubic feet per second; AF = acre-feet per year)

Flow Rate (CFS)	Storage Volume (AF)	Fee	Flow Rate (CFS)	Storage Volume (AF)	Fee
0.00 – 0.20	0.0 – 20.0	\$200	11.01 – 12.00	1,100.1 – 1,200.0	\$1,380
0.21 – 1.00	20.1 – 100.0	\$500	12.01 – 13.00	1,200.1 – 1,300.0	\$1,460
1.01 – 2.00	100.1 – 200.0	\$580	13.01 – 14.00	1,300.1 – 1,400.0	\$1,540
2.01 – 3.00	200.1 – 300.0	\$660	14.01 – 15.00	1,400.1 – 1,500.0	\$1,620
3.01 – 4.00	300.1 – 400.0	\$740	15.01 – 16.00	1,500.1 – 1,600.0	\$1,700
4.01 – 5.00	400.1 – 500.0	\$820	16.01 – 17.00	1,600.1 – 1,700.0	\$1,780
5.01 – 6.00	500.1 – 600.0	\$900	17.01 – 18.00	1,700.1 – 1,800.0	\$1,860
6.01 – 7.00	600.1 – 700.0	\$980	18.01 – 19.00	1,800.1 – 1,900.0	\$1,940
7.01 – 8.00	700.1 – 800.0	\$1,060	19.01 – 20.00	1,900.1 – 2,000.0	\$2,020
8.01 – 9.00	800.1 – 900.0	\$1,140	20.01 – 100.00	2,000.1 – 10,000.0	*
9.01 – 10.00	900.1 – 1,000.0	\$1,220	100.01 – 500.00	10,000.1 – 50,000.0	**
10.01 – 11.00	1,000.1 – 1,100.0	\$1,300	500.01 & over	50,000.1 & over	***

For an application including a change in nature of use of water under one (1) or more right(s):
Additional fee of \$250 per application.

For any application including a change in ownership of water right(s) as required per [Idaho Code § 42-248](#):
Additional fee of \$25 per undivided right requiring an ownership change and/or
Additional fee of \$100 per divided right requiring an ownership change.

* \$2,020 plus \$40 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 20.0 cfs or 2,000 acre-feet.

** \$5,220 plus \$20 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 100.0 cfs or 10,000 acre-feet.

*** \$13,220 plus \$4 for each additional 1.0 cfs or part thereof or 100 acre-feet or part thereof over the first 500.0 cfs or 50,000 acre-feet.

No Changes

\$ 50.00

\$ 25.00

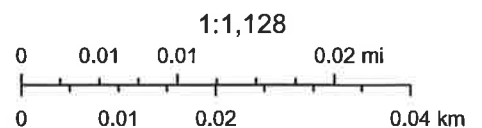
\$ 75.00

Application for Water Right



5/14/2019 3:45:49 PM

- Override 1
- Counties
- Quarter Quarter
- Section
- Township/Range
- Idaho Outline
- Idaho Mask



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water

WARRANTY DEED

421430

CERTIFIED COPY

For Value Received

ARCHIE BENDEL AND NORMA BENDEL, HUSBAND AND WIFE

the grantors, do hereby grant, bargain, sell and convey unto

CHARLES W. MCKETTA

the grantee, whose current address is P.O. BOX 3555 MOSCOW, ID 83843

the following described premises, in Latah County Idaho, to-wit:

See legal description attached hereto as Exhibit A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, thier heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owner in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 15, 1996

Archie Bendel
Archie Bendel

Norma Bendel
Norma Bendel

State of Idaho
County of Latah

On this 15th day of July in the year 1996, before me, a Notary Public, personally appeared Archie Bendel and Norma Bendel

known to me to be the persons whose names subscribed to the within instrument and acknowledged to me that they executed the same.


Residing at Moscow
Exp: 2/28/01

State of Idaho, County of
I hereby certify that this instrument was filed for record at the request of

at minutes pasts o'clock M
this day of 19
in my office, and duly recorded in Bk
of Deeds at Page

Ex-Officio Recorder

By Deputy

Fees \$
Mail to:

EXHIBIT 'A'

SITUATED IN LATAH COUNTY, STATE OF IDAHO, TO-WIT:

Beginning at the center of Section 34, Township 40 North, Range 3 W.B.M.; running thence north along the center line of the section a distance of 160 rods to the one-quarter corner; thence west along the section line a distance of 17.5 rods; thence South 7 degrees 39 minutes West a distance of 91.5 rods; thence East 12 rods; thence South 14 degrees 26 minutes West 42 rods; thence West 7 rods; thence South 7 degrees 39 minutes West 29 rods to the south line of said Northwest Quarter; thence South 89 degrees 47 minutes East 39 rods to the point of beginning.

ALSO:

All that certain real property, situate within the Northwest One-Quarter (NW1/4) of Section 34, Township 40 North, Range 3 West, Boise Meridian, Latah County, Idaho, being described as follows:

BEGINNING at a point in the south line of said NW 1/4 of Section 34, from which the southeast corner thereof bears South 89 degrees 09 minutes 25 Seconds East, 643.50 feet; THENCE along said South line North 89 degrees 9 minutes, 25 seconds West 24.89 feet; THENCE North 05 degrees, 56 minutes, 24 seconds East, 478.13 feet; THENCE East 25.00 feet; THENCE South 05 degrees, 56 minutes, 24 seconds West, 478.50 feet to the point of beginning above described.

EXCEPTING THEREFROM:

SITUATED IN THE STATE OF IDAHO, COUNTY OF LATAH and is described as follows:

All that certain real property situate within the NW1/4 of Section 34, Township 40 North, Range 3, W.B.M., described as follows:

Beginning at the North quarter corner of said Section 34; thence along the North-South quarter line of said Section, S. 01 degrees 43 minutes, 49 seconds, East, 1484.67 feet; thence West, 488.50 feet to an angle point in the line of the lands of McKetta; thence along said line of McKetta, North 5 degrees 56 minutes 24 seconds East 1497.50 feet to a point in the North line of said section; thence along said section line, S. 88 degrees 54 minutes 58 seconds E. 280.75 feet to the above described POINT OF BEGINNING.

CERTIFIED COPY



I do hereby certify that the foregoing is a true copy of the original document on record in this office. Dated this 14th day of May 20 19
 Henrienne K. Westberg
 Exofficio Auditor & Recorder
 Latah County, Idaho
[Signature] Deputy

421430

NO. _____
 AT THE REQUEST OF:
MOSCOW TITLE, INC.
 DATE & HOUR:
7/15/96 4:33 P M.
 SUSAN PETERSEN
 LATAH COUNTY RECORDER
 FEE \$ 6.00 BY [Signature]
 17/ MOSCOW TITLE, INC.