

JAN 07 2019

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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)** City of Culdesac Phone 208-843-5483
 2. **MAILING ADDRESS** 100 Sixth Street City Culdesac
 State ID Zip 83524 Email cofcu@idaho.net

- ☐ 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)** 85-7087

- ☒ 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 0.27 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SE	14	3W	35N	Nez Perce	Ground Water	Lower Well
N	15		SE	NE	14	3W	35N	Nez Perce	Ground Water	Upper Well

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:

Two interconnected municipal wells that the City has historically used as such. The City records its pumping from both wells and will accommodate reasonably additional requirements.

- b. Who owns the property at the point(s) of diversion? City of CULDESAC

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.

Robert D.E. Sharp
Signature of applicant or authorized agent

Robert D.E. Sharp, Mayor City of Culdesac
Print name and title if applicable

12/27/2018
Date

Chris M. Bromley
Signature of applicant or authorized agent

Chris M. Bromley, Attorney
Print name and title if applicable

12/27/2018
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 _____ pages of attachments. Received by AF Date 1-7-19

Fee paid 5000 Date 1-7-19 Received by ja Receipt # N033982

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 ☐

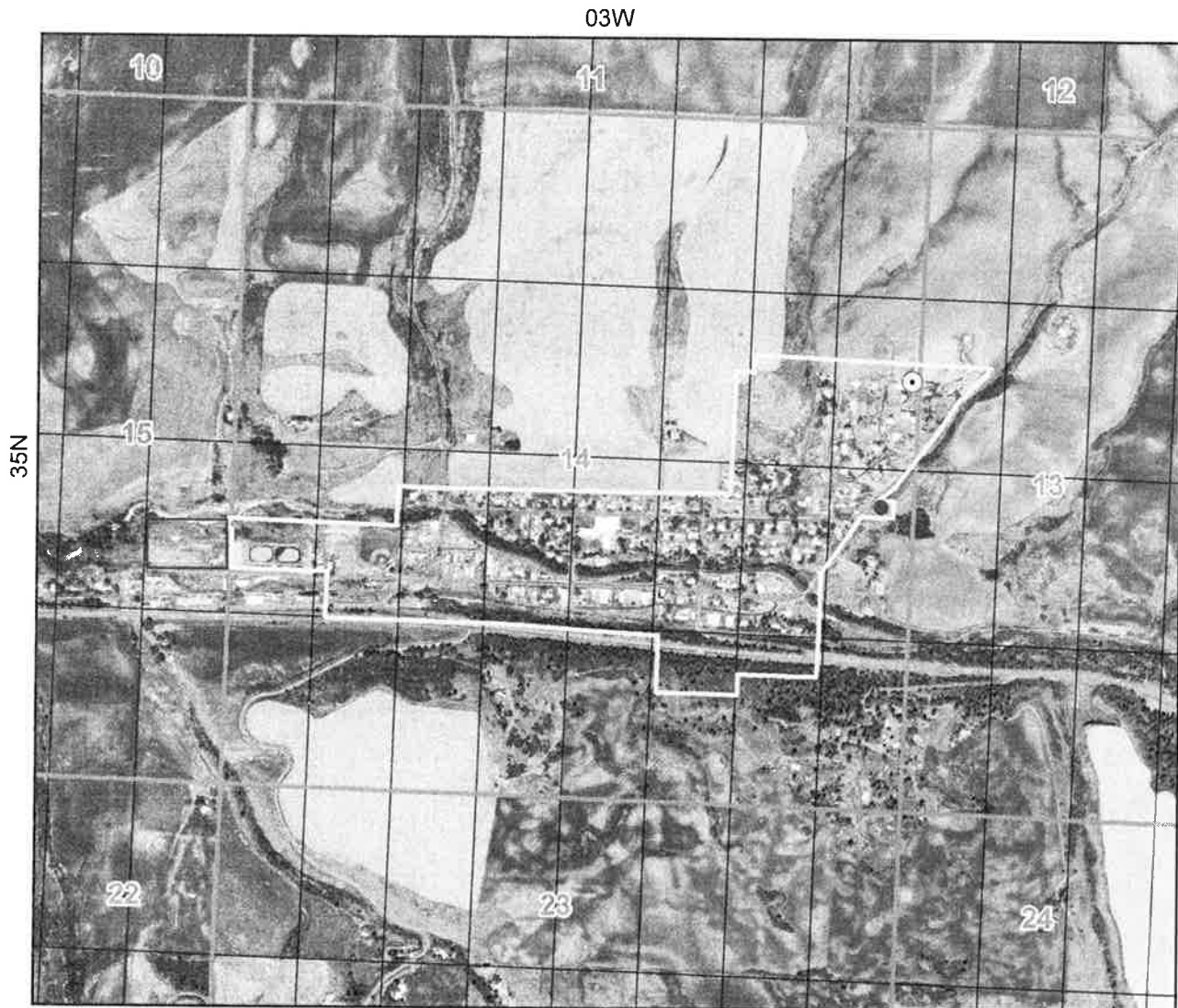
(Do NOT scan the W-9 -- confidential information is held by fiscal only)

State of Idaho
Department of Water Resources

City of Culdesac

MUNICIPAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



○ Point of Diversion: 85-7087 (Upper Well)

Water Service Area Boundary

0 0.175 0.35 0.7 Miles

▬ Townships

▬ Additional Area Served by City of Culdesac

▬ PLS Sections

▬ Quarter Quarters

● Point of Diversion: Lower Well

Map produced on December 20, 2018



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 85-07087

NAME AND ADDRESS: CITY OF CULDESAC
PO BOX 128
CULDESAC, ID 83524

SOURCE: GROUND WATER

QUANTITY: 0.27 CFS

PRIORITY DATE: 07/29/1974

POINT OF DIVERSION: T35N R03W S14 LOT 15 (SENE) Within Nez Perce County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Municipal	01-01 TO 12-31	0.27 CFS

PLACE OF USE:	Municipal	Within Nez Perce County
	T35N R03W S13 LOT 10 (SWNW)	
	S14 LOT 13 (SWNE)	LOT 15 (SENE)
	LOT 21 (NESW)	LOT 23 (NWSW)
	LOT 17 (NESE)	LOT 19 (NWSE)
	LOT 29 (SWSE)	LOT 31 (SESE)

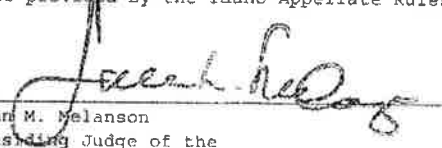
Place of use is within the service area of the City of Culdesac
municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



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

February 13, 2019

CITY OF CULDESAC
100 6TH ST
CULDESAC, ID 83524

RE: Transfer No. 82944
Water Right No(s). 85-7087

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 LEWISTON TRIBUNE on 2/21/2019 and 2/28/2019. 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

CC:

CHRIS M BROMLEY
MC HUGH BROMLEY PLLC
380 S 4TH ST STE 103
BOISE, ID 83702

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, February 13, 2019 4:27 PM
To: 'Legals@lmtribune.com'
Subject: Legal Notice for WR 85-15795 & Transfer 82944
Attachments: Legal Notice for 85-15795 & Transfer 82944.docx.doc

Please publish the enclosed legal notice in the **Lewiston Tribune** on the dates indicated **February 21st and February 28th, 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 3/11/2019. 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. 82944**

CITY OF CULDESAC, 100 SIXTH ST, CULDESAC, ID 83524; has filed Application No. 82944 for changes to the following water rights within NEZ PERCE County(s): Right No(s). 85-7087; 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 point of diversion to the City of Culdesac's existing groundwater right in the NE1/4SE1/4 of Section 14, Twp 35N, Rge 03W.

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 3/11/2019. The protestant must also send a copy of the protest to the applicant.

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

85-15795

CITY OF CULDESAC
100 SIXTH ST
CULDESAC, ID 83524
Point of Diversion L17(NESE)
S14 T35N R03W
NEZ PERCE County
Source GROUND WATER
Point of Diversion L16(SENE)
S14 T35N R03W
NEZ PERCE County
Source GROUND WATER
Use: MUNICIPAL
01/01 to 12/31 0.39 CFS
Total Diversion: 0.39 CFS
Date Filed: 11/28/2018
Place Of Use: MUNICIPAL

Place of use is within the service area of the City of Culdesac municipal water supply system T35N R03W S13 & S14 as provided for under Idaho Law.

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 3/11/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/21/2019 and 2/28/2019

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, February 13, 2019 4:23 PM
To: 'Sujata.Connell@deq.idaho.gov'
Subject: Request for Comments on Transfer #82944
Attachments: 82944 Application for Transfer on WR#85-7087.pdf; Transfer 82944 Correspondence.pdf

Dear Interested Agencies:

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 March 11, 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*

MEMORANDUM

Date: January 8, 2019
To: Transfer 82944
From: Adam Frederick Af
Re: Legal Notice Remarks

This transfer proposes to add a point of diversion to the City of Culdesac's existing groundwater right in the NE1/4SE1/4 of Section 14, Twp 35N, Rge 03W.

MEMORANDUM

Date: January 8, 2019
To: Transfer 82944
From: Adam Frederick *AF*
Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to add a point of diversion to the existing system.

Review & Evaluation of Sufficiency of Information
1/8/2019

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 the Mayor of Culdesac.

Water Right Validity: The water rights are valid according to IDWR records.

Injury to Other Water Rights: This well has been in operation for the city for some time with no negative comments or concerns from other water users in the area. IDWR will proceed with advertising to allow the public to comment if necessary.

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: Existing well will insure a safe drinking water source for future economy in the city.

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.

RECEIVED

JAN 07 2019

IDWR / NORTH



City of Culdesac

100 Sixth Street • Culdesac, Idaho 83524

Phone: (208) 843-5483 • Fax: (208) 843-2938

E-Mail: cofcul@idaho.net

January 3, 2019

Mr. Adam Frederick
Senior Water Resource Agent
Idaho Dept. of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

Re: City of Culdesac Municipal Application

Dear Mr. Frederick:

Enclosed is the signed Application for Transfer of Water Right – Point(s) of Diversion with attachments. Also enclosed is a check in the amount of \$500 for the application fee.

Thank you.

Sincerely,

CITY OF CULDESAC

A handwritten signature in cursive script that reads "Noreen Durante".

Noreen Durante
City Clerk/Treasurer

Encl.

cc: Mr. Chris Bromley (w/encl.)