

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82305**

This is to certify that: CABINET MOUNTAINS WATER DISTRICT
PO BOX 1223
BONNERS FERRY, ID 83805-1223

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>
98-7750	WR/LICENSE	3/24/1995	2.000 cfs	1314.6 af	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>
98-7750	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>
98-7750	98-7750	2.000 cfs	1314.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.000 cfs	1314.6 af	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 4th day of September, 2018.



Douglas Jones, Northern Regional Manager

WATER RIGHT NO. 98-7750

As Modified by Transfer No. 82305

In accordance with the approval of Transfer No. 82305, Water Right No. 98-7750 is now described as follows:

Right Holder: CABINET MOUNTAINS WATER DISTRICT
PO BOX 1223
BONNERS FERRY, ID 83805-1223

Priority Date: 3/24/1995

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	2.000 cfs	1314.6 af
			2.000 cfs	1314.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 8 Twp 61N Rge 02E	BOUNDARY County
GROUND WATER	L1 (NWNE)	Sec 29 Twp 62N Rge 02E	BOUNDARY County
GROUND WATER	L1 (NWNE)	Sec 29 Twp 62N Rge 02E	BOUNDARY County
GROUND WATER	L1 (NWNE)	Sec 29 Twp 62N Rge 02E	BOUNDARY 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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
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 determine the amount of water diverted from power records and shall annually report the information to the department.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
6. Place of use is within the area served by the public water supply system ID 1110042 of Cabinet Mountains Water District. The place of use is generally located within Township 60N, 61N, and 62N, and Range 01W, 01E, and 02E.
7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

WATER RIGHT NO. 98-7750

As Modified by Transfer No. 82305

CONDITIONS OF APPROVAL

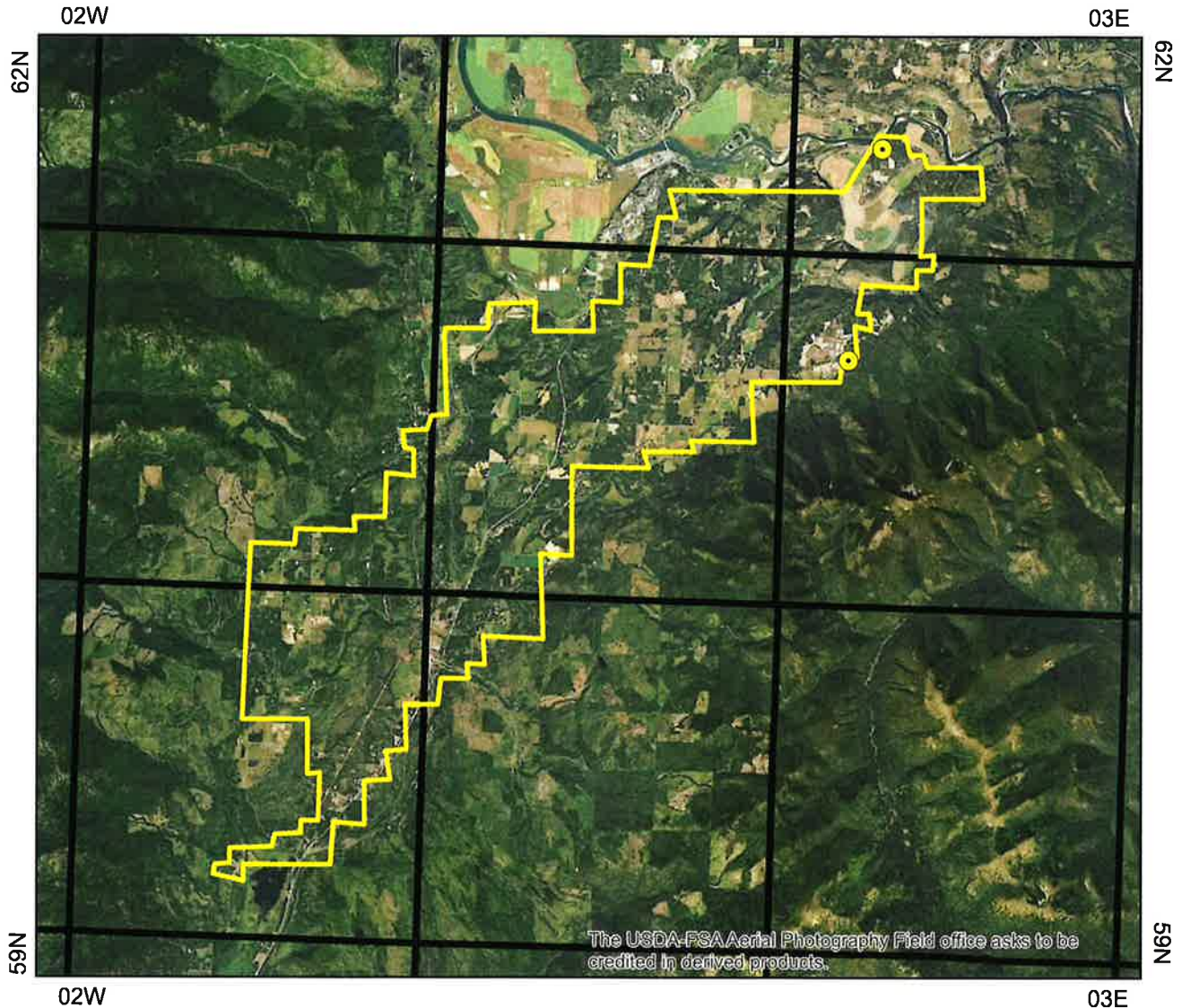
8. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
9. The issuance of this right does not grant any right-of-way or easement across the land of another.

Cabinet Mountains Water District

Attachment to Transfer # 82305

98-7750

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
- Townships





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 4, 2018

CABINET MOUNTAINS WATER DISTRICT
PO BOX 1223
BONNERS FERRY ID 83805-1223

Re: Transfer No: 82305
Water Right No(s): 98-7750
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.

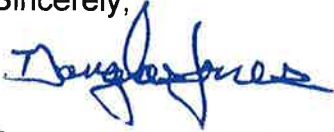
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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", written over the word "Sincerely,".

Douglas Jones, P.E.
Northern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2018 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.: 82305
Water Right No(s): 98-7750

CABINET MOUNTAINS WATER DISTRICT
PO BOX 1223
BONNERS FERRY ID 83805-1223



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 Boundary, Jenda Johnson
being first duly sworn on oath deposes and says that
he/she is Bookkeeper of the
Bonners Ferry Herald, a newspaper printed and
published at Bonners Ferry, Boundary County, Idaho;
that the said newspaper has been continuously and
uninterruptedly published in said Boundary County
during a period of 12 months prior to the first publication
of the hereto attached notice of publication in the case
of:

Water Right #98-7987 +
Transfer #98-7750 as it
was published in the regular and entire issue of the said
paper for a period of 2 consecutive weeks,
commencing on 7th day of August, 2018 and
ending on the 9th day of August, 2018 and
that said notice was published in said newspaper.

Jenda Johnson

SUBSCRIBED AND SWORN TO before me, this

9th day of August, 2018.

Katrina George

Notary Public-State of Idaho

Residing at: Kootenai County 9954

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

98-7987

SCOT A WEBB
DEB D WEBB
PO BOX 341
MOYIE SPRINGS, ID 83845
Point of Diversion NWNWSW
S18 T62N R03E
BOUNDARY County
Source SPRING
Tributary SINKS
Use: IRRIGATION
04/01 to 10/31 0.1 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.1 CFS
Date Filed: 7/11/2018
Place Of Use: IRRIGATION
T62N R03E S18 SWNW
Place Of Use: STOCKWATER
T62N R03E S18 SWNW
Total Acres: 5.1

Permits will be subject to all
prior water rights. For addition-
al 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 Wa-
ter Resources, Northern Re-
gion, 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
8/20/2018. The protestant
must also send a copy of the
protest to the applicant.

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 82305
CABINET MOUNTAINS WA-
TER DISTRICT, PO BOX
1223, BONNERS FERRY, ID
83805-1223; has filed Applica-
tion No. 82305 for changes to
the following water rights with-
in BOUNDARY County(s):
Right No(s). 98-7750; 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
Cabinet Mountains Water
District's existing ground
water right 98-7750 in the
SW1/4SW1/4 of Section 8,
Twp 61N, Rge 02E.

For additional information concern-
ing 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 pro-
posed 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
8/20/2018. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director
BFH Legal 9954
August 2, 9 2018

RECEIVED

SEP 04 2018

IDWR / NORTH



MY COMMISSION EXPIRES 8/29/23