

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81733

This is to certify that: CITY OF ATHOL
PO BOX 249
ATHOL, ID 83801-0249

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>
95-9456	AR/LICENSE	1/26/1995	1.500 cfs	N/A	N/A	N/A	GROUND WATER
95-9572	AR/LICENSE	11/15/1968	0.380 cfs	122.5 af	N/A	N/A	GROUND WATER
95-9877	AR/LICENSE	4/17/1981	0.550 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>
95-9456	NO	NO	NO	YES	NO	NO
95-9572	NO	NO	NO	YES	NO	NO
95-9877	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>
95-9456	95-9456	1.500 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-9572	95-9572	0.380 cfs	122.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-9877	95-9877	0.550 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.050 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 26 day of July, 2017.

SUPPORT DATA
IN FILE # 95-9456


CHAD H GOODWIN, Acting Regional Manager

Transfer No. 81733

WATER RIGHT NO. 95-9572

As Modified by Transfer No. 81733

In accordance with the approval of Transfer No. 81733, Water Right No. 95-9572 is now described as follows:

Right Holder: CITY OF ATHOL
PO BOX 249
ATHOL, ID 83801-0249

Priority Date: 11/15/1968

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

To

to 12/31

Diversion Rate

0.380 cfs

0.380 cfs

Diversion Volume

122.5 af

122.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESW

Sec 10 Twp 53N Rge 03W KOOTENAI County

GROUND WATER

NWNE

Sec 16 Twp 53N Rge 03W KOOTENAI County

GROUND WATER

SESW

Sec 9 Twp 53N Rge 03W KOOTENAI 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Coeur d'Alene-Spokane River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
6. 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.
7. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.

Transfer No. 81733

WATER RIGHT NO. 95-9572
As Modified by Transfer No. 81733

CONDITIONS OF APPROVAL

8. Place of use is within the service area of the City of Athol municipal water supply system as provided for under Idaho Law.
9. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
10. Right Nos. 95-9572, 95-9877 and 95-9456 are limited to a total combined diversion rate of 2.05 cfs.
11. The issuance of this right does not grant any right-of-way or easement across the land of another.



WATER RIGHT NO. 95-9877

As Modified by Transfer No. 81733

In accordance with the approval of Transfer No. 81733, Water Right No. 95-9877 is now described as follows:

Right Holder: CITY OF ATHOL
PO BOX 249
ATHOL, ID 83801-0249

Priority Date: 4/17/1981

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

To

to 12/31

Diversion Rate

0.550 cfs

0.550 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESW

Sec 10 Twp 53N Rge 03W KOOTENAI County

GROUND WATER

NWNE

Sec 16 Twp 53N Rge 03W KOOTENAI County

GROUND WATER

SESW

Sec 9 Twp 53N Rge 03W KOOTENAI 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Coeur d'Alene-Spokane River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
6. 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.
7. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.

Transfer No. 81733

WATER RIGHT NO. 95-9877
As Modified by Transfer No. 81733

CONDITIONS OF APPROVAL

8. Place of use is within the service area of the City of Athol municipal water supply system as provided for under Idaho Law.
9. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
10. Right Nos. 95-9572, 95-9877 and 95-9456 are limited to a total combined diversion rate of 2.05 cfs.
11. The issuance of this right does not grant any right-of-way or easement across the land of another.



WATER RIGHT NO. 95-9456

As Modified by Transfer No. 81733

In accordance with the approval of Transfer No. 81733, Water Right No. 95-9456 is now described as follows:

Right Holder: CITY OF ATHOL
PO BOX 249
ATHOL, ID 83801-0249

Priority Date: 1/26/1995

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

To

to 12/31

Diversion Rate

1,500 cfs

1,500 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESW

Sec 10 Twp 53N Rge 03W KOOTENAI County

GROUND WATER

NWNE

Sec 16 Twp 53N Rge 03W KOOTENAI County

GROUND WATER

SESW

Sec 9 Twp 53N Rge 03W KOOTENAI 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. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Coeur d'Alene-Spokane River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
6. 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.
7. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.

Transfer No. 81733

WATER RIGHT NO. 95-9456
As Modified by Transfer No. 81733

CONDITIONS OF APPROVAL

8. Place of use is within the service area of the City of Athol municipal water supply system as provided for under Idaho Law.
9. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
10. Right Nos. 95-9572, 95-9877 and 95-9456 are limited to a total combined diversion rate of 2.05 cfs.
11. The issuance of this right does not grant any right-of-way or easement across the land of another.



Rights 95-9456, 95-9572, and 95-9877





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

July 31, 2017

CITY OF ATHOL
PO BOX 249
ATHOL ID 83801-0249

Re: Transfer No: 81733
Water Right No(s): 95-9456, 95-9572, 95-9877
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 me at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chad H Goodwin", with a stylized flourish at the end.

Chad H Goodwin
Acting Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

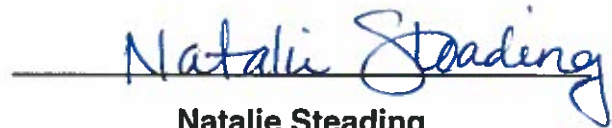
Re: Transfer No.: 81733

Water Right No(s): 95-9456, 95-9572, 95-9877

CITY OF ATHOL

PO BOX 249

ATHOL ID 83801-0249



Natalie Steading

Technical Records Specialist

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.

MEMORANDUM

Date: July 26, 2017
To: Transfer 81733
From: Adam Frederick AC
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
7/26/2017

The purpose of this transfer is add a point of diversion to the City of Athol's three water rights.

Authority to File: The applicant is listed as the current owner of the rights being transferred according to IDWR records. The application was signed by the Mayor of Athol.

Water Right Validity: The water rights are valid and have been recommended in the CSRBA.

Injury to Other Water Rights: Injury is not anticipated due to the high transmissivity of the Rathdrum Prairie Aquifer and the proximity of the new well to the existing City of Athol wells.

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 a safe drinking water source for the 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.

AFFIDAVIT OF PUBLICATION

RECEIVED

JUL 19 2017

IDWR/NORTHERN

STATE OF IDAHO,
County of Kootenai,

} ss.

Geri Hagler

being first duly sworn

upon oath deposes and says:

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 except Sunday 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 *weeks* commencing on the *6* day of *July* 2017, and ending on the *13* day of *July* 2017, 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 *Geri Hagler*

On this *13* day of *July* in the year of *2017*, before me,

a Notary Public, personally appeared *Geri Hagler*

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.

Katrina George

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho



MY COMMISSION EXPIRES 8/29/17

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81733
CITY OF ATHOL, PO BOX
249, ATHOL, ID 83801-0249;
has filed Application No. 81733
for changes to the following
water rights within KOOTENAI
County(s): Right No(s):
95-9456, 95-9572, 95-9877; 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: This
transfer proposes to add a new
point of diversion to the City of
Athol's existing groundwater
rights in the SE1/4SW1/4 of
Section 10, Twp 53N, Rge
03W.

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 pro-
posed change must be filed
with the Department of Water
Resources, Northern Region,
7600 Mineral Drive, Suite 100,
Coeur D'Alene ID 83815 to-
gether with a protest fee of
\$25.00 for each application on
or before 7/24/2017. The pro-
testant must also send a copy
of the protest to the applicant.
/s/GARY SPACKMAN

Director
Published on 7/6/2017 and
7/13/2017
LEGAL 7889
JULY 6, 13, 2017