

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**AMENDED TRANSFER OF WATER RIGHT
TRANSFER NO. 80404**

This is to certify that: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

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>
96-7036	WR/LICENSE	4/30/1969	0.070 cfs	4.5 af	N/A	N/A	GROUND WATER
96-7466	WR/LICENSE	8/18/1976	0.060 cfs	2.1 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>
96-7036	NO	YES	YES	YES	NO	NO
96-7466	NO	NO	YES	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>
96-7036	96-7036	0.070 cfs	4.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
96-7466	96-7466	0.060 cfs	2.1 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.130 cfs	6.6 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 23rd day of January, 2017.

Morgan Case
Morgan Case, Northern Regional Manager

SUPPORT DATA

Transfer No. 80404

IN FILE # 96-7036

WATER RIGHT NO. 96-7036**As Modified by Transfer No. 80404**

In accordance with the approval of Transfer No. 80404, Water Right No. 96-7036 is now described as follows:

Right Holder: STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

Priority Date: 4/30/1969

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC

From

1/01

to 12/31

To**Diversion Rate**

0.070 cfs

0.070 cfs

Diversion Volume

4.5 af

4.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESE

Sec 25 Twp 56N Rge 03W BONNER County

GROUND WATER

SESE

Sec 25 Twp 56N Rge 03W BONNER County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	03W	25																	
56N	03W	36	X	X	X	X												X	
			L1	L2	L3	L4													

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Place of use is located within Round Lake State Park.
3. Domestic use is for campsites, picnic areas, restrooms and other uses associated with the park.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. The following rights are diverted through point(s) of diversion described above: 96-7036 and 96-7466.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 80404

WATER RIGHT NO. 96-7036

As Modified by Transfer No. 80404

CONDITIONS OF APPROVAL

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 96-7466**As Modified by Transfer No. 80404**

In accordance with the approval of Transfer No. 80404, Water Right No. 96-7466 is now described as follows:

Right Holder: IDAHO DEPARTMENT OF PARKS AND RECREATION
PO BOX 83720
BOISE, ID 83720

Priority Date: 8/18/1976

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC

From

1/01

To

to 12/31

Diversion Rate

0.060 cfs

0.060 cfs

Diversion Volume

2.1 af

2.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SESE

Sec 25 Twp 56N Rge 03W BONNER County

GROUND WATER

SESE

Sec 25 Twp 56N Rge 03W BONNER County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
56N	03W	25																	
56N	03W	36	X	X	X	X												X	
			L 1	L 2	L 3	L 4													

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Place of use is located within Round Lake State Park.
3. Domestic use is for 1 home, visitors center, bath houses and other uses associated with the park.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. The following rights are diverted through point(s) of diversion described above: 96-7036 and 96-7466.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 80404



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

January 24, 2017

STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE, ID 83720-0065

Re: Transfer No.: 80404
Water Right Nos.: 96-7036, 96-7466
Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources (IDWR) has issued the enclosed amended Approval of Transfer of Water Rights. The amendment added a point of diversion to Water Right No. 96-7466 omitted in the original approval. The amended transfer approval is a revised **preliminary order** issued by the Department pursuant to Rule 760 of IDWR's Rules of Procedure (IDAPA 37.01.01.760). It supersedes the approval issued on January 13, 2017. **The preliminary order can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 762-2800.

Sincerely,

Morgan Case
Northern Regional Manager

Enclosure

CC: WELCH COMER ASSOC INC.

CERTIFICATE OF SERVICE

I hereby certify that on the **24th** day of **January 24, 2017**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amended Transfer Approval)** to the person(s) listed below:

Water Right Nos. 96-7036, 96-7466

**STATE OF IDAHO
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83820-0065**

**WELCH COMER ASSOC INC
350 E KATHLEEN AVE
COEUR D ALENE, ID 83815**



**Dianne L. Ball
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.