

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81318**

This is to certify that: BAR CIRCLE S WATER INC OR
ROBERT N TURNIPSEED
PO BOX 971
HAYDEN, ID 83835

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>
95-7691	AR/LICENSE	1/17/1977	1.160 cfs	80.4 af	N/A	N/A	GROUND WATER
95-9130	AR/LICENSE	3/28/2002	1.250 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>
95-7691	NO	NO	NO	YES	NO	NO
95-9130	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>
95-7691	95-7691	1.160 cfs	80.4 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-9130	95-9130	1.250 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.250 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 6th day of January, 2017.

Morgan Case, Northern Regional Manager

SUPPORT DATA

IN FILE # 95-7691

Transfer No. 81318

WATER RIGHT NO. 95-7691

As Modified by Transfer No. 81318

In accordance with the approval of Transfer No. 81318, Water Right No. 95-7691 is now described as follows:

Right Holder: BAR CIRCLE S WATER INC OR
ROBERT N TURNIPSEED
PO BOX 971
HAYDEN, ID 83835

Priority Date: 1/17/1977

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

to

To

12/31

Diversion Rate

1.160 cfs

1.160 cfs

Diversion Volume

80.4 af

80.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER
GROUND WATER

NWNW
NENW
NENW

Sec 25 Twp 52N Rge 04W KOOTENAI County
Sec 26 Twp 52N Rge 04W KOOTENAI County
Sec 26 Twp 52N Rge 04W KOOTENAI County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of Bar Circle S Water Inc ID1280010. The place of use is generally located within Sections 14, 22, 23, 24, 25, and 26, Township 52N, Range 4W.
2. 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.
3. 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 RPGWMA management plan approved by the director, including its conservation goals.
4. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
5. 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.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Right Nos. 95-7691 and 95-9130 are limited to a total combined diversion rate of 1.25 cfs.

Transfer No. 81318

WATER RIGHT NO. 95-7691
As Modified by Transfer No. 81318

CONDITIONS OF APPROVAL

8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.



WATER RIGHT NO. 95-9130
As Modified by Transfer No. 81318

In accordance with the approval of Transfer No. 81318, Water Right No. 95-9130 is now described as follows:

Right Holder: ROBERT N TURNIPSEED OR
BAR CIRCLE S WATER INC
PO BOX 971
HAYDEN, ID 83835

Priority Date: 3/28/2002

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

From 01/01 **To** 12/31

Diversion Rate
1.250 cfs
1.250 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNW	Sec 25 Twp 52N Rge 04W KOOTENAI County
GROUND WATER	NENW	Sec 26 Twp 52N Rge 04W KOOTENAI County
GROUND WATER	NENW	Sec 26 Twp 52N Rge 04W KOOTENAI County

CONDITIONS OF APPROVAL

1. Place of use is within the area served by the public water supply system of Bar Circle S Water Inc ID1280010. The place of use is generally located within Sections 14, 22, 23, 24, 25, and 26, Township 52N, Range 4W.
2. 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.
3. 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 RPGWMA management plan approved by the director, including its conservation goals.
4. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
5. 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.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Right Nos. 95-7691 and 95-9130 are limited to a total combined diversion rate of 1.25 cfs.

Transfer No. 81318

WATER RIGHT NO. 95-9130
As Modified by Transfer No. 81318

CONDITIONS OF APPROVAL

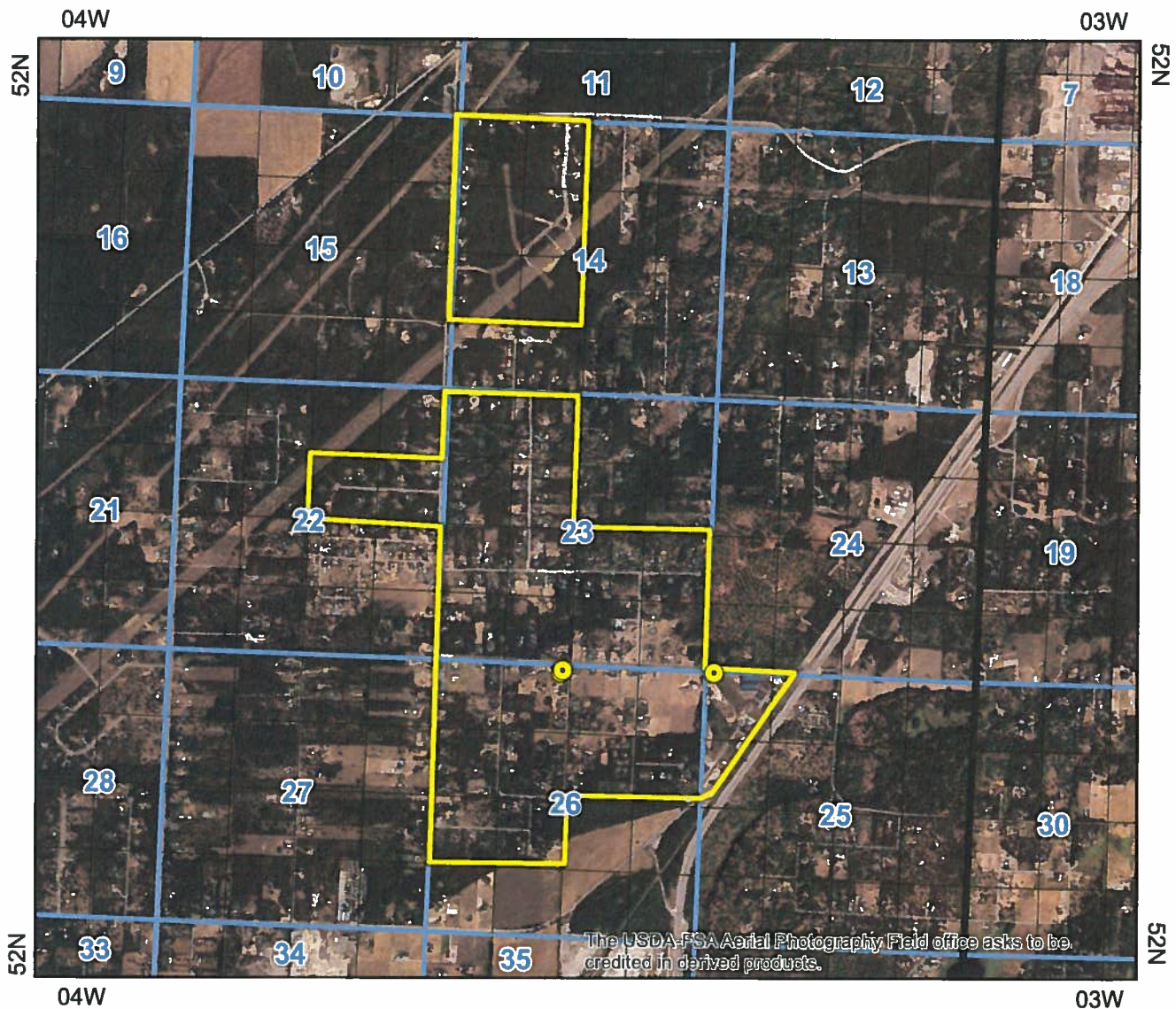
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.



Attachment to Transfer # 81318

Rights 95-7691 and 95-9130.

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.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



-  Point of Diversion
-  Water Service Area Boundary
-  Townships
-  PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 12, 2017

BAR CIRCLE S WATER INC OR
ROBERT N TURNIPSEED
PO BOX 971
HAYDEN ID 83835

Re: Transfer No: 81318
Water Right No(s): 95-7691, 95-9130
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.

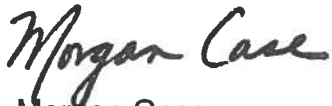
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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 black ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case

Northern Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 81318
Water Right No(s): 95-7691, 95-9130

BAR CIRCLE S WATER INC
PO BOX 971
HAYDEN ID 83835

ROBERT N TURNIPSEED
PO BOX 971
HAYDEN ID 83835



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.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

RECEIVED
DEC 27 2016
IDWR / NORTH

Holly Fredericks 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.

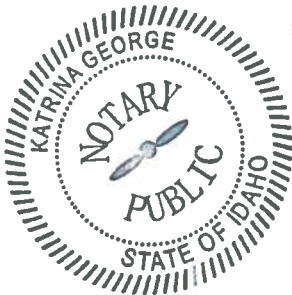
2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The legal notice

of which the annexed is a printed copy, was published in the regular Thurs issue of said newspaper for 2 consecutive weeks commencing on the 15 day of Dec 2016 and ending on the 22 day of Dec 2016 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 Holly Fredericks. On this 22 day of Dec in the year of 2016, before me, a Notary Public, personally appeared Holly Fredericks, 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

RECEIVED
DEC 27 2016
IDWR/NORTH

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81318

BAR CIRCLE S WATER INC and ROBERT N TURNIPSEED, PO BOX 971, HAYDEN, ID 83835; has filed Application No. 81318 for changes to the following water rights within KOOTENAI County: Right No(s). 95-7691, 95-9130; 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 the Bar Circle S Water Inc's existing groundwater rights in the NE1/4NW1/4 of Section 26, Twp 52N, Rge 04W.

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 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 1/2/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
LEGAL 6725
DEC 15, 22, 2016