

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81034

This is to certify that: HILLS RESORT
4777 W LAKESHORE RD
PRIEST LAKE, ID 83856

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>
97-7141	WR/LICENSE	12/28/1979	0.240 cfs	20.2 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>
97-7141	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>
97-7141	97-7141	0.240 cfs	20.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.240 cfs	20.2 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 22nd day of August, 2016.

Morgan Case
MORGAN CASE, Northern Regional Manager

WATER RIGHT NO. 97-7141**As Modified by Transfer No. 81034**

In accordance with the approval of Transfer No. 81034, Water Right No. 97-7141 is now described as follows:

Right Holder: HILLS RESORT
4777 W LAKESHORE RD
PRIEST LAKE, ID 83856

GEORGE HILL
RT 5 BOX 162A
PRIEST LAKE, ID 83856

Priority Date: 12/28/1979

Source: GROUND WATER

BENEFICIAL USE
DOMESTIC

From 1/01 **To** 12/31

Diversion Rate
0.240 cfs
0.240 cfs

Diversion Volume
20.2 af
20.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L2 (SWNE) Sec 24 Twp 60N Rge 05W BONNER County
GROUND WATER L2 (SWNE) Sec 24 Twp 60N Rge 05W 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	
60N	05W	24			X	X									X				
					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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Domestic use includes water for 54 cabins, a restaurant and 7 unit lodge.
5. The issuance of this right does not grant any right-of-way or easement across the land of another.

Transfer No. 81034

State of Idaho
Department of Water Resources
Attachment to Transfer No. 81034
97-7141

This map depicts the DOMESTIC 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
-  Place Of Use 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

August 30, 2016

GARY SPACKMAN
Director

HILLS RESORT
4777 W LAKESHORE RD
PRIEST LAKE ID 83856

RE: Transfer No.: 81034
Water Right No(s): 97-7141
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 homepage 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(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 81034
WATER RIGHTS NOS. 97-7141

**HILLS RESORT
4777 W LAKESHORE RD
PRIEST LAKE ID 83856**



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.

Ball, Dianne

From: Faye.Beller@deq.idaho.gov
Sent: Friday, August 26, 2016 10:07 AM
To: Ball, Dianne
Cc: June.Bergquist@deq.idaho.gov
Subject: Transfer - app- 81034 Hill's Resort

The Department of Environmental Quality has no comment on this water right application.

Faye

Faye Beller

Department of Environmental Quality

2110 Ironwood Parkway

Coeur d'Alene, ID 83814

(208) 666-4601

Fax: (208) 667-5129

faye.beller@deq.idaho.gov

Dance as if no one were watching, sing as if no one were listening, and live each day as if it were your last.

97-7141

RECEIVED
AUG 01 2016
IDWR / NORTH

states: Holly Fredericks being first duly sworn on oath, deposes and

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 2 consecutive weeks, commencing on the 01 day of July, 2016, and ending on the 28 day of July, 2016.

Fracturales

On this 28 day of July, in the year of 2016, before me, Katrina George, Notary Public, personally appeared Holly Fredenicks, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (or they) executed the same.

Comm. Exp.: MY COMMISSION EXPIRES 8/29/17



RECEIVED
AUG 07 2016
IDWR / NORTH

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 81034
HILLS RESORT, 4777 W
LAKESHORE RD, PRIEST
LAKE, ID 83856; has filed**

Application No. 81034 for
changes to the following water
rights within BONNER
County(s): Right No(s). 97-7141;
to see a full description of these
rights and the proposed transfer,
please see

[www.idwr.idaho.gov/apps/wr/
QueryNewTransfers/QueryN
ewTransfers.aspx](http://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:

Applicant is applying to add a
backup point of diversion for
existing water right in Gov Lot 2
(SW1/4NE1/2) Section 24, Twp
60N, Rge 5W.

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 8/8/2016. The
protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director
Published on 7/21/2016 and
7/28/2016

SNP LEGAL 3952
JULY 21, 28, 2016