

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79942

This is to certify that: CITY OF WINCHESTER
PO BOX 245
WINCHESTER, ID 83555-0245

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>
85-4404	WR/DECREED	8/1/1937	0.155 cfs	N/A	N/A	N/A	GROUND WATER
85-4405	WR/DECREED	6/1/1962	0.075 cfs	N/A	N/A	N/A	GROUND WATER
85-7306	WR/DECREED	8/12/1982	0.110 cfs	N/A	N/A	N/A	GROUND WATER
85-7363	WR/DECREED	6/21/1983	0.080 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>
85-4404	NO	YES	NO	YES	NO	NO
85-4405	NO	YES	NO	YES	NO	NO
85-7306	NO	YES	NO	YES	NO	NO
85-7363	NO	YES	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>
85-4404	85-4404	0.155 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
85-4405	85-4405	0.075 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
85-7306	85-7306	0.110 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
85-7363	85-7363	0.080 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.420 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 1 day of September, 2015.

Support data found
in 85-4404.

Keith E. Franklin
For, Chief, Water Allocation Bureau

Transfer No. 79942

WATER RIGHT NO. 85-4404
As Modified by Transfer No. 79942

In accordance with the approval of Transfer No. 79942, Water Right No. 85-4404 is now described as follows:

Right Holder: CITY OF WINCHESTER
PO BOX 245
WINCHESTER, ID 83555-0245

Priority Date: 8/3/1937

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

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

Diversion Rate
0.155 cfs
0.155 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L17 (NESE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L20 (NWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L29 (SWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L29 (SWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L9 (SWNW)	Sec 33 Twp 34N Rge 02W LEWIS County
GROUND WATER	L25 (SWSW)	Sec 33 Twp 34N Rge 02W LEWIS County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Winchester municipal water supply system as provided for under Idaho Law.
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 illustrative purposes.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 79942

WATER RIGHT NO. 85-7306

As Modified by Transfer No. 79942

In accordance with the approval of Transfer No. 79942, Water Right No. 85-7306 is now described as follows:

Right Holder: CITY OF WINCHESTER
PO BOX 245
WINCHESTER, ID 83555-0245

Priority Date: 8/12/1982

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

1/01

To

to 12/31

Diversion Rate

0.110 cfs

0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L17 (NESE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L20 (NWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L29 (SWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L29 (SWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L9 (SWNW)	Sec 33 Twp 34N Rge 02W LEWIS County
GROUND WATER	L25 (SWSW)	Sec 33 Twp 34N Rge 02W LEWIS County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Winchester municipal water supply system as provided for under Idaho Law.
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 illustrative purposes.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 79942

WATER RIGHT NO. 85-7363

As Modified by Transfer No. 79942

In accordance with the approval of Transfer No. 79942, Water Right No. 85-7363 is now described as follows:

Right Holder: CITY OF WINCHESTER
PO BOX 245
WINCHESTER, ID 83555-0245

Priority Date: 6/21/1983

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

To

to 12/31

Diversion Rate

0.080 cfs

0.080 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L17 (NESE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L20 (NWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L29 (SWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L29 (SWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L9 (SWNW)	Sec 33 Twp 34N Rge 02W LEWIS County
GROUND WATER	L25 (SWSW)	Sec 33 Twp 34N Rge 02W LEWIS County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Winchester municipal water supply system as provided for under Idaho Law.
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 illustrative purposes.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 79942

WATER RIGHT NO. 85-4405

As Modified by Transfer No. 79942

In accordance with the approval of Transfer No. 79942, Water Right No. 85-4405 is now described as follows:

Right Holder: CITY OF WINCHESTER
PO BOX 245
WINCHESTER, ID 83555-0245

Priority Date: 6/1/1962

Source: GROUND WATER

BENEFICIAL USE
MUNICIPAL

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

Diversion Rate
0.075 cfs
0.075 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L17 (NESE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L20 (NWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L29 (SWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L29 (SWSE)	Sec 31 Twp 34N Rge 02W LEWIS County
GROUND WATER	L9 (SWNW)	Sec 33 Twp 34N Rge 02W LEWIS County
GROUND WATER	L25 (SWSW)	Sec 33 Twp 34N Rge 02W LEWIS County

CONDITIONS OF APPROVAL

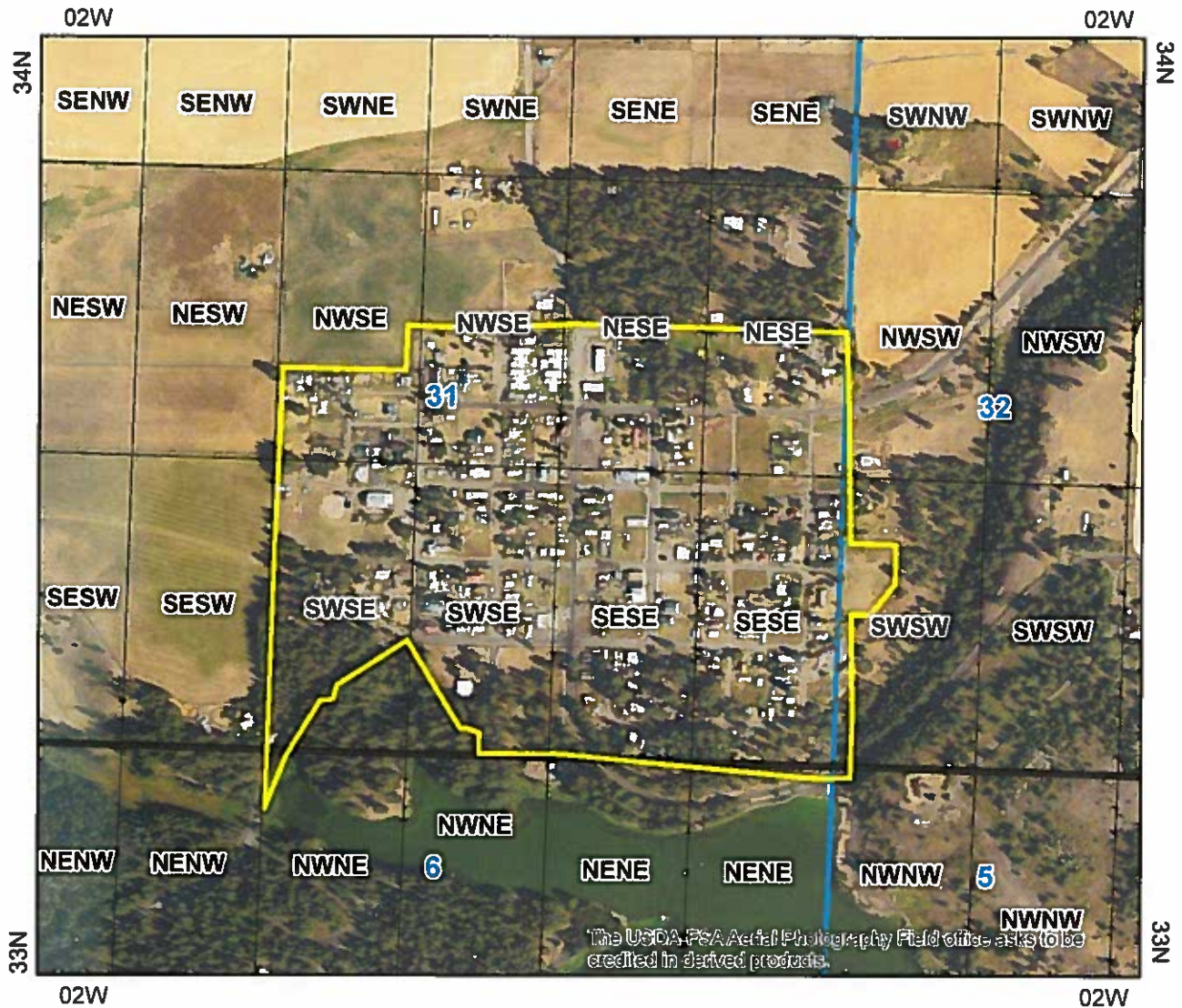
1. Place of use is within the service area of the City of Winchester municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 79942

City Of Winchester

Water Right Transfer

85-4404, 85-4405, 85-7306, and 85-7363



-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.1 0.2 0.4 Miles





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

November 6, 2015

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CITY OF WINCHESTER
PO BOX 245
WINCHESTER ID 83555-0245

Re: Transfer No: 79942
Water Right No(s): 85-4404, 85-4405, 85-7306, 85-7363
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.

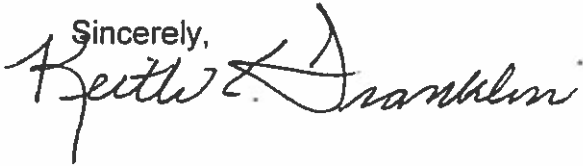
If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office 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 "Keith Franklin". The signature is written in a cursive style with a large, stylized "K" and "F".

Keith Franklin
Program Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79942

Water Right No(s): 85-4404, 85-4405, 85-7306, 85-7363

CITY OF WINCHESTER

PO BOX 245

WINCHESTER ID 83555-0245



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 Idaho, } ss.

I, STEVE A. WHERRY, being first duly sworn, depose and say that I am Editor of the LEWIS COUNTY HERALD, a weekly newspaper, published and issued weekly at Nezperce, Lewis County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for

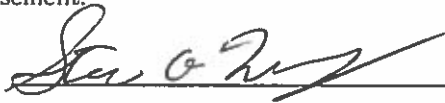
2 weeks, being published 2 times, the

first publication being on the 20th day of

July, 2015, and the last publication on the

9th day of July, 2015; and that

the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.



STATE OF IDAHO, }
County of Idaho, }
On this 20th day of August in the year of 2015
before me, a Notary Public, personally appeared Steve A. Wherry
know or identified to me to be the person whose name is 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.




Notary Public for Idaho
Residing at in Foxwoods, ID

My commission expires: 9/22/2016

RECEIVED

AUG 28 2015

IDWR / NORTH

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79942

CITY OF WINCHESTER, PO BOX 245, WINCHESTER, ID 83555-0245; has filed Application No. 79942 for changes to the following water rights within LEWIS County(s): Right No(s): 85-4404, 85-4405, 85-7306, 85-7363; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Transfer proposes to add all six of the city's existing municipal wells as authorized points of diversion to the City of Winchester ground water rights 85-4404, 85-4405, 85-7306, 85-7363 allowing for a total diversion of 0.42 cfs.

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 7/20/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on July 2 & 9, 2015 in the Lewis County Herald.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
Curt Fransen, Director

July 2, 2015

Mr. Adam Frederick
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763

RECEIVED
JUL 06 2015
IDWR/NORTHERN

Dear Mr. Frederick:

We received the City of Winchester's request for comment on the application for transfer of a water right and points of diversion, No. 79942. The transfer proposes to add all wells the city is currently using plus two new wells that have already been constructed to allow the total diversion of 0.42 cfs from existing wells and new wells. The City of Winchester will decommission several wells that do not produce, but do have a water right. DEQ has no objections to the proposed transfer of water rights providing the existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected, and degradation that would impair ground water and interconnected surface water not be allowed.

Thank you for the opportunity to comment on this application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in black ink that reads "Cindy Barrett". The signature is fluid and cursive.

Cindy Barrett
Water Quality Program Manager

c: Randolph D. Stewart, City of Winchester
 Ray Hennekey, IDFG