

79063

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 21 2014
IDWR / NORTH

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. **APPLICANT(S)** Alpine Meadows Water and Sewer District Phone (208) 772-5313

2. **MAILING ADDRESS** P.O. Box 526 City Hayden Lake

State ID Zip 83835-0526 Email _____

- ☒ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 95-7782

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, Water Right Transfers, Step 1, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.33 cubic feet per second and/or 209.2 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, Water Right Transfers, Online Resources.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
52N	04W	26		NE	NW		Kootenai	Groundwater	Alpine Well No. 1
52N	04W	26		NE	NW		Kootenai	Groundwater	Alpine Well No. 2

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The existing 12" well (160 gpm) pumps water through a 6 inch main to the existing reservoirs (100,000 gallons). A booster station (338 gpm) is located at the reservoir site and serves most of the system. Both wells will be metered within a well building at the well site. (Bar Circle S Ranch, Lot 1 Block A). Valving and control works will also be located in this building.

- b. Who owns the property at the point(s) of diversion? Alpine Meadows Water and Sewer District

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Not applicable

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe Not applicable

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Kim Ann Erk

Signature of applicant or authorized agent

Kim Ann Erk CHAIRMAN

Print name and title if applicable

1-14-14

Date

Edward J. Kelly

Signature of applicant or authorized agent

Edward J. Kelly

Print name and title if applicable

1-14-14

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by db

Date 1/21/14

Fee paid 500.00 Date 1/21/14

Received by db

Receipt # N030266

Preliminary review completed by _____

Date _____

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 95-7782

Current Owner: ALPINE MEADOWS WATER & SEWER DISTRICT INC

Priority Date: 9/8/1977

Origin: Adjudication Recommendation

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	0.33 CFS	209.2 AF
	<u>Total Diversion</u>	0.33 CFS	209.2 AF

Location of Point(s) of Diversion

GROUND WATER
KOOTENAI County

NE1/4NW1/4 Sec. 26, Twp 52N, Rge 04W B.M.

Place of Use

MUNICIPAL Within KOOTENAI County

T52N R03W S30	Lot 2	SWNW	T52N R03W S30		SENW
T52N R03W S30		NESW	T52N R03W S30	Lot 3	NWSW
T52N R03W S30	Lot 4	SWSW	T52N R03W S30		SESW
T52N R03W S31		NENW	T52N R03W S31	Lot 1	NWNW
T52N R04W S24		SESW	T52N R04W S25		SWNE
T52N R04W S25		SENE	T52N R04W S25		NENW
T52N R04W S25		NWNW	T52N R04W S25		SWNW
T52N R04W S25		SENW	T52N R04W S25		NESW
T52N R04W S25		NWSW	T52N R04W S25		SWSW
T52N R04W S25		SESW	T52N R04W S25		NESE
T52N R04W S25		NWSE	T52N R04W S25		SWSE
T52N R04W S25		SESE	T52N R04W S36		NENE
T52N R04W S36		NWNE			

Page _____ of _____

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. 126 Place of use is within the service area of Alpine Meadows Water and Sewer District Inc. as provided for under Idaho law.
4. C04 Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Alpine Meadows Water and Sewer DistrictCheck whether each item below is *attached (Yes)* or *not applicable (N/A)* for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

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Name of Applicant(s) Alpine Meadows Water and Sewer District Phone (208) 772-5313

Mailing address P.O. Box 526, Hayden Lake, ID 83835-0526 Email _____

- ☒ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

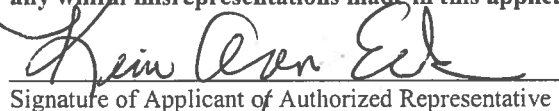
☐ No Representative

Name of Representative Karen Osterdock, P.E. (Welch Comer Engineers) Phone (208) 664-9382

Mailing address 350 E. Kathleen Ave. Coeur d' Alene, ID 83815 Email kosterdock@welchcomer.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

KIM ANN ERK Chairman
Print Name and Title if applicable

1-14-14
Date


Signature of Applicant or Authorized Representative

Edward J. Kelly
Print Name and Title if applicable

1-14-14
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☒ Add diversion point(s)
☐ Change period of use
 ☐ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

The District intends to construct a second production well to serve as a back-up source in order to meet current IDEQ IDAPA regulations. The second well will be located at the existing well site and will mirror the existing well capacity (160 gpm). This second well will be used as a back-up source (i.e. only one well will operate at a time).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The existing 12" well (160 gpm) pumps water through a 6 inch main to the existing reservoirs (100,000 gallons). A booster station (338 gpm) is located at the reservoir site and serves most of the system. Both wells will be metered within a well building at the well site. (Bar Circle S Ranch, Lot 1 Block A). Valving and control works will also be located in this building.

- b. Who owns the property at the point(s) of diversion? Alpine Meadows Water and Sewer District

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Not applicable

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Not applicable

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Not applicable

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

The District submitted a claim on Water Right No. 95-7387 (which was recommended by the Department) for 0.08 cfs. This claim was submitted as an accomplished transfer to the existing well.

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank. |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Not applicable

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

Not applicable.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by <u></u>	Date <u>1/21/14</u>	Preliminary check by _____	Date _____
Fee paid <u>\$500.00</u>	Date <u>1/21/14</u>	Received by <u></u>	Receipt # <u>N030266</u>
Add'l fee paid _____	Date _____	Received by _____	Receipt # _____

RECEIVED
JAN 21 2014
IDWR NORTH
GRAPHIC SOURCE

DATE	REVISION DESCRIPTION	BY
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ATTACHMENT #7a

PROJECT NO.: 41068/41131
DESIGNED BY: K.J.O.
DRAWN BY: J.A.L.
CHECKED BY:
DWG NAME: CAD-41068P.L11.DWG
DATE: 12-17-13
SHEET NO:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 28, 2014

ALPINE MEADOWS WATER & SEWER DISTRICT
PO BOX 526
HAYDEN LAKE, ID 83835

RE: Transfer No. 79063
Water Right No(s). 95-7782

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 2/6/2014 and 2/13/2014. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Eric J. Davis
Sr. Water Resource Agent

Enc. Receipt No. N030266

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, January 28, 2014 1:40 PM
To: Legal Notices-CdA Press; Legal Notices-CdA Press - Paige Plew
Subject: Transfer No. 79063; Water Right No(s). 95-7782
Attachments: LegalNotice TRANSFER 79063 CdA e-mail 01-28-14 Alpine Meadows Water & Sewer.doc

Hi, Paige,

Please publish the enclosed legal notice on the dates indicated, February 6 and 13, 2014, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

This is similar, yet a little different layout but I think the 2-column will still work best.

Please send a proof/preview copy for my review before this actually goes to press. It should be *close* to press ready, 2-column, 8pt, CenturyOldStyle font.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/24/2014. Thanks for all your great help. Your cooperation is always appreciated, and it's a pleasure working with you.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79063

ALPINE MEADOWS WATER & SEWER DISTRICT, PO BOX 526, HAYDEN LAKE, ID 83835; has filed Application No. 79063 for changes to the following water rights within KOOTENAI CO.:

Right No(s). 95-7782;

To see a full description of these rights and the proposed transfer, please see: www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp

The applicant proposes to add a new point of diversion. The new point of diversion will be in Bar Circle S Ranch, Lot 1 Block A, R52N T04W Sec 26 NENW for 0.33 cfs from ground water. The new point of diversion will be used as a back-up source (only one well will operate at a time). There will be no increase in diversion rate or volume.

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 2/24/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/6/2014 and 2/13/2014