

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 77515

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

RECEIVED  
AUG 01 2011

Name of Applicant(s) CURLEY CREEK WATER ASSN Phone 208-267-7740  
Mailing address P.O. BOX 6 MOYIE SPRINGS, ID 83845 Email ccwater@cdint.net IDWR / NORTH

- ☐ 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 \_\_\_\_\_ Phone \_\_\_\_\_  
Mailing address \_\_\_\_\_ Email \_\_\_\_\_

- ☐ 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]  
Signature of Applicant or Authorized Representative

Larry D. Hosterman, Pres.  
Print Name and Title if applicable

7/28/11  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. 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**. To add a point of diversion to water right 98-7693. The well was completed 10-01-2002. well tag number is D0022417 and drilling permit number is 787295.

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Mailing address \_\_\_\_\_ Email \_\_\_\_\_

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[Signature]  
Signature of Applicant or Authorized Representative

Larry D. Hosterman, Pres.  
Print Name and Title if applicable

7/28/11  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

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APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 98-7693      | 0.08                  | Irrigation    | 3/15 to 11/15 | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 98-7693      | 0.08                  | Domestic      | 1/1 to 12/31  | Ground Water       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 0.08 cfs and/or 26.1 ac-ft

2. Total amount of water proposed to be transferred or changed 0.08 cubic feet per second and/or 26.1 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)  
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.  
 Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County   | Source       | Local name or tag # |
|-------|-----|---|----|----|-----|-----|-----|----------|--------------|---------------------|
|       |     |   | SE | SW | 21  | 62N | 03E | BOUNDARY | Ground Water | D0022417            |
|       |     |   | NE | NW | 22  | 62N | 03E | BOUNDARY | Ground Water | 98-93-N-0021-000    |
|       |     |   |    |    |     |     |     |          |              |                     |
|       |     |   |    |    |     |     |     |          |              |                     |
|       |     |   |    |    |     |     |     |          |              |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Acres (for irrigation use) \_\_\_\_\_

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 system consists of groundwater wells in two locations. Water in both locations is metered at the pumphouse and is pumped to a tank and gravity fed to points of use. All points of use are metered and lockable. The distribution is through PVC pipe to 20 current connections (24 memberships total) for domestic and seasonal irrigation.

b. Who owns the property at the point(s) of diversion? New point: Jerry and Judy Everhart  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: See attachment # 9

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No  
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: N/A

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: None

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: N/A

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

Yes No

- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**Current Water Right No.:** 98-7693

**Current Owner:** CURLEY CREEK WATER ASSN

**Priority Date:** 10/10/1991

**Origin:** Water Right

**Status:** Active

**Basis:** License

**Source**

GROUND WATER

**Tributary**

| Beneficial Use | From To         | Diverslon Rate | Annual Volume |
|----------------|-----------------|----------------|---------------|
| IRRIGATION     | 3/15 to 11/15   | 0.08 CFS       | 15.3 AF       |
| DOMESTIC       | 1/01 to 12/31   | 0.08 CFS       | 10.8 AF       |
|                | Total Diversion | 0.08 CFS       | 26.1 AF       |

**Location of Point(s) of Diversion**

GROUND WATER

BOUNDARY County

NE1/4NW1/4

Sec. 22, Twp 62N, Rge 03E B.M.

**Place of Use**

IRRIGATION Within BOUNDARY County

|               |       |      |      |               |       |      |      |
|---------------|-------|------|------|---------------|-------|------|------|
| T62N R03E S21 |       | NWNE | 0.30 | T62N R03E S21 |       | SENE | 0.30 |
| T62N R03E S21 |       | NENW | 0.50 | T62N R03E S21 |       | NWNW | 0.30 |
| T62N R03E S21 |       | SENE | 0.30 | T62N R03E S21 |       | NESW | 0.30 |
| T62N R03E S21 |       | SESE | 0.30 | T62N R03E S22 | Lot 1 | NENE | 0.30 |
| T62N R03E S22 |       | NENW | 0.30 | T62N R03E S27 | Lot 2 | SWNW | 0.80 |
| T62N R03E S27 | Lot 3 | SENE | 0.30 | T62N R03E S27 | Lot 6 | NESW | 0.50 |
| T62N R03E S28 |       | NENE | 0.30 | T62N R03E S28 | Lot 1 | SENE | 0.30 |

Total Acres: 5.1

Place of Use: DOMESTIC same as IRRIGATION

**Conditions of Approval:**

- 050 Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.
- Domestic use is for 18 homes and does not include lawn, garden, landscape, or other types of irrigation.
- R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

Licensed Date: 1/7/1997

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**.

1. 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.: NA

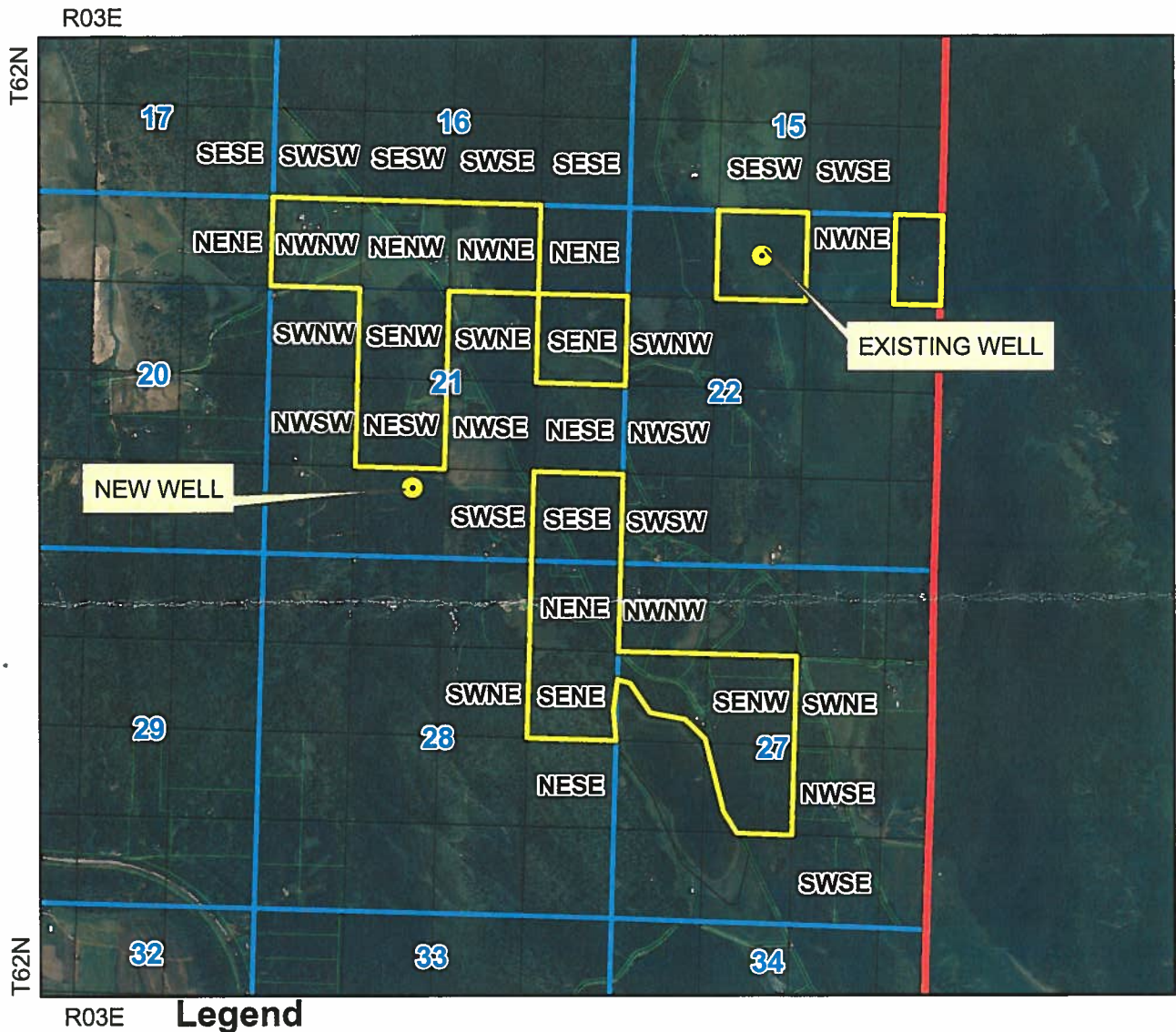
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**FOR DEPARTMENT USE ONLY**

|                         |                    |                        |                          |  |
|-------------------------|--------------------|------------------------|--------------------------|--|
| Transfer contains _____ | pages and _____    | attachments.           |                          |  |
| Received by <u>db</u>   | Date <u>8/1/11</u> | Prelim. Check by _____ | Date _____               |  |
| Fee Paid <u>100.00</u>  | Date <u>8/1/11</u> | Received by <u>db</u>  | Receipt # <u>N027903</u> |  |
| Add'l Fee Paid _____    | Date _____         | Received by _____      | Receipt # _____          |  |

State of Idaho  
Department of Water Resources  
**Water Right License**  
98-7693

Water Service Area Boundary for Curley Creek Water Assn



**Legend**

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.3 0.6 1.2 Miles



Attachment #9

**PERMANENT EASEMENT**

In exchange for one (1) water service connection for the life of the well and the right to extend electrical power service from the well site (for private use at grantor's cost), Jerry Everhart and Judy Everhart, husband and wife, of P.O. Box 1267, Bonners Ferry, Idaho 83805, hereinafter grantors do hereby grant and convey to Curley Creek Water Association, of HCR 62, Box 274, Moyie Springs, Idaho 83845 hereinafter grantee:

A Well lot and easement described as follows: a 25 foot wide strip of land approximately 120 feet long on the West side of the East boundary line of grantor's real property located in the NE 1/4 of the SE 1/4 of the SW 1/4 of Sec. 21 T62N, R3E, BM, Boundary County, Idaho, commencing approximately 1,030 feet from the South Quarter Corner of Section 21 on a line North 0 degrees 09' 49" West and terminating at an approximate 100x100 square foot well lot area having one boundary along the West side of the East Boundary line. The well lot is to be an exclusive easement, for use by grantee only, and the 120 long easement is to be an easement for ingress and egress to and from the well lot, and for location of water pipeline(s) and electrical service, and for ingress and egress to maintain the well lot, pipeline(s), and electrical service. See Exhibit A, which maps the easement in full detail.

Said exclusive easement for the well lot and easement for pipeline(s), electrical service, and ingress and egress are intended to last for the life of the well and are effective as to Grantors, and grantors heirs, assigns or transferees so long as the well is used by Grantee and/or its assigns. The said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises and that they are free to grant the easement on/over/for their real property as herein described.

Judy Everhart Judy H Everhart

Jerry Everhart Jerry Everhart

State of Idaho }  
 }ss.  
 County of Boundary }

I, Ruth Ann Wilson, a Notary Public for the State of Idaho, do hereby certify that on this 17 day of Dec, 2002, personally appeared before me Judy Everhart and Jerry Everhart, who, being by me first duly sworn declared that they are the owners of the above property and that they signed the foregoing document, and that the statements herein contained are true.

Ruth Ann Wilson  
 Notary Public for Idaho  
 Residing at:  
 My Comm. Exp: 10-25-04



Form 238-7  
11/97 JGEIDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT

| Office Use Only |      |     |
|-----------------|------|-----|
| Inspected by    |      |     |
| Twp             | Rge  | Sec |
| 1/4             | 1/4  | 1/4 |
| Lat             | Long |     |

1. WELL TAG NO. D 0022417

DRILLING PERMIT NO. 787295

Other IDWR No. 358351

## 2. OWNER:

Name CURLEY CREEK WATER ASSN

Address HCR 62 BOX 274

City MOYIE SPRINGS State ID Zip 83845

## 3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

|  |          |                                           |        |                                |
|--|----------|-------------------------------------------|--------|--------------------------------|
|  | Twp. 62N | North <input checked="" type="checkbox"/> | or     | South <input type="checkbox"/> |
|  | Rge. 03  | East <input checked="" type="checkbox"/>  | or     | West <input type="checkbox"/>  |
|  | Sec. 21  | NE 1/4                                    | SE 1/4 | SW 1/4                         |
|  | Govt Lot | County BOUNDARY                           |        |                                |
|  | Lat      | Long                                      |        |                                |

Address of Well Site CO RD72D

City MOYIE SPRINGS ID

(Give at least name of road - Distance to Road or Landmark)

LL BIK Sub. Name

## 4. USE:

☐ Domestic ☒ Municipal ☐ Monitor ☐ Irrigation  
☐ Thermal ☐ Injection ☐ Other

## 5. TYPE OF WORK: check all that apply

(Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other

## 6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

## 7. SEALING PROCEDURES:

| Seal/Filter Pack |      | AMOUNT |                 | METHOD     |
|------------------|------|--------|-----------------|------------|
| Material         | From | To     | Sacks or Pounds |            |
| BENTONITE -      | 0    |        |                 | TEMP CASED |
| GRANULAR         |      | 20     | 800#            |            |

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 80Was drive shoe seal tested? ☐ Y ☒ N How?

## 8. CASING/LINER:

| Diameter | From | To | Gauge | Material | Casing                              | Liner                    | Welded                              | Threaded                 |
|----------|------|----|-------|----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 8        | +2   | 79 | .280  | STEEL    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe Length of Tailpipe

## 9. PERFORATIONS/SCREENS:

☐ Perforations ☐ Screens  
 Method Screen Type

| From | To | Slot Size | Number | Diameter | Material | Casing                   | Liner                    |
|------|----|-----------|--------|----------|----------|--------------------------|--------------------------|
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |
|      |    |           |        |          |          | <input type="checkbox"/> | <input type="checkbox"/> |

## 10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

32 ft. below ground Artesian pressure lb.

Depth flow encountered 80 ft. Describe access port or control

devices: WELLED CAP

## 11. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

| Yield gal./min. | Drawdown | Pumping Level | Time  |
|-----------------|----------|---------------|-------|
| 60              | 100      | 100           | 6 HRS |

Water Temp. COLD Bottom hole temp. COLD

Water Quality test or comments: GOOD

Depth first Water Encounter 80

## 12. LITHOLOGIC LOG: (Describe repairs or abandonment)

| Bore Dia. | From | To  | Remarks: Lithology, Water Quality & Temperature | Water |
|-----------|------|-----|-------------------------------------------------|-------|
| 11        | 0    | 1   | TOP SOIL                                        |       |
| 11        | 1    | 20  | BROWN TAN SILT / DRY                            |       |
| 6         | 20   | 28  | BROWN TAN SILT / DRY                            |       |
| 6         | 28   | 40  | GREY - BLUE SLIT / WET                          |       |
| 6         | 40   | 70  | BLUE - GREY SILT / WET                          |       |
| 6         | 70   | 80  | SOLF BROKEN SHALE / GRAY                        | X     |
| 6         | 80   | 100 | GREY SHALE / SOFT MED                           |       |
| 6         | 100  | 124 | GREY SHALE / MED HARD                           |       |

WATER DID CLOUDUP AT FIRST BUT BY THE TIME THE DEVELOPING WAS DONE THERE WAS VERY LITTLE.

NOTE THE WATER DID NOT COME IN UNTIL THE NEXT DAY AT START UP!

Completed Depth 120 (Measurable)  
Date: Started 09/30/2002 Completed 10/01/2002

## 13. DRILLER'S CERTIFICATION:

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name MINDEN WATER WELLS INC. Firm No. 320

Firm Official Date 10/03/2002

and Driller or Operator Date 10/03/2002

(Sign once if Firm Official &amp; Operator)

**CURLEY CREEK WATER ASSOCIATION, INC.**

PO Box 6  
Moyie Springs, ID 83845

July 29, 2011

RECEIVED  
AUG 01 2011  
IDWR / NORTH

Idaho Department of Water Resources  
Eric Davis  
7600 North Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815-7736

Re: Application for Transfer of Water Right, Ident. No. 98-7693

Dear Eric:

Enclosed is our Application for Transfer of Water Right, including attachments, along with a check for the fee of \$100.

If there questions or additions needed please contact me at 208-267-7740 or 208-255-8509, or by email at [ccwater@cdint.net](mailto:ccwater@cdint.net).

Sincerely,



Ray Chaffee  
Secretary/Operator