

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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) CASSANDRE HILLS OWNERS ASSN Phone 208-245-1196

2. MAILING ADDRESS 905 CASSANDRA HILLS RD City ST MARIES

State ID Zip 83861 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.

☐ 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) 91-7132

☒ 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 0.7 cubic feet per second and/or 126.0 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	1/4	1/4	1/4	County	Source	Local name or tag #
46N	02W	09			SW	NW	BENEWAH	GROUNDWATER	748331
46N	02W	09			NW	NW	BENEWAH	GROUNDWATER	D0033246
46N	02W	09			SE	NE	BENEWAH	GROUNDWATER	D00544321

Should be
Section 8 per
5/10/2011 email
from applicant
Nvd

SCANNED

Transfer No. 77171
MAY 11 2011

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:

50' RADIUS AROUND SAID WELL ON TRACT 32, CASSADORA HILLS
SUBDIVISION. FLOW METER IN GARAGE VAULT FOR SAID WELL.

- b. Who owns the property at the point(s) of diversion? MR & MRS. GARY GEATTE (WIFE PAH)
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

HOME OWNERS ASSOCIATION HAS 99 YEAR LEASE.

- 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 _____

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The Map Tool, available at <http://maps.idwr.idaho.gov/Transfer/ApplicationLayouts/> 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.

Richard Taniguchi
Signature of applicant or authorized agent

RICHARD TANIGUCHI, PRESIDENT
Print name and title if applicable

4/7/11
Date

Signature of applicant or authorized agent

Print name and title if applicable

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 _____ Date _____

Fee paid 250⁰⁰ Date April 8, 2011 Received by Natalie Spading Receipt # NO24889

Preliminary review completed by _____ Date _____

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 91-07132

Priority: December 12, 1994

Maximum Diversion Rate: 0.70 CFS
Maximum Diversion Volume: 126.0 AF

It is hereby certified that CASSANDRA HILLS OWNERS ASSN
905 CASSANDRA HILLS RD
ST MARIES ID 83861 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated December 12, 1994; and has
submitted Proof of Beneficial Use on January 25, 1999. An examination indicates that the works have a
diversion capacity of 0.70 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.70 CFS	126.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NW1/4 Sec. 9, Twp 46N, Rge 02W, B.M. BENEWAH County

GROUND WATER NW1/4NW1/4 Sec. 9, Twp 46N, Rge 02W, B.M. BENEWAH County

PLACE OF USE: MUNICIPAL

Twp Rge Sec	NE			NW			SW			SE			Totals
	NE	NW	SE	NE	NW	SE	NE	NW	SE	NE	NW	SE	
46N 02W 8	X		X							X	X		
46N 02W 9				X	X			X					

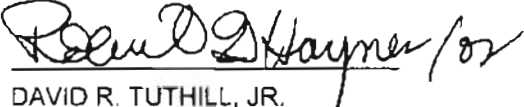
CONDITIONS OF APPROVAL

1. 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 determine the amount of water diverted from power records and shall annually report the information to the department.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. Points of diversion are located in Lots 17 & 32, Cassandra Hills Subdivision.
Places of use are located within Lots 1-5, 7-18, 30-33, & 55-68, Cassandra Hills Subdivision.

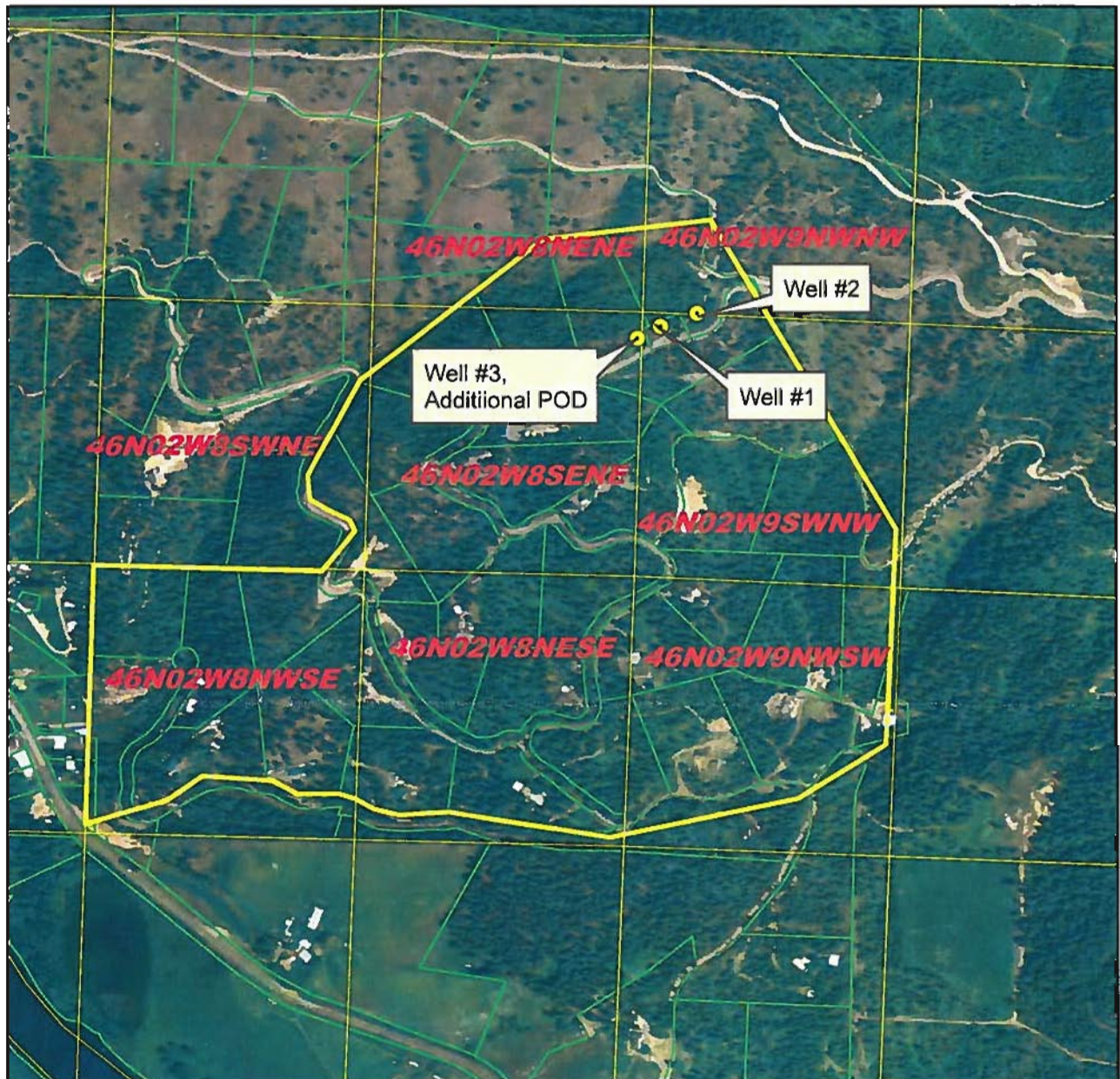
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 22nd day of Oct, 2007.

COPY


DAVID R. TUTHILL, JR.
Director

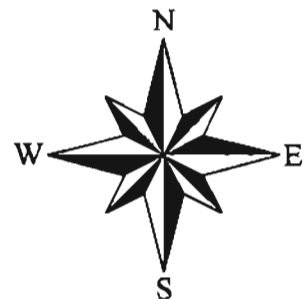
CASSANDRA HILLS 1 TRANSFER



0 350 700 1,400 2,100 2,800 Feet

Legend

- workingpod
- workingpou
- QQ
- Taxlots



No. C 102771		Due no later than Jul 31, 2010 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. CASSANDRA HILLS OWNERS ASSOCIATION, INC. MARY WHITNEY 905 CASANDRA HILLS RD ST MARIES ID 83861 USA		KELLY P. RAGAN 905 CASSANDRA HILLS RD ST. MARIES ID 83861	
				3. New Registered Agent Signature:*	
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
DIRECTOR	DALE PHILLIPS	P.O. BOX 193	SAINT MARIES	ID	USA 83861
DIRECTOR	SANDRA REEDY	120 SUSIE DRIVE	SAINT MARIES	ID	USA 83861
DIRECTOR	BILL WHITNEY	1271 CASSANDRA HILLS ROAD	SAINT MARIES	ID	USA 83861
TREASURER	LINDA TANIGUCHI	40 DEBI LANE	SAINT MARIES	ID	USA 83861
SECRETARY	MARY WHITNEY	1271 CASSANDRA HILLS ROAD	SAINT MARIES	ID	USA 83861
PRESIDENT	RICHARD TANIGUCHI	40 DEBI LANE	SAINT MARIES	ID	USA 83861
5. Organized Under the Laws of: ID C 102771		6. Annual Report must be signed.* Signature: Mary Whitney Name (type or print): Mary Whitney Date: 06/10/2010 Title: Sec			
Processed 06/10/2010		* Electronically provided signatures are accepted as original signatures.			

COPY

COPY

**AGREEMENT FOR PERMISSION TO DRILL TEST WELL AND FOR FUTURE
ENCROACHMENT EASEMENT AND MAINTENANCE AGREEMENT**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, GARY GERTJE and PAM E. GERTJE, husband and wife, whose current address is 1678 Cassandra Hills Road, St. Maries, Idaho 83861, hereinafter called "Grantor," and CASSANDRA HILLS OWNERS ASSOCIATION, INC., a nonprofit corporation of the State of Idaho, hereinafter called "Grantee," agree that Grantor has granted a temporary easement and access and do give permission to Grantee to enter upon certain real property owned by Grantor for the express and limited purpose of drilling a test well. Said well is to be drilled on real property owned by Grantor with a fifty (50) foot radius around said well which will be located on real property owned by Grantor in Benewah County, State of Idaho.

1. Grantee will be allowed to drill a test well with a fifty (50) foot radius around said well on Tract 32 of the real property owned by Grantor, which is more specifically described as follows:

**Tracts 32 and 33 of AMENDED CASSANDRA HILLS
SUBDIVISION, according to the Plat recorded March 15, 1982
as Instrument Number 154931 in Book 154 of Miscellaneous at
Page 4759, Benewah County, Idaho.**

**As per AMENDED ORDER APPROVING LOT LINE
ADJUSTMENT FOR LOTS 32 & 33 OF CASSANDRA
HILLS SUBDIVISION recorded May 15, 2001 as Instrument
Number 223208 and RECORD OF SURVEY/LOT LINE
ADJUSTMENT recorded April 16, 2001 as Instrument
Number 222926, the remainder of Lots 32 and 33 were
combined into one lot/parcel.**

(

EXCEPTING THEREFROM that portion quitclaimed unto CASSANDRA HILLS OWNERS ASSOCIATION, INC., an Idaho nonprofit corporation by Correction Quitclaim Deed recorded May 03, 2001 as Instrument Number 223089.

2. If the test well appears to have sufficient quality and quantity of water, Grantor agrees to execute all necessary documents to provide for a Ninety-nine (99) year non-monetary lease for the well including a fifty (50) foot radius easement around the well, an easement for the installation of a waterline from the well to any place designated by Grantee, and an easement for ingress and egress for necessary repair, replacement and maintenance of said waterline and well.

3. Grantee shall be liable for all costs and expenses associated with the drilling of the test well and shall indemnify and hold harmless Grantor from same. Grantee shall not allow any construction liens to be recorded against Grantor's property and shall ensure that all work is done in a competent and workmanlike manner.

4. Grantee shall be liable for all future costs and expenses associated with any work, repairs, replacement or maintenance associated with the well and waterline.

5. Grantor agrees to comply with all conditions set forth by the Department of Environmental Quality (DEQ) with respect to wells. One of the many requirements includes the prevention of contamination. The distance requirements between the well and potential sources of contamination include but are not limited to sewer lines, livestock, lakes, ponds and streams must be fifty (50) feet from the well, and septic tanks, disposal fields, seepage pits and privies must be at least one hundred (100) feet from the well.

6. This agreement shall extend to and be obligatory upon the heirs, successors and assigns of Grantor.

7. This agreement has been negotiated by and between GARY GERTJE and PAM E. GERTJE (Grantor), and CASSANDRA HILLS OWNERS ASSOCIATION, INC. (Grantee). Each party is either represented, or had the right and opportunity to be represented by independent legal counsel, and therefore neither party shall be bound by any rule of strict construction in the interpretation of this Agreement. Grantor acknowledges that they have been advised to seek the advice of independent legal counsel, that this document has been prepared by counsel for Grantee, and that counsel for Grantee cannot and does not represent Grantor in any manner.

DATED this 6 day of December, 2007.

IN WITNESS WHEREOF the parties have caused this instrument to be executed the day and year hereinabove first written.

Grantor:

By: Gary Bertje
GARY GERTJE

By: Pam E. Bertje
PAM E. GERTJE

Grantee:

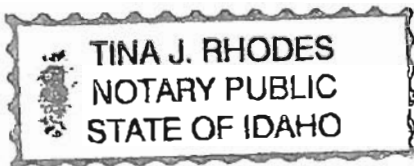
CASSANDRA HILLS OWNERS ASSOCIATION, INC.

By: Richard Taniguchi
Richard Taniguchi, President

STATE OF IDAHO)
) ss
County of Benewah)

On this 10th day of December, 2007, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared GARY GERTJE and PAM E. GERTJE, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledges to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

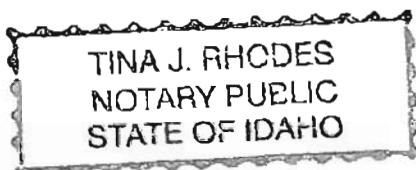


Tina J. Rhodes
Notary Public for State of Idaho
Residing at: St. Maries, Idaho
Commission expires: 11/8/2010

STATE OF IDAHO)
) ss.
County of Benewah)

On this 5th day of December, 2007, before me, the undersigned, a notary public in and for Idaho, personally appeared RICHARD TANIGUCHI, known or identified to me to be the President of the CASSANDRA HILLS OWNERS ASSOCIATION, INC., a nonprofit corporation, in his professional capacity as President, whose name is subscribed to the within instrument and acknowledged to me that they executed the same on behalf of the CASSANDRA HILLS OWNERS ASSOCIATION, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Tina J. Rhodes
Notary Public in and for Idaho
Residing at: St. Maries, Idaho
Commission expires: 11/8/2010

Idaho Department of Water Resources Receipt

Receipt ID: N026889

Payment Amount \$250.00 Date Received 4/8/2011 11:54 AM Region NORTHERN
Payment Type Check Check Number 1140
Payer CASSANORA HILLS OWNER ASSOC, INC

Comments

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$250.00	TRANSFERS	65105	0229	21		1155



Signature Line (Department Representative)