

MEMORANDUM

Date: April 1, 2010
To: File 95-2164
From: Nick Van Dyke
Re: Review of Amended Application for Transfer No. 75824

As amended this transfer proposes to incorporate Right 95-2164 into the City of Coeur d' Alene's municipal water delivery system. Historically 95-2164 has been used as a groundwater supplied irrigation right on 316 acres within the S½ of Section 28 T51N 4W. The applicant proposes to change the nature of use to municipal and have the ability to use all of the 10 wells currently on the City's system. The current point of diversion for 95-2164 will not be retained.

Originally the transfer proposed to incorporate 95-2164 into the City's system however the beneficial use was not proposed to change from irrigation to municipal. Due to the language in Idaho Code 42-219 subsections 2, 5, and 6 an irrigation right cannot be placed into a generally described place of use represented by a digital boundary (large POU). Therefore the application was amended to include a change in nature of use from irrigation to municipal. See file for correspondence regarding this change. The original application also included 95-2164's current point of diversion, what is locally referred to as "Hawk's Nest Well," along with the City's other 10 wells. The amended application does not include the Hawk's Nest Well.

- **Authority to File:**
The applicant has provided documentation showing that the City owns the ground 95-2164 is appurtenant to. See Attachment 2A - warranty deed from Tombari (owner of record) to Hayden LLC (previous owner) to the City of Coeur d' Alene.
- **Water Right Validity:**
2006 aerial imagery shows the place of use for 95-2164 irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. Right will retain the irrigation season of use.
- **Local Public Interest:**
No issues anticipated. Application will be subject to public notice and protest.
- **Beneficial Use/Conversation of Water Resources:**
Proposed uses are recognized as beneficial uses of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.