

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 RECEIVED

Name of applicant North Kootenai Water District SEP 29 2003 Phone 208-772-3619Mailing address P.O. Box 2290; Hayden, ID 83835
Department of Water Resources**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 the reason for the proposed changes

The wells associated with these existing water rights are now owned and operated by North Kootenai Water District, a non-profit public water utility, to supply water to commercial and residential customers.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period	Of	Use
<u>95-7827</u>	<u>3/29/1978</u>	<u>0.2 cfs</u>	<u>Municipal</u>	<u>1-Jan</u>	<u>to</u>	<u>31-Dec</u>
<u>95-7107</u>	<u>4/28/1970</u>	<u>1.31 cfs</u>	<u>Municipal</u>	<u>1-Jan</u>	<u>to</u>	<u>31-Dec</u>
<u>95-8522</u>	<u>8/20/1986</u>	<u>0.61 cfs</u>	<u>Municipal</u>	<u>1-Jan</u>	<u>to</u>	<u>31-Dec</u>
<u>95-4027</u>	<u>9/1/1963</u>	<u>1.2 cfs</u>	<u>Municipal</u>	<u>1-Jan</u>	<u>to</u>	<u>31-Dec</u>
<u>95-7713</u>	<u>3/30/1977</u>	<u>0.04 cfs</u>	<u>Municipal</u>	<u>1-Jan</u>	<u>to</u>	<u>31-Dec</u>
<u>95-7138</u>	<u>3/25/1971</u>	<u>0.14 cfs</u>	<u>Municipal</u>	<u>1-Jan</u>	<u>to</u>	<u>31-Dec</u>

2. Total amount of water being transferred 3.5 Cubic feet per second and/or _____ Acre-feet per annum.3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Well	Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
Ohio Match			NW	SE	18	52N	3W	Kootenai	Rathdrum Aquifer
Finucane			NW	SW	24	51N	4W	Kootenai	Rathdrum Aquifer
Hayden Well			NE	SE	23	51N	4W	Kootenai	Rathdrum Aquifer
Hayden Pines			NE	SE	23	51N	4W	Kootenai	Rathdrum Aquifer
GTE 1			SE	SW	23	51N	4W	Kootenai	Rathdrum Aquifer
GTE 2			SW	SE	23	51N	4W	Kootenai	Rathdrum Aquifer
Tree Farm			SE	SE	17	52N	4W	Kootenai	Rathdrum Aquifer
Tree Farm			SE	SE	17	52N	4W	Kootenai	Rathdrum Aquifer
Echo Beach	1		SE	NE	6	52N	4W	Kootenai	Rathdrum Aquifer
Rimrock		NW	NW	NE	11	51N	4W	Kootenai	Rathdrum Aquifer
Rimrock			NW	NE	11	51N	4W	Kootenai	Rathdrum Aquifer
Rimrock		SE	SW	SW	2	51N	4W	Kootenai	Rathdrum Aquifer
Hayden Orchard			NW	NE	14	51N	4W	Kootenai	Rathdrum Aquifer
Chilco			SE	NE	7	52N	3W	Kootenai	Rathdrum Aquifer
Chilco			SW	NW	8	52N	3W	Kootenai	Rathdrum Aquifer
Atlas			NE	SE	28	52N	4W	Kootenai	Rathdrum Aquifer
Mt View			NE	SW	32	51N	5W	Kootenai	Rathdrum Aquifer

Mt View		SE	SW	32	51N	5W	Kootenai	Rathdrum Aquifer
Meadowland Acres		SE	SE	23	51	5W	Kootenai	Rathdrum Aquifer
Valley Green	7	SW	SE	15	51N	4W	Kootenai	Rathdrum Aquifer

5. Lands irrigated or place of use:

TWP	RANGE	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
51N	3W	5									M	M	M	M	M	M	M	M	
		6			M	M			M	M	M	M	M	M	M	M	M	M	
		7	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		8	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		17		M	M		M	M	M	M									
		18	M	M	M	M	M	M	M	M									
		19						M	M	M	M	M	M	M	M	M	M	M	
		20										M	M	M					
		30	M				M	M											
51N	4W	1						M	M		M	M	M	M	M	M	M	M	
		2	M		M						M	M	M	M	M	M	M	M	
		11	M	M	M	M	M	M	M	M									
		12	M	M	M	M	M	M	M	M					M			M	
		14				M													
		15									M			M		M	M		
		23									M	M	M	M	M	M	M	M	
		24	M	M	M	M					M			M	M	M	M	M	
		26	M	M															
51N	5W	32	M	M	M	M									M	M	M	M	
52N	3W	4						M	M			M							
		5	M		M	M					M			M	M	M	M	M	
		6					M	M	M	M	M	M	M	M	M	M	M	M	
		7	M	M	M	M	M		M	M	M	M							
		8	M			M	M	M	M	M									
		17							M		M	M	M	M					
		18							M	M					M	M	M	M	
		19	M	M	M														
		20						M											
52N	4W	5	M	M	M		M	M	M	M	M	M		M		M	M	M	
		6	M	M	M	M	M	M							M				
		8	M	M	M	M					M	M		M	M	M	M	M	
		9	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		16	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	
		17	M	M	M	M	M	M	M	M	M	M		M	M	M	M	M	
		28													M				
		35				M									M			M	
		36							M			M	M						
53N	3W	32																M	
		33												M					
53N	4W	31				M			M	M	M	M	M	M	M	M	M	M	
		32							M			M	M						
53N	5W	36																M	

Total number of acres to
SCANNED be irrigated N/A

FEB 15 2004



SCHEDULE A

1. Commitment Date: October 9, 1998
at 8:00 a.m. Commitment No. 35816-B
2. Policy or Policies to be issued:

	<u>Policy Amount</u>	<u>Premium</u>
(X) Owners Policy (Form 1402.92, 10-17-92) <u>Proposed Insured:</u> TO BE DETERMINED	<u>\$TBD</u>	<u>\$TBD</u>
() Extended Coverage Loan Policy (Form 1056.92, 10-17-92) <u>Proposed Insured:</u>	<u>\$</u>	<u>\$</u>
() Endorsements:	<u>\$</u>	
() Recordings:	<u>\$</u>	
() Extra Chains:	<u>\$</u>	
3. FREE SIMPLE ESTATE in the land described in this Commitment is owned, at the Commitment Date, by:

CHARLES A. FORD
4. The Land referred to in this Commitment is located in Kootenai County, State of Idaho, and described as follows:

SEE ATTACHED EXHIBIT "A"

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EXHIBIT "A"

All that property encompassed by a 55 foot radius circle whose radius point lies South 0°33'51" West 1,999.54 feet; thence

South 89°26'9" East, 31.32 feet from the Northwest corner of Section 8, Township 52 North, Range 3 West, Boise Meridian, all lying within the Northeast quarter of Section 7, Township 52 North, Range 3 West, Boise Meridian, and the Northwest quarter, Section 8, Township 52 North, Range 3 West, Boise Meridian, records of Kootenai County, Idaho.

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Form No. 1344-B 1 (1982)
ALTA Plain Language Commitment
ORDER NO. 35816

SCHEDULE B - SECTION 1
Requirements

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who has an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.

For further information regarding this report please contact:

FIRST AMERICAN TITLE COMPANY
1044 NORTHWEST BOULEVARD
P.O. BOX 816
COEUR D'ALENE, IDAHO 83814

PHONE: (208) 667-0567
ESCROW DEPT. FAX: (208) 765-2050
TITLE DEPT. FAX: (208) 765-1376

TITLE OFFICER: Beverly Spencer

ESCROW OFFICER:

PLEASE ACCEPT OUR SINCERE THANKS FOR ALLOWING US TO BE OF SERVICE TO YOU. WE GREATLY APPRECIATE THE FACT THAT YOU HAVE CHOSEN TO DO BUSINESS WITH US; AND IN RETURN, WE PLEDGE OUR CONTINUING EFFORTS TO OFFER YOU THE BEST SERVICE POSSIBLE.

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SCHEDULE B - SECTION 2
Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART 1:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

7. General taxes for the year 1998, a lien in the process of assessment not yet due or payable.

8. Order creating Herd District recorded April 15, 1976 as Instrument No. 697223.

9. Easement:

Granted to: Delbert V. Abbott, a single man
Recorded: June 19, 1978
Instrument No.: 771051

Amendment to said Covenants:

Instrument No.: 776354

but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

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SCHEDULE B - SECTION 2
EXCEPTIONS - continued

Paragraph No. 9 - Continued

Amendment to said Covenants:

Instrument No.: 776355

but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

Amendment to said Covenants:

Instrument No.: 776356

but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

Assignment of Easement:

Assigned to Port Blakely Tree Farms (Limited Partnership), by instrument:

Recorded: November 21, 1988

Instrument No.: 1134678

10. Electric Line - Right of Way Easement:

Granted to: Kootenai Electric Cooperative, Inc.:

Recorded: May 4, 1979

Instrument No.: 804354

11. Easement:

Granted to: General Telephone company of the Northwest

Recorded: February 15, 1980

Instrument No.: 833686

12. The Effect of Quitclaim Deed:

Recorded: June 11, 1997

Instrument No.: 1493563

13. The Effect of Deed of Trust to secure an indebtedness in the principal sum of \$2,216,703.54, and any other amounts and/or obligations secured thereby:

Dated: May 19, 1997

Recorded: June 11, 1997

Instrument No.: 1493564

Grantor: Allied Water, Inc., an Idaho corporation

Trustee: Kootenai County Title Company, Inc.

Beneficiary: Hayden Pines Water Company, an Idaho corporation

14. The Effect of Financing Statement:

Recorded: June 16, 1997

Instrument No.: 1494043

Debtor: Allied Water, Inc., an Idaho Corporation

Secured Party: Hayden Pines Water Company, an Idaho corporation

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SCHEDULE B - SECTION 2
EXCEPTIONS - continued

15. Title to vest in the name of a person or persons to be submitted and when so vested will be subject to matters which may be disclosed by a search of the Records against the name of said person or persons.

16. Question of marital status of party herein named on date of acquiring title. If then joining in execution of forthcoming Instrument, recital therein of the fact will be sufficient; otherwise, present ownership of the community interest of spouse on said date must be determined:

Party: Charles A. Ford

17. Lack of a right of access to and from said land.

18. Effect of Term, Covenants, Conditions and provisions contained in the By-Laws and/or Articles of Incorporation of the hereafter named association:

Association: Chilco Estates Road Owners Association, Inc.

Recorded: June 4, 1978

Instrument No.: 807662

Amendment to said Covenants:

Instrument No.: 1482720

but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

END OF SCHEDULE "B" EXCEPTIONS

NOTES SECTION

1. There is no notice of record and therefore no search has been made for any unpaid assessments, charges or fees for sewer, water, garbage, irrigation, waste disposal fees, and other possible utility services.

2. If the proposed insured under the Policy to issue has any questions concerning the coverage or exclusions from coverage, the Company will be pleased to provide an explanation.

3. In the event that this transaction fails to close, a minimum fee of \$100.00 will be charged to comply with the State Insurance Code.

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
 In case of _____ vs. _____
 dated _____ in _____ county of _____

b. License No. 95-7827 issued by the Idaho Department of Water Resources.
 c. Claim No. _____ on file with the Idaho Department of Water Resources.
 d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as Attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other: _____

3. Source of water Groundwater tributary to _____

4. Date of priority 3/29/1978

5. Water is used for the following purpose:

amount 0.2 cfs For Domestic purposes from 01/01 to 12/31
 (cfs/ac-ft)
 amount _____ For _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ For _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ For _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 0.2 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	8	52N	3W	Kootenai	Rathdrum Acquirer

8. Lands irrigated or place of use:

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
52N	3W	5													M	M	M	M	
		6					M	M	M	M	M	M	M	M			M		
		7				M													
		8					M		M										

Total acres N/A

9. Describe any other water rights used for the same purpose as described above **A second well is located**

on this system. A water right for the second well has not yet been established. An application for new water right has been submitted to IDWR for this well for 1.23 cfs. The total combined diversion capacity for both wells shall not exceed 1.43 cfs for the service area described in Part 1 of this application.

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PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe: _____

B. DESCRIPTION OF PORTION OF WATER RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

TWP	RANGE	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOT/
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

TWP	RANGE	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOT/
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached Figures. First Figure shows general place of use, defined as all areas located within the defined North Kootenai Water District Service Areas. Second Figure shows close up of the point(s) of diversion.

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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PART 3

B. CHANGES IN NATURE OF USE

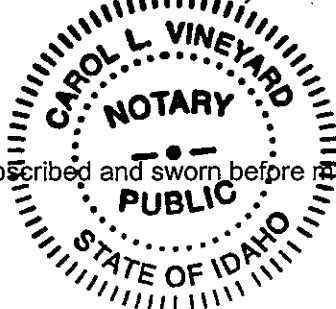
1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Municipal</u>	<u>3.5 cfs</u>	<u>24 hours 365 days</u>	<u>01/01</u> to <u>01/31</u> to _____

2. Quantity and quality of return flows and location of discharge:
This change will not affect the existing quantity and quality of return flows.

3. Describe effects on other water uses resulting from the proposed change:
Refer to Part 1, Item 6c

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Subscribed and sworn before me this 6th day of February, 2003

Bainhurst Dist. Mgr.
(Signature of Applicant)

Carol Vineyard
(Notary Public)

My commission expires 7/23/05

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.	
Received by _____	Date <u>2/6/03</u> Protest filed by _____
Prelim. Check by _____	Fee <u>\$370.00</u>
Receipted by <u>am</u>	Date <u>1/16/03</u>
Published in _____	# <u>NO15429</u>
Pub. Dates _____	Copies of protest forwarded by _____
Watermaster recommendation requested on _____	Hearing held _____ Date _____
_____ Rec'd. _____	Recommended for ☐ approval ☐ denial
Copy of transfer sent to lien holder _____	by _____

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