

MEMORANDUM

Date: January 22, 2004
To: Transfer 70394
From: Shelley Keen *SK*
Re: Sufficiency of Transfer 70394

TRANSFER SUMMARY

Transfer Application 70394 originally proposed to change the nature of use of six rights -- 95-4027, 95-7107, 95-7138, 95-7713, 95-7827, and 95-8522 -- to municipal purposes and to include 20 wells owned by North Kootenai Water District as authorized points of diversion for all six right. Statutory claim 95-4027 was dropped from the transfer because the applicant could not demonstrate that the claimed beneficial uses were established prior to the mandatory permit requirement. Licensed right 95-7107 was dropped from the transfer because the applicant could not demonstrate ownership of the right.

AUTHORITY TO FILE

Licensed right 95-7107 was dropped from the transfer because the applicant could not demonstrate ownership of the right. Ownership of the other rights is well established in the sales agreement between Charles Ford (Allied Water Inc. and Hayden Pines Water Inc.) and North Kootenai Water District. NKWD also provided warranty deeds and title insurance policies for the well lots.

WATER RIGHT VALIDITY

The applicant provided recent diversion records for 95-7138, 95-7713, 95-7827, and 95-8522. The other rights were dropped from the transfer application.

INJURY TO OTHER WATER RIGHTS

All the rights involved in the transfer are currently diverted from the Rathdrum Prairie Aquifer. No change in source is proposed. The transfer approval will carry a condition requiring the right holder to comply with the management plan for the Rathdrum Prairie Ground Water Management Area, when it is implemented. Well interference problems are not anticipated because all the wells are existing and in use.

LOCAL PUBLIC INTEREST

The application was not protested, and no local public interest issues have been identified by IDWR.

ENLARGEMENT OF USE

Even though the transfer proposes changing the use to municipal purposes, the licensed volume limits will be retained to prevent enlargement of the rights.

BENEFICIAL USE AND CONSERVATION OF WATER RESOURCES

The change in nature of use from domestic purposes to municipal purposes and the addition of wells as alternate points of diversion should result in greater efficiency in the NDWD system.