

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89370**

This is to certify that: **FERNWOOD WATER & SEWER DISTRICT**
PO BOX 215
FERNWOOD, ID 83830

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
92-2027	WR/DECREED	2/25/1966	1.000 cfs	132.0 af	N/A	N/A	ADAMS CREEK
92-7171	WR/DECREED	9/28/1983	0.700 cfs	507.0 af	N/A	N/A	ADAMS CREEK
92-7231	WR/DECREED	1/29/1998	1.000 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
92-2027	NO	NO	NO	YES	NO	NO
92-7171	NO	NO	NO	YES	NO	NO
92-7231	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
92-2027	N/A	1.000 cfs	132.0 af	N/A	N/A	N/A				
92-7171	N/A	0.700 cfs	507.0 af	N/A	N/A	N/A				
92-7231	92-7231	1.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		N/A	N/A	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 6th day of December, 2024.


Water Resources Supervisor

Transfer No. 89370

WATER RIGHT NO. 92-2027
As Modified by Transfer No. 89370

In accordance with the approval of Transfer No. 89370, Water Right No. 92-2027 is now described as follows:

Right Holder: FERNWOOD WATER & SEWER DISTRICT
PO BOX 215
FERNWOOD, ID 83830

Priority Date: 2/25/1966

Source: ADAMS CREEK

Tributary: ST MARIES RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	1.000 cfs	132.0 af
			1.000 cfs	132.0 af

LOCATION OF POINT(S) OF DIVERSION

ADAMS CREEK SWSE Sec 28 Twp 44N Rge 01E BENEWAH County

CONDITIONS OF APPROVAL

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.
3. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
4. Place of use is within the service area of Fernwood Water and Sewer District as provided for under Idaho law.

WATER RIGHT NO. 92-7171
As Modified by Transfer No. 89370

In accordance with the approval of Transfer No. 89370, Water Right No. 92-7171 is now described as follows:

Right Holder: FERNWOOD WATER & SEWER DISTRICT
PO BOX 215
FERNWOOD, ID 83830

Priority Date: 9/28/1983

Source: ADAMS CREEK

Tributary: ST MARIES RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	0.700 cfs	507.0 af
			0.700 cfs	507.0 af

LOCATION OF POINT(S) OF DIVERSION

ADAMS CREEK SWSE Sec 28 Twp 44N Rge 01E BENEWAH County

CONDITIONS OF APPROVAL

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Place of use is within the service area of Fernwood Water and Sewer District as provided for under Idaho law.

WATER RIGHT NO. 92-7231

As Modified by Transfer No. 89370

In accordance with the approval of Transfer No. 89370, Water Right No. 92-7231 is now described as follows:

Right Holder: FERNWOOD WATER & SEWER DISTRICT
PO BOX 215
FERNWOOD, ID 83830

Priority Date: 1/29/1998

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	1.000 cfs 1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWSE Sec 6 Twp 43N Rge 01E BENEWAH County

CONDITIONS OF APPROVAL

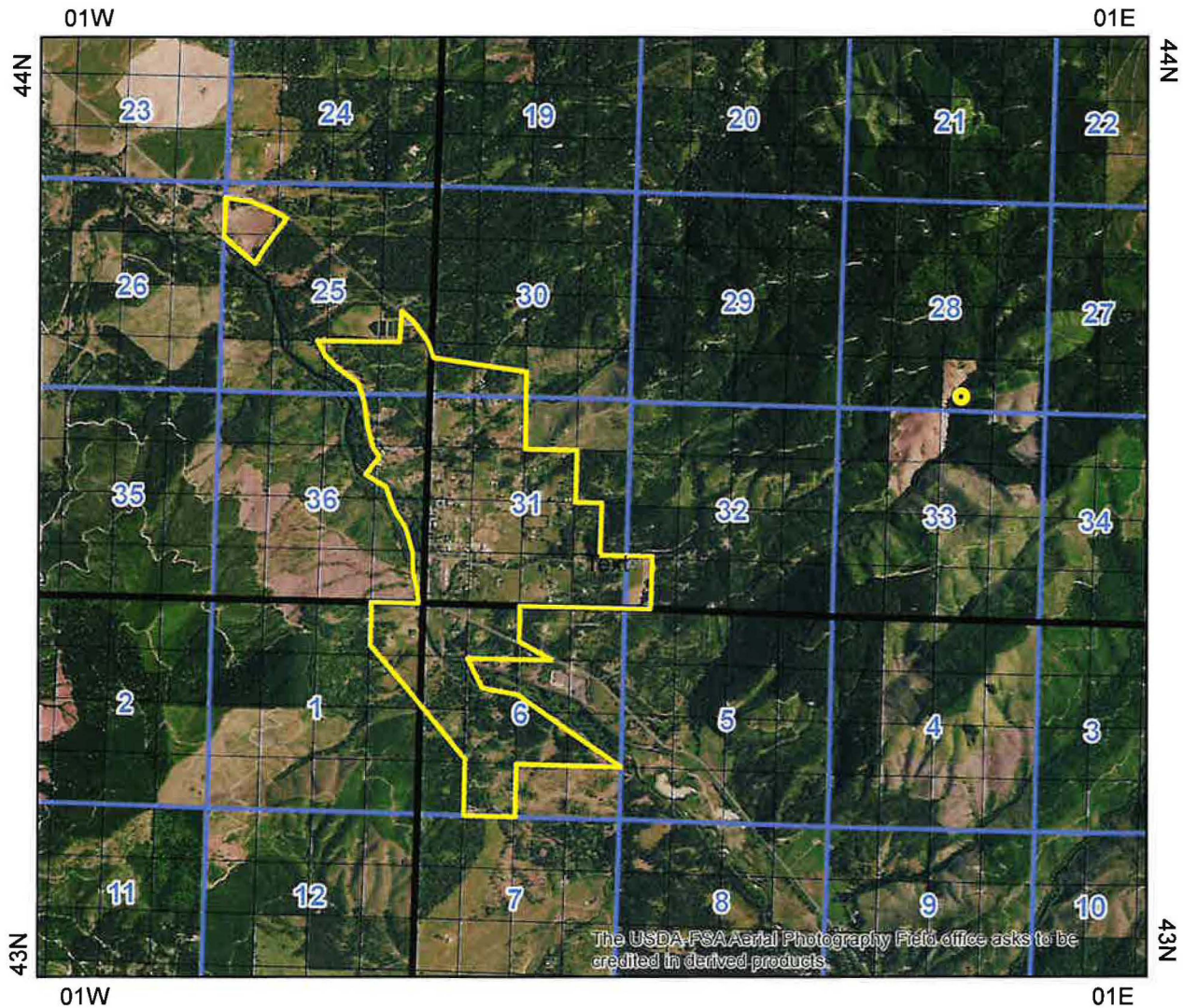
1. Place of use is within the service area of Fernwood Water and Sewer District as provided for under Idaho law.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

FERNWOOD WATER AND SEWER DISTRICT

Attachment to Transfer of Water Rights

92-2027, 92-7171, & 92-7231

This map depicts the MUNICIPAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Water Service Area Boundary
-  Point of Diversion
-  Townships
-  PLS Sections
-  Quarter Quarters



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

December 09, 2024

FERNWOOD WATER & SEWER DISTRICT
PO BOX 215
FERNWOOD ID 83830

Re: Transfer No: 89370
Water Right Nos.: 92-2027, 92-7171, 92-7231
Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chace Bell", with a stylized, cursive script.

Chace Bell
Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on December 09, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 89370

Water Right Nos.: 92-2027, 92-7171, 92-7231

**FERNWOOD WATER & SEWER DISTRICT
PO BOX 215
FERNWOOD ID 83830**



Micki Bowman
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Bowman, Micki

From: Anna Moody
Sent: Thursday, October 31, 2024 12:27 PM
To: Bowman, Micki
Cc: Chantilly Higbee
Subject: FW: Request for Comments for Transfer No. 89370
Attachments: 89370 Transfer Application.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please find the following drinking water comments from the Idaho Department of Environmental Quality (DEQ) on the subject Request for Comments for Transfer.

Fernwood Water and Sewer District is an approved public drinking water system, PWS# ID1050011. Well #3 is approved and currently in use with authorization to serve. Well #4 is under development and not yet authorized for service. The District is working through their engineer and DEQ to develop this new well source.

Anna Moody | Drinking Water Compliance Supervisor
Idaho Department of Environmental Quality
Office: (208) 769-1422

From: Bowman, Micki <Micki.Bowman@idwr.idaho.gov>
Sent: Wednesday, October 9, 2024 4:26 PM
To: Chantilly Higbee <Chantilly.Higbee@deq.idaho.gov>; Anna Moody <Anna.Moody@deq.idaho.gov>
Subject: Request for Comments for Transfer No. 89370

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. **The deadline for comments on the applications is November 4, 2024.**

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Micki Bowman | Administrative Assistant 1
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2807

RECEIVED
OCT 25 2024
IDWR / NORTH

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Sándor Barta, being first duly sworn on oath, deposes and says that he is publisher of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 16 day of OCTOBER, 2024, and the last on the 23 day of OCTOBER, 2024.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 23 day of OCTOBER, 2024.

Sándor Barta

STATE OF IDAHO)

COUNTY OF BENEWAH)

On this 23 day of OCTOBER, in the year of 2024 before me, a Notary Public, personally appeared Sándor Barta, known or identified to me to be the person whose name subscribed to within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Daniel A. Hammes

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

07.23.25

PUBLIC NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 89370 FERNWOOD WATER & SEWER DISTRICT, PO BOX 215, FERNWOOD, ID 83830 has filed Application No. 89370 for changes to the following water rights within BENEWAH County: Right Nos. 92-2027, 92-7171, 92-7231; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

This transfer proposes to add an additional point of diversion located at NW1/4SE1/4 Section 6, Twp 43N, Rge 01E from existing Well No. 3 to a new well (Well No. 4) located on the same site on the existing water right 97-7231.

For additional information concerning the property location, contact Northern Region office at (208)762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D'ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 11/4/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on 10/16/2024 and 10/23/2024

1723 - Oct. 16-23