# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

## TRANSFER OF WATER RIGHT
## TRANSFER NO. 86879

This is to certify that: CHRISTIE ADORA HARTMAN-FIELDS AND/OR
JOHN W HARTMAN
427 ROUND LAKE RD
ST MARIES, ID 83861

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

| Water Right | Origin/Basis | Priority Date | Diversion Rate | Diversion Volume | Acre Limit | Total Acres | Source |
|---|---|---|---|---|---|---|---|
| 91-7247 | WR/DECREED | 7/22/2002 | 0.040 cfs | N/A | N/A | N/A | GROUND WATER |

### Purpose of Transfer (Changes Proposed)

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|---|---|---|---|---|---|---|
| 91-7247 | NO | YES | YES | NO | NO | NO |

### Summary Of Water Rights After the Approved Change

| Existing Right | New No. (Changed Portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|---|---|---|---|---|---|---|---|---|---|---|
| 91-7247 | 91-7247 | 0.040 cfs | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| **COMBINED TOTALS** | | **0.040 cfs** | **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 11th day of May, 2023.

Michelle Richman

Michelle Richman, Northern Regional Manager

SCANNED
MAY 17 2023

# WATER RIGHT NO. 91-7247

## As Modified by Transfer No. 86879

In accordance with the approval of Transfer No. 86879, Water Right No. 91-7247 is now described as follows:

**Right Holder:** JOHN W HARTMAN AND/OR
CHRISTIE ADORA HARTMAN-FIELDS
427 ROUND LAKE RD
ST MARIES, ID 83861

**Priority Date:** 7/22/2002

**Source:** GROUND WATER

| BENEFICIAL USE | From | | To | Diversion Rate |
|---|---|---|---|---|
| DOMESTIC | 01/01 | to | 12/31 | 0.040 cfs |
| STOCKWATER | 01/01 | to | 12/31 | 0.020 cfs |
| | | | | 0.040 cfs |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER L6 (NENW) Sec 2 Twp 46N Rge 03W BENEWAH County

**PLACE OF USE: DOMESTIC**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 46N | 03W | 2 | | | | | X | | | | | | | | | | | | |
| | | | | | | | L 6 | | | | | | | | | | | | 0 |

**PLACE OF USE: STOCKWATER**

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 46N | 03W | 2 | | | | | X | | | | | | | | | | | | |
| | | | | | | | L 6 | | | | | | | | | | | | 0 |

**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. The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. The quantity of water under this right shall not exceed 13,000 gallons per day.
4. Domestic use is for 2 homes.

Transfer No. 86879

SCANNED
MAY 17 2023

## WATER RIGHT NO. 91-7247

## As Modified by Transfer No. 86879

**CONDITIONS OF APPROVAL**

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

7. This right does not grant any right-of-way or easement across the land of another.



SCANNED
MAY 17 2023

Rev. 07/18

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Dec 05, 2022
DEPARTMENT OF
WATER RESOURCES

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

Transfer No. 86879

# MINIMUM REQUIREMENTS CHECKLIST
## TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) JOHN W. HARTMAN and/or CHRISTIE ADORA HARTMAN-FIELDS

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

Yes N/A * Means the item is always required and must be included with the application.

- ☑ * Completed Application for Transfer of Water Right form, Part1.
- ☑ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☑ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☑ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☑ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☑ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

**Attachments to Application** - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☑ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☑ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☑ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☑ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☑ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☑ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at https://idwr.idaho.gov/water-rights/transfers/resources/.
- ☐ ☑ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☑ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☑ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☑ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☑ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☑ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: Purpose of transfer is to correct POD/POU legal descriptions for right 91-7247 When Decreed the POD/POU were designated in Twp 46N, Rge 03W, Sec 2, Lot 4 NWNW QQ respectively. Each is inconsistent with historic use.



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MAY 17 2023

86879

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SEP 15 2022
IDWR / NORTH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

# MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Stephen M. Hart

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

Yes N/A * Means the item is always required and must be included with the application.

- ☑ * Completed Application for Transfer of Water Right form, Part 1.
- ☑ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☑ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☑ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☑ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
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- ☑ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).** ** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☑ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☑ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☑ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at https://idwr.idaho.gov/water-rights/transfers/resources/.
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- ☑ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☑ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
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- ☐ ☑ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: Purpose of transfer is to correct POD/POU legal descriptions for right 91-7247 When Decreed the POD/POU were designated in Twp 46N, Rge 03W, Sec 2, Lot 4 NWNW QQ respectively. Each is inconsistent with historic use.

SUPERSEDED



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MAY 17 2023

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**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1

Name of Applicant(s) JOHN W. HARTMAN and/or CHRISTIE ADORA HARTMAN-FIELDS Phone 509-939-9528 / 509-499-0606

Mailing address 427 Round Lake Rd. St Maries Idaho 83861 Email john.w.hartman18@gmail.com

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☑ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☑ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☑ No Representative

Name of Representative N/A Phone

Mailing address Email

☐ Send all correspondence for this application to the representative and not to the applicant.
**OR**
☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
**OR**
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

**I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.**

Signature of Applicant or Authorized Representative — JOHN W. HARTMAN (Print Name and Title if applicable) — 3 Dec 22 (Date)

FIELDS.CHRISTIE.ADORA.1152554440 Digitally signed by FIELDS.CHRISTIE.ADORA.1152554440 Date: 2022.10.09 05:08:16 -07'00'

Signature of Applicant or Authorized Representative — CHRISTIE ADORA HARTMAN-FIELDS (Print Name and Title if applicable) — 9OCT22 (Date)

## 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. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☑ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.

Purpose of transfer is to correct inconsistancies with licensed POD & POU for right 91-7247. When decreed the POD & POU were designated in Twp 46N, Rge 03W, Sec 2, NWNW, Government Lot 4 QQ respectively. The historic use of water occurs at my property located at Twp 46N, Rge 03W, Sec 2, NENW Government Lot 6 QQ for both POD & POU.



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MAY 17 2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1

Name of Applicant(s) Stephen M. Hartman Phone 208-245-3063

Mailing address 427 ROUND LAKE RD ST. MARIES ID 83861 Email N/A

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☑ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☑ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

SUPERSEDED

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☑ No Representative

Name of Representative N/A Phone

Mailing address Email

☐ Send all correspondence for this application to the representative and not to the applicant.
**OR**
☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
**OR**
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

**I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.**

| Signature of Applicant or Authorized Representative | Print Name and Title if applicable | Date |
|---|---|---|
| Stephen M. Hartman | STEPHEN M. HARTMAN | AUGUST 27, 2022 |
| | | |

## 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. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☑ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.

Purpose of transfer is to correct inconsistancies with licensed POD & POU for right 91-7247. When decreed the POD & POU were designated in Twp 46N, Rge 03W, Sec 2, NWNW, Government Lot 4 QQ respectively. The historic use of water occurs at my property located at Twp 46N, Rge 03W, Sec 2, NENW Government Lot 6 QQ for both POD & POU.



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DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1. All | Part | Right Number | Amount (cfs/ac-ft) | Nature of Use | Period of Use | | Source & Tributary |
|---|---|---|---|---|---|---|---|
| ☑ | ☐ | 91-7247 | 0.04 cfs | DOMESTIC | 1/1 to | 12/31 | GROUNDWATER |
| ☐ | ☐ | | 0.02 cfs | STOCKWATER | 1/1 to | 12/31 | GROUNDWATER |
| ☐ | ☐ | | | | to | | |
| ☐ | ☐ | | | | to | | |
| ☐ | ☐ | | | | to | | |
| ☐ | ☐ | | | | to | | |
| ☐ | ☐ | | | | to | | |
| ☐ | ☐ | | | | to | | |
| ☐ | ☐ | | | | to | | |

Total authorized under rights 0.04 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.04 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼ | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|---|---|---|---|---|---|---|---|---|---|---|
| | 6 | | NE | NW | 2 | 46N | 03W | BENEWAH | GROUNDWATER | D0013481 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp | Rge | Sec | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Acre Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 46N | 03W | 2 | | | | | D/S | | | | | | | | | | | | |
| | | | | | | | GL6 | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

**Total Acres** (for irrigation use)



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DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 1 Continued

5. 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:
Existing well drilled in 2002 with pump that produces approximately 20 GPM. Main service line to water uses which include 2 homes, irrigation of garden areas, and stockwater use

b. Who owns the property at the point(s) of diversion? APPLICANT
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
N/A

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
**If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
**If yes,** ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
RUSTIN & TINA YOUNG HAVE AN ACTIVE WATER PERMIT No. 91-8045 FOR THEIR PARCEL No. RP46N03W02300, WHICH INCLUDES DOMESTIC USE. THIS IS THE SAME PARCEL MY HISTORIC WATER USE WHEN DECREED WAS INACCURATELY DESIGNATED TO OCCUR BOTH POD&POU.

g. 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, or
☐ ☑ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

**If yes,** describe:
N/A



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DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 2

### A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

### B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: N/A

1. amount________(cfs/ac-ft) for________purposes from______to______
   amount________(cfs/ac-ft) for________purposes from______to______
   amount________(cfs/ac-ft) for________purposes from______to______
   amount________(cfs/ac-ft) for________purposes from______to______
   amount________(cfs/ac-ft) for________purposes from______to______
   amount________(cfs/ac-ft) for________purposes from______to______
   amount________(cfs/ac-ft) for________purposes from______to______
   amount________(cfs/ac-ft) for________purposes from______to______
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

| Twp | Rge | Sec | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Acre Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
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| | | | | | | | | | | | | | | | | | | Total Acres (for irrigation use) | |



SCANNED
MAY 17 2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT
## PART 3

### A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

### B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

---

**FOR DEPARTMENT USE ONLY**

Transfer contains_____ pages and _____ attachments.

Received by Ja Date 9-15-22 Preliminary check by _____ Date _____

Fee paid 500.00 Date 9-15-22 Receipted by Ja Receipt # N041152

Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)



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MAY 17 2023

Part 1 A.2. – SUPPORTING DOCUMENT for 91-7247

I believe there has been an error in the adjudication process. The POD and POU for WR 91-7247 were designated in the incorrect legally described location from where the historical use of water from the groundwater well for domestic & stockwater purposes has been & is currently occurring on parcel No. RP46N03W024200.

I believe the POU location described in the initial claim step 9 accurately states Tax # 1440, which is associated with my parcel in the NENW Government Lot 6, Section 02, Rge 03 West, Twp 46 North. 91-7247 was Decreed with POD & POU in the NWNW4 QQ which is inaccurate.

My neighbor Rustin Young notified me that he believed the water right to be decreed for the wrong parcel as he worked to develop his current active water permit No. 91-8045, and even addressed this in Step 10 of the application for permit form.

I am submitting this transfer application to correct the inaccuracies with the POD & POU.

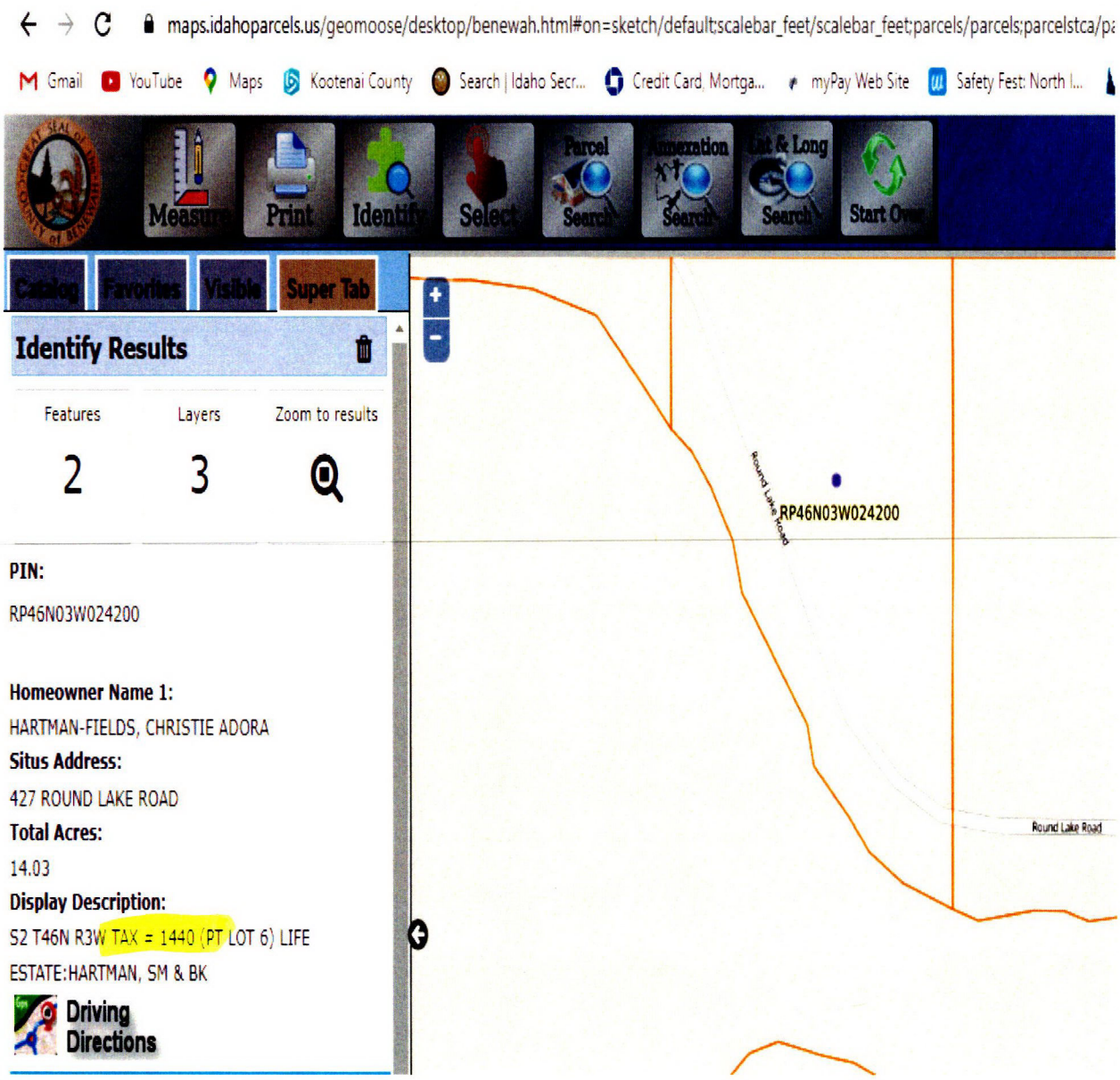
Thank You,

Steph M. Hutchison

August 27, 2022

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MAY 17 2023

TAX PARCEL DATA




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MAY 17 2023

**IDAHO DEPARTMENT OF WATER RESOURCES** **7/29/2022**
**Proof Report**

**Adjudication Recommendation 91-7247 V1**

| **Owner Type** | **Name and Address** |
|---|---|
| Current Owner | STEVE M HARTMAN<br>427 ROUND LAKE RD<br>SAINT MARIES, ID 83861<br>(208) 245-3063 |

**Priority Date:** 7/22/2002
**Basis:** Beneficial Use
**Status:** Closed

| **Source** | **Tributary** |
|---|---|
| GROUND WATER | |

| **Beneficial Use** | **From** | **To** | **Diversion Rate** | **Volume** |
|---|---|---|---|---|
| STOCKWATER | 01/01 | 12/31 | 0.020 CFS | |
| DOMESTIC | 01/01 | 12/31 | 0.040 CFS | |
| | **Total Diversion** | | 0.040 CFS | |

**Source and Point(s) of Diversion:**

| | | |
|---|---|---|
| GROUND WATER | L4(NWNW) | Sec. 2, Twp 46N, Rge 03W, BENEWAH County |

**Place Of Use:**

STOCKWATER within KOOTENAI County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 46N | 03W | 2 | | | | | | X<br>L4 | | | | | | | | | | | |

DOMESTIC within KOOTENAI County

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 46N | 03W | 2 | | | | | | X<br>L4 | | | | | | | | | | | |

**Conditions of Approval:**

| | | | |
|---|---|---|---|
| 1. | C18 | General | 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. | N11 | General | The quantity of water decreed for this water right is not a determination of historical beneficial use. |
| 3. | N13 | Quantity | The quantity of water under this right shall not exceed 13,000 gallons per day. |
| 4. | X04 | Purpose of | Domestic use is for 2 homes. |

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MAY 17 2023



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MAY 17

| | | | |
|---|---|---|---|
| 5. | PIN | Use Explanatory | Parcel No. RP46N03W023000A |

**Comments:**

**Dates and Other Information:**
Civil Case Number: 49576
Judicial District: FIFTH
Water District Number: NWD
Mitigation Plan: False

**Combined Use Limits:**
N/A

**Element Reviewed/Verified Dates:**

| Element | Last Reviewed | Reviewer | Last Verified Date | Verifier | Status |
|---|---|---|---|---|---|
| Summary | 12/9/2010 | kknobloc | 12/9/2010 | kknobloc | Closed |

**SubCase:**
N/A

**Water Supply Bank:**

N/A

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MAY 17 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right License

91-7247

This map depicts the STOCKWATER 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.




0 0.035 0.07 0.14 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- State Outline

N

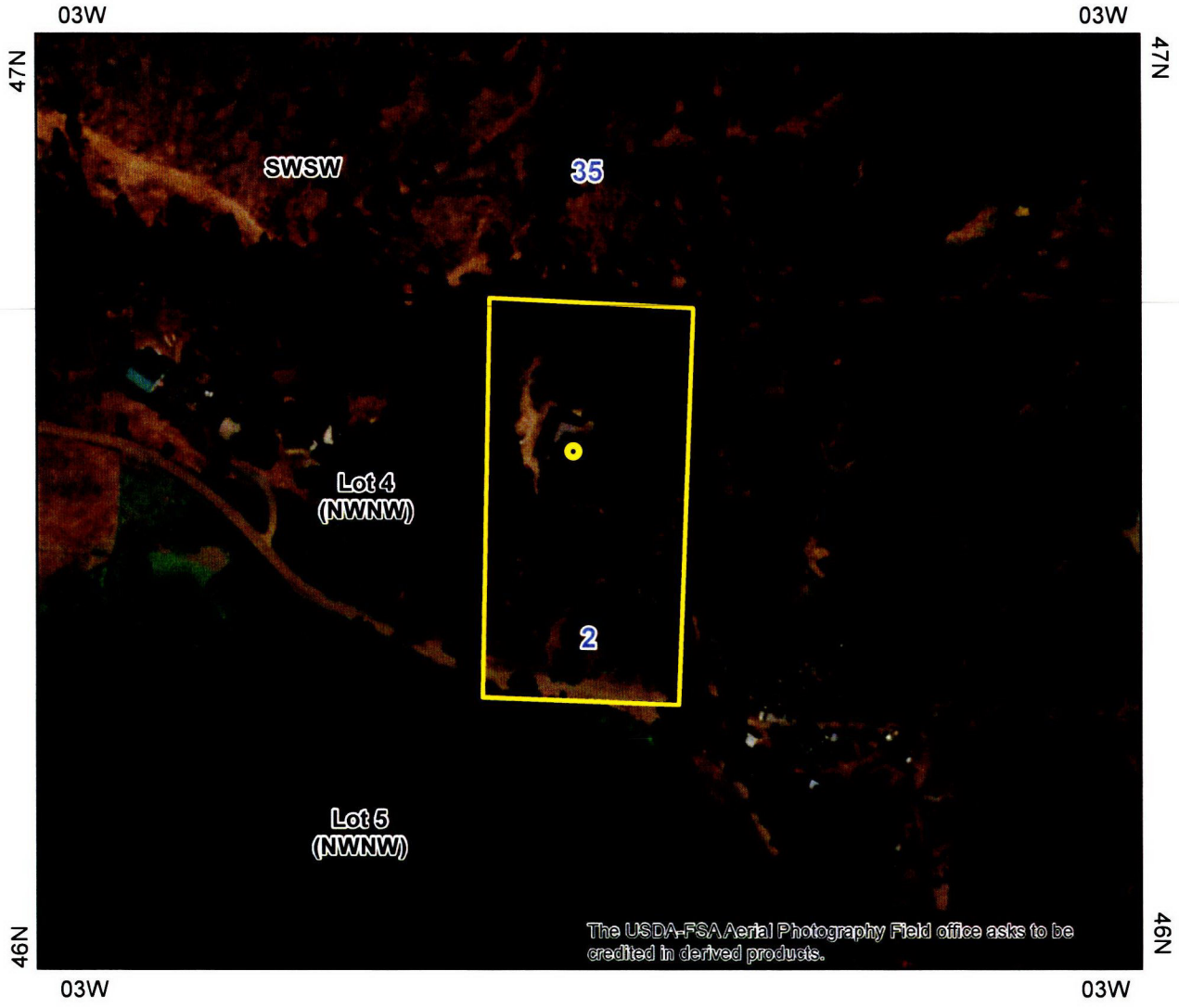
SCANNED
SCANNED
MAY 17 2023
MAY 17 2023

State of Idaho
Department of Water Resources

# Attachment to Water Right License

91-7247

This map depicts the DOMESTIC 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.




0 0.035 0.07 0.14 Miles

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- State Outline

N

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MAY 17 2023

RECEIVED
JUL 25 2002
DWR/North

Form 238-7
3/95

# IDAHO DEPARTMENT OF WATER RESOURCES
# WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

DWR - 0013481

Office Use Only
Inspected by _____
Twp ____ Rge ____ Sec ____
____1/4 ____1/4 ____1/4
Lat: : : Long: : :

**1. DRILLING PERMIT NO.** 77787
Other IDWR No. _____

POSTED

**2. OWNER:**
Name STEVE HARTMAN
Address RT-2 BOX 115 LOT #6 ST MARIES
City ST MARIES State ID. Zip 83861

**3. LOCATION OF WELL by legal description:**
Sketch map location must agree with written location.

N / W / E / S

Twp. 46 North ☐ or South ☐
Rge. 3W East ☐ or West ☐
Sec. 2, NW 1/4 (10 acres) NW 1/4 (40 acres) ____ 1/4 (160 acres)
Gov't Lot ____ County BENEWAH
Lat: : : Long: : :
Address of Well Site RT.2 BOX 115 LOT #6 City ST. MARIES ID.
(Give at least name of road + Distance to Road or Landmark)

Lt. ____ Blk. ____ Sub. Name ____

**4. USE:**
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other ____

**5. TYPE OF WORK** check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other ____

**6. DRILL METHOD**
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other ____

**7. SEALING PROCEDURES**

| SEAL/FILTER PACK Material | From | To | AMOUNT Sacks or Pounds | METHOD |
|---|---|---|---|---|
| BENTONITE | 0 | 20 | 9 SKS. | POUR DRY |
| | | | | |
| | | | | |

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 118'
Was drive shoe seal tested? ☒ Y ☐ N How? AIR

**8. CASING/LINER:**

| Diameter | From | To | Gauge | Material | Casing | Liner | Welded | Threaded |
|---|---|---|---|---|---|---|---|---|
| 6" | +2 | 118 | .250 | STEEL | ☒ | ☐ | ☒ | ☐ |
| | | | | | ☐ | ☐ | ☐ | ☐ |
| 4" | -15 | 140 | 200 | PVC | ☐ | ☒ | ☐ | ☐ |

Length of Headpipe ____ Length of Tailpipe ____

**9. PERFORATIONS/SCREENS**
☒ Perforations Method SKILL SAW
☐ Screens Screen Type ____

| From | To | Slot Size | Number | Diameter | Material | Casing | Liner |
|---|---|---|---|---|---|---|---|
| 120 | 140 | 18x6" | 40 | 4" | PVC | ☐ | ☒ |
| | | | | | | ☐ | ☐ |
| | | | | | | ☐ | ☐ |

**10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:**
75 ft. below ground Artesian pressure ____ lb.
Depth flow encountered ____ ft. Describe access port or control devices: CAP

46 N 3W 2

**11. WELL TESTS:**
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

| Yield gal./min. | Drawdown | Pumping Level | Time |
|---|---|---|---|
| 20+ | | | 1.5 HRS |
| | | | |
| | | | |

Water Temp. COLD Bottom hole temp. ____
Water Quality test or comments: CLEAN & CLEAR
Depth first Water Encountered 116'

**12. LITHOLOGIC LOG:** (Describe repairs or abandonment)

| Bore Dia. | From | To | Remarks: Lithology, Water Quality & Temperature | Water Y | Water N |
|---|---|---|---|---|---|
| 10 | 0 | 1 | TOP SOIL | | X |
| 10 | 1 | 20 | CLAY RED HARD | | X |
| 8 | 20 | 47 | CLAY RED HARD | | X |
| 8 | 47 | 80 | SANDY BROWN CLAY | | X |
| 6 | 80 | 85 | SANDY BROWN CLAY | | X |
| 6 | 85 | 116 | BASALT BROKEN BROWN BLACK | X | |
| 6 | 116 | 120 | BASALT BLACK MED W/ FRACS | | X |
| 6 | 120 | 140 | BASALT BROKEN BLACK | X | |
| 6 | 140 | | BASALT BLACK MED FRACTURED | | X |

Completed Depth 140' (Measurable)
Date: Started 7-22-02 Completed 7-23-02

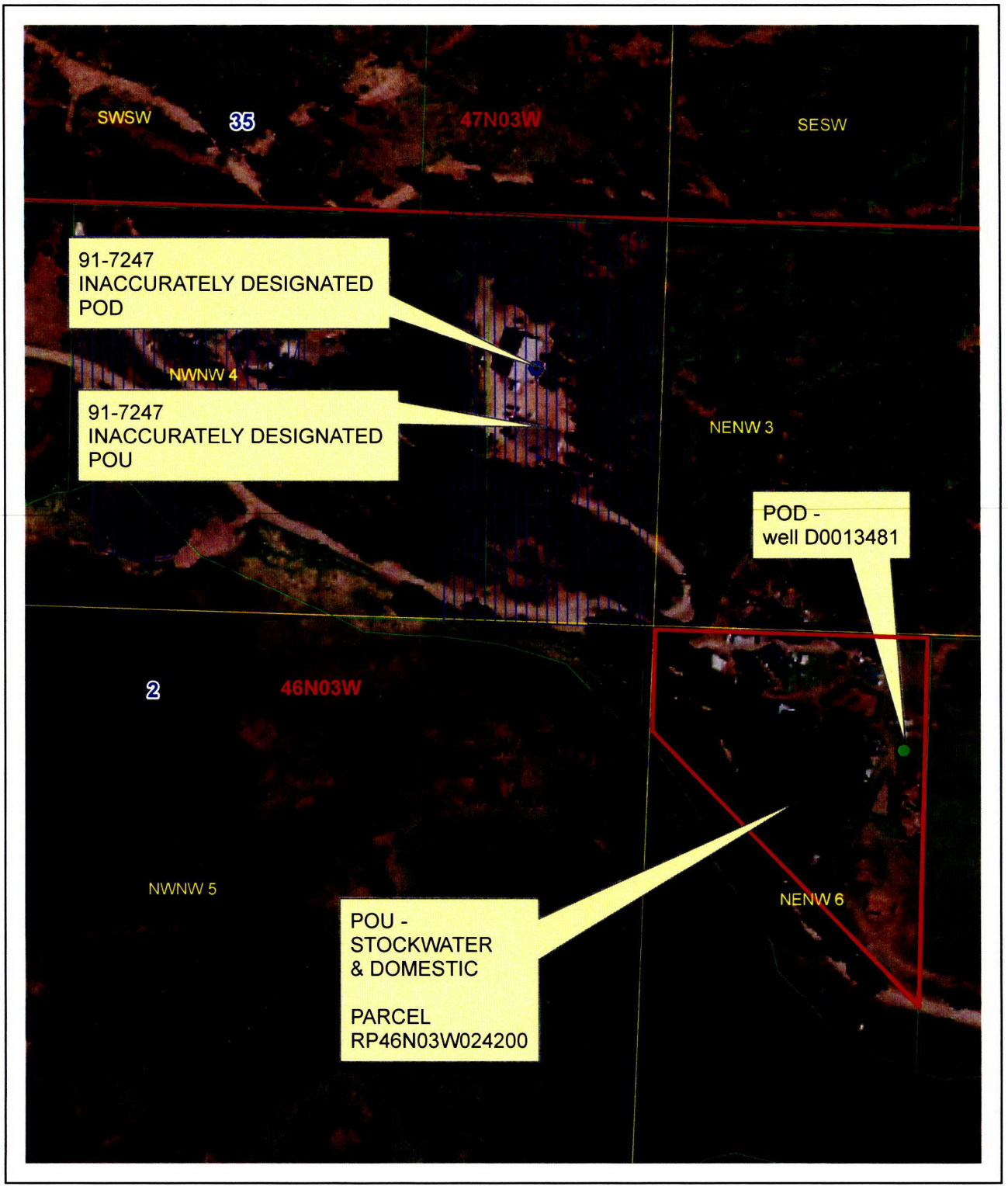
**13. DRILLER'S CERTIFICATION**
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name FOGLE PUMP Firm No. 537

Firm Official ____ Date ____
and
Supervisor or Operator Todd A. Linly Date 7/24/02
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

ATTACHMENT # 7a.




**Legend**

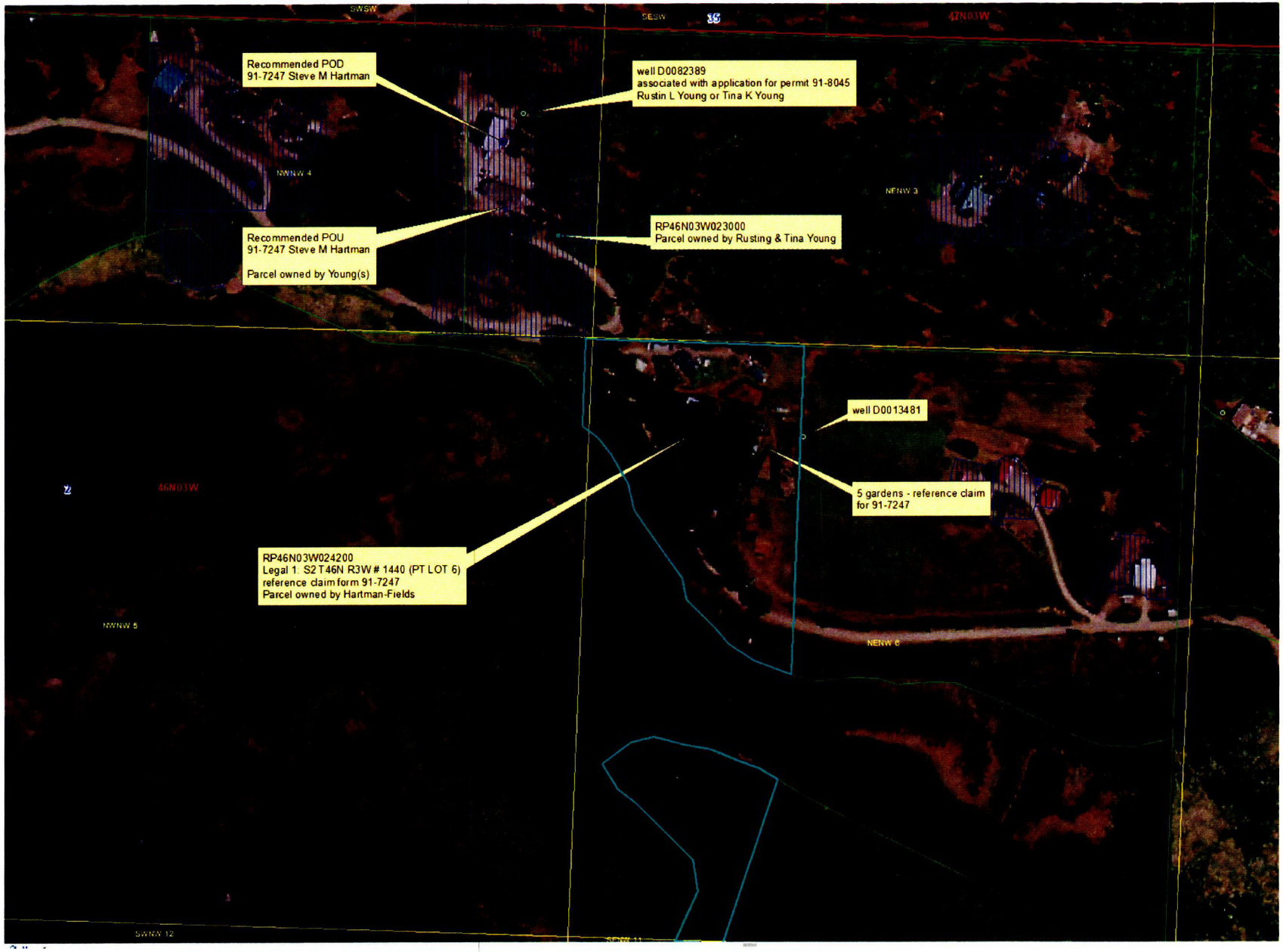
- Township/Range
- Sections
- QQ

0 0.025 0.05 0.1 Miles

N

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MAY 17 2023

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MAY 17 2023

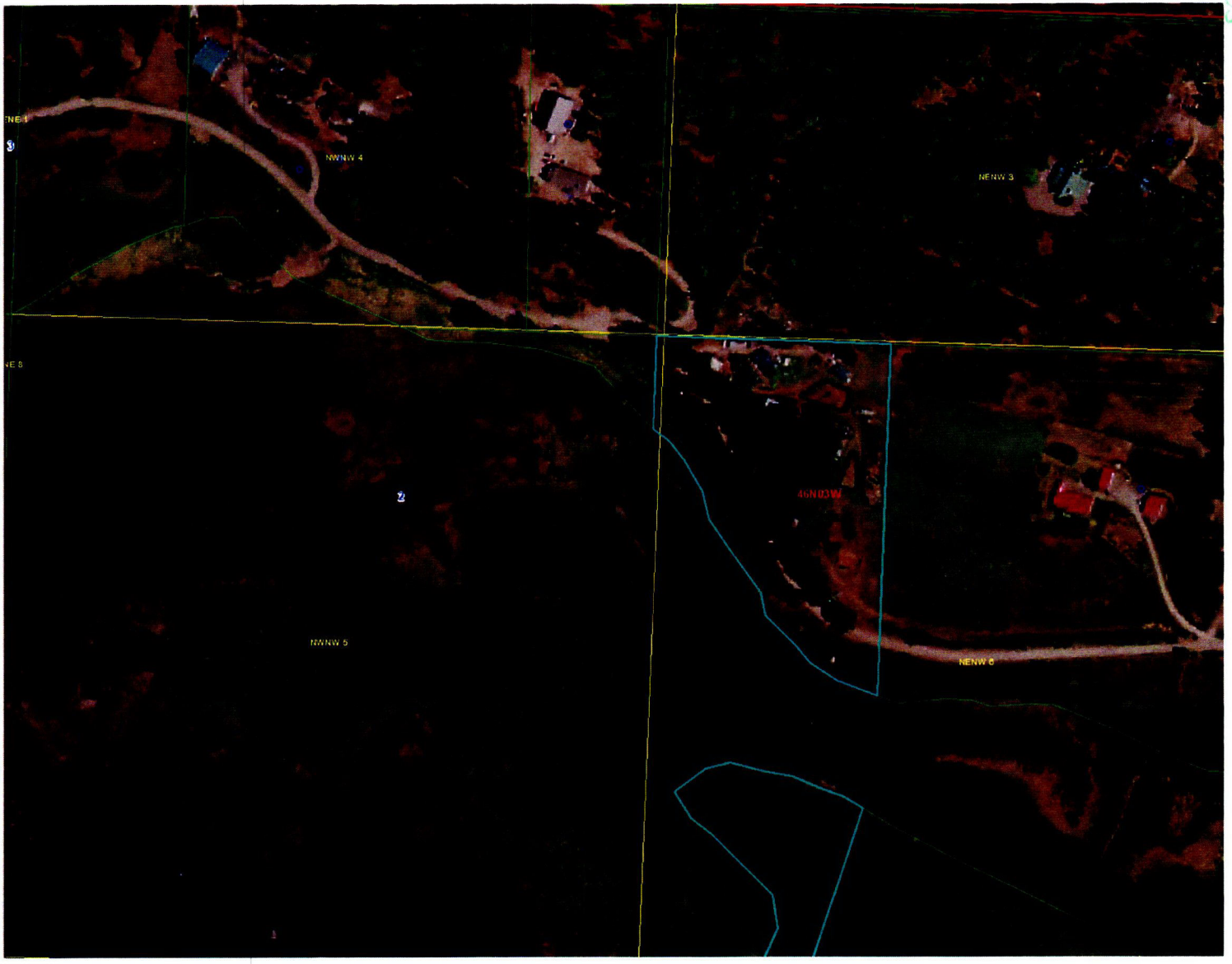


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MAY 17 2022

Parcels
HARTMAN-FIELDS, CHRISTIE ADORA; HARTMAN, JOHN W

Location: 2,297,172.771 1,799,810.586 Meters

| Field | Value |
|---|---|
| ID | 13911515 |
| UPDATED | 3/22/2022 |
| PIN | RP46N03W024200 |
| OWNER | HARTMAN-FIELDS, CHRISTIE ADORA; HARTMAN, JOHN W |
| ADDRESS1 | 427 ROUND LAKE ROAD |
| ADDRESS2 | |
| CITY | ST MARIES |
| STATE | ID |
| ZIPCODE | 83861 |
| P_ADDRESS | 427 ROUND LAKE ROAD |
| P_ZIPCODE | 83861 |
| SUB_NAME | |
| LEGAL1 | S2 T46N R3W TAX # 1440 (PT LOT 6) LIFE ESTATE:HARTMAN, SM & BK |
| LEGAL2 | <null> |
| LEGAL3 | <null> |
| LEGAL4 | <null> |
| LEGAL5 | <null> |
| LEGAL6 | <null> |
| ACRES | 7.6 |
| COUNTY | Benewah |
| SOURCE | <null> |
| YEAR_BUILT | 1974 |



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 Gary Spackman**

May 12, 2023

JOHN W HARTMAN
CHRISTIE ADORA HARTMAN FIELDS
427 E ROUND LAKE RD
ST MARIES ID 83861-9498

Re: Transfer No: 86879
Water Right No.: 91-7247
Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

The Transfer of Water Right 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.

SCANNED
MAY 17 2023

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 the Northern Region Office at (208) 762-2800.

Sincerely,

Tammy Alleman
Water Resource Agent

Enclosure

CC:

STEPHEN M HARTMAN
427 ROUND LAKE RD
ST MARIES ID 83861

SCANNED
MAY 17 2023

## CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2023 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.: 86879**
**Water Right No(s).: 91-7247**

**JOHN W HARTMAN**
**427 E ROUND LAKE RD**
**ST MARIES ID 83861-9498**

**CHRISTIE ADORA HARTMAN FIELDS**
**427 E ROUND LAKE RD**
**ST MARIES ID 83861-9498**

**STEPHEN M HARTMAN**
**427 ROUND LAKE RD**
**ST MARIES ID 83861**

Tammy Alleman
Water Resource Agent

SCANNED
MAY 17 2023

# 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.



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MAY 17 2023

## 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.



SCANNED
MAY 17 2023

# MEMORANDUM

**Date:** December 5, 2022

**To:** Transfer 86879

**From:** Luke Bates JSB 12/5/2022

**Re:** Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
12/5/2022

Purpose of transfer is to correct POD/POU legal descriptions for right 91-7247. When Decreed the POD/POU were designated in Twp 46N, Rge 03W, Sec 2, Lot 4 NWNW QQ respectively. Each is inconsistent with historic use.

Authority to File:
The applicants are listed as the current owner of the property where the historic use of water has occurred for WR 91-7247. Original WR holder Stephen M. Hartman Quit Claimed the deed to his children John W. Hartman & Christie Adora Hartman-Fields. Mr. Stephen M. Hartman is the original owner of WR 91-7247, and current owners John H & Christie Adora have submitted a Change in Ownership form for WR 91-7247 changing ownership from father to children.

Water Right Validity:
The water right is an active licensed right recorded with the department.

Injury to Other Water Rights:
Injury is not anticipated by the correction of the POD & POU legal designations. The property owner with the erroneously licensed POD/POU acknowledge the error when applying for separate water rights & who have a separate diversion system and uses covered under WR 91-8045.

Enlargement of Use:
None.

Local Public interest:
No negative issues anticipated.

Beneficial Use/Conservation of Water Resources:
Right 91-7247 shall continue to be used as historically licensed; only legally described POD & POU is being changed as a result of this process.

Effect on Economy the Local Area:
None anticipated.

Effect on Agricultural Base of the Local Area:
None anticipated.

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.

SCANNED
MAY 17 2023

# MEMORANDUM

**Date:** December 5, 2022

**To:** Transfer 86879

**From:** Luke Bates JSB 12/5/2022

**Re:** Legal Notice Not Required

Legal Notice Not Required
12/5/2022

Transfer of Point of Diversion from Twp 46N, Rge 03W, Sec 2, Lot 4 NWNW to Twp 46N, Rge 03W, Sec 2, Lot 6 NENW does not harm or injure other existing water rights.

Transfer of Place of Use from Twp 46N, Rge 03W, Sec 2, Lot 4 NWNW to Twp 46N, Rge 03W, Sec 2, Lot 6 NENW does not harm or injure other existing water rights.

John W. Hartman and/or Christie Adora Hartman-Fields, children of original WR owner Stephen M. Hartman, current parcel owner(s) and water right owner(s) for 91-7247 (pending change in ownership submitted congruently with transfer) filed the transfer application following notification from neighbors that the water right as originally decreed designated POD/POU on the neighbor's property where no historic use of water had ever existed.

Mr. Stephen M. Hartman who is the original water right 91-7247 holder who initiated this transfer application asserts by letter(s) the historical beneficial use of water has only occurred on the parcel designated in the transfer application. Subsequently Mr. Stephen M. Hartman has quit claim deeded this parcel to his two children, who have since submitted revisions to the transfer application due to property being in their names respectively. Additionally, a Change in Ownership form has been submitted by the two children listed above for WR 91-7247 to move it into their name as the current owners of the parcel with historical use of water occurring.

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

SCANNED
MAY 17 2023

SEPT. 13, 2022

# LUKE BATES –

THANKS so much for helping me get THIS done –
I've got TO get it in THE mail – It's keeping me up at night – I've gone over it so much, I'm numb about it –
I'm sure I got it right –

GUESS I'll be hearing from you down THE ROAD –
DOESN'T THIS HAVE TO GO THROUGH an approval process?

LINDA WERNER was helpful –
GOT TO TALK TO HER IN 2020 –
WHAT'S more important THAN WATER RIGHTS? Not much !!

I made copies of THIS Document for myself and my kids –

SINCERELY –
STEPHEN M. HARTMAN
Stephen M. Hartman
Sept. 13, 2022

SCANNED
MAY 17 2023

# I don't real, understand this very well - I filled out what I could - Thanks -

Form No. 42-1409-2 (Internet 12/08)

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE COEUR D'ALENE-SPOKANE RIVER BASIN WATER SYSTEM**

RECEIVED
NOV 10 2010
IDWR/NORTHERN

**CIVIL CASE NUMBER:** 49576
Ident. Number 91-7247
Date Received: 10-8-10
Receipt No: NJ26089
Received By: cm

RECEIVED
OCT - 8 2010
IDWR/NORTHERN
K. HARTMAN

## NOTICE OF CLAIM TO A WATER RIGHT
**ACQUIRED UNDER STATE LAW**
**For Domestic and/or Stockwater Purposes**
**Where Daily Use is less than 13,000 gallons per day**

1. Name of Claimant(s) Stephen M. + Barbara Phone (208 245-3063

Mailing Address 427 Round Lake Rd St Maries IDAHO 83861
Street or Box City State Zip

2. Date of Priority: (Only one per claim) ~~Oct. 2, 2010~~ July 23, 2002
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water ( ) or Other (X) (a) WELL water

which is tributary to (b) _____

4. Location of Point of Diversion is: Township 44 N, Range 3 W, Section 2,
Tax #1440 1/4 of _____ 1/4, or Govt. Lot #4 BM. County of BONNEVILLE;
Parcel (PIN) no. _____ Believe well is in Lot #4

Additional points of diversion if any: _____

If available, GPS coordinates: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Well - 140 ft. in Broken Basalt - 40 gal. min. / 1½ horse pump / pumps 20 gal./minute.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

| | Month/Day | Month/Day | cfs( ) or AFY( ) |
|---|---|---|---|
| For Home purposes from | _____ | to _____ | amount .04 cfs, |
| For Garden / stock water .04 cfs purposes from | _____ | to _____ | amount .02 cfs. |

7. Total Quantity claimed 40 gal. min. cfs ( ) or AFY ( ) 20 gal./min. I only use 20 gal./min / well - it 40 gal. min.

8. Non-irrigation uses. Describe fully. (eg. Domestic: give number of households served if single ownership; Stockwater and Number of livestock) 12 head stock / two households
Five gardens -

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NOV 10 2010
SCANNED
OCT - 8 2010
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MAY 17 2023

9. Location of Place of Use is: Township 46 N, Range 3 W, Section 2,
Tax #1440 1/4 of _____ 1/4, Govt. Lot 6 BM. Parcel (PIN) no. Benewah
If different than shown in Item 4
for (Check One) **Domestic** ( ) **Stock** ( ) **Domestic and Stock** (X)

Additional places of use, if any _____

10. In which county (ies) are lands listed above as place of use located? Benewah County -

11. Do you own the property listed above as place of use? Yes (X) No ( )
If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (X)

13. Remarks:
Family Trust -

14. Basis of Claim (Check One) Beneficial Use (X) Posted Notice ( ) License ( ) Permit ( ) Decree ( )

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do (X) do not ( ) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Clyde M. Hartman Date: Oct. 6, 2010

Barbara K. Hartman Date: Oct. 7, 2010

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the forgoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:
Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name _____ Identification No. _____

SCANNED NOV 10 2010
SCANNED OCT - 8 2010
SCANNED MAY 17 2023

ATTACHMENT - PART 1 A.2.

REFER TO ATTACHED LETTER FROM LUKE BATES - IDWR water Right inquiry - June 16, 2020 at 4:50 PM TO Rusty young -

My WATER Right was incorrectly filed in the Beginning - the error was discovered when Rusty young filed for his WATER Rights - after Rusty and I swapped 6.465 ACRES STRAIGHT across -

This error was discovered before Linda Werner Retired -

Stephen M. Hartwell
SEPTEMBER 11, 2022

SCANNED
MAY 17 2023

From: Bates, Luke Luke.Bates@idwr.idaho.gov
Subject: IDWR water right inquiry
Date: Jun 16, 2020 at 4:58:02 PM
To: Rusty Young rustyyounglogging@gmail.com
Cc: Werner, Linda Linda.Werner@idwr.idaho.gov

Good afternoon Sir.

I spoke with you in the recent past, while developing your application for water permit. During that process, we identified that the Hartman family had an erroneous water right that was assigned to your parcel. I had a fellow Adjudication Water Right Agent look into it, and they in turn attempted to contact the Hartmans with information regarding the incorrect filing of their claim during the past adjudication process. Unfortunately, the phone numbers and email contact information we have on file is not current for the Hartmans.

I was hoping you may be able to talk with your neighbor, and perhaps relay their phone number to me, so that I may forward that information to get their issues resolved.

Thank you in advance for any assistance you may be able to provide.

v/r,

Auditor

Luke Bates
Water Resource Agent
Idaho Dept. of Water Resources
Northern Regional Office
P: (208) 762-2800
F: (208) 762-2819
Luke.bates@idwr.idaho.gov

SCANNED
MAY 17 2023

STEPHEN M. HARTMAN
422 Round Lake Road
ST. MARIES, IDAHO 83861

PART 1 A.3.

1) THANKS TO LUKE BATES AND HIS POSITIVE, HELPFUL, TECHNICAL ASSISTANCE FILLING THIS out -

2) PURPOSE OF WATER RIGHTS —

a) DOMESTIC USE - HOUSEHOLD - CLEANING, DRINKING, COOKING, WASHING -

b) EXTENSIVE GARDENS and ORCHARD -

c) FIRE Protection - (I realize Fire Protection is NOT Covered IN THE WATER RIGHT, But WE USE THE WATER FOR Fire Protection —)

1) 2 WEED WHACKERS - STIHL/SHINDAWA

2) ONE-17 HORSE DR TRIMMER (I MOW THE WOODS -)

2) TWO TORO LAWN MOWERS -

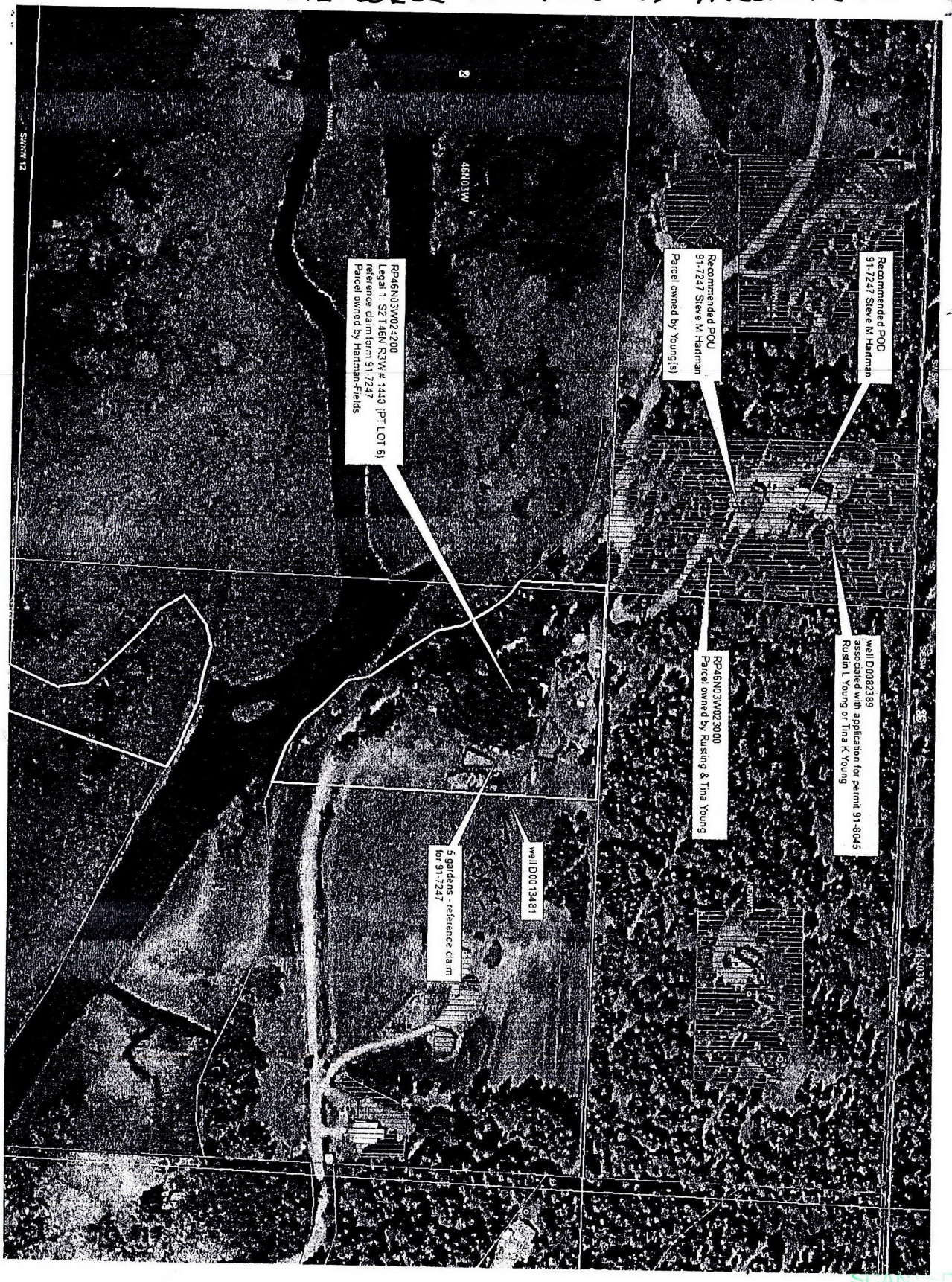
WE ARE IN Compliance with County and HOME OWNER'S Fire Regulations - and then some -

SCANNED
MAY 17 2023

Stephen M. Hartman

SEPT. 11, 2022

THE LOCATION OF THE WELL IS NOT CORRECT HERE - THE WELL LOCATION IS ACCURATE IN #10




SCANNED
MAY 17 2023

**Bates, Luke**

**From:** Bates, Luke
**Sent:** Tuesday, September 20, 2022 7:18 AM
**To:** john.w.hartman18@gmail.com
**Subject:** IDWR - Stephen Hartman transfer app revisions required
**Attachments:** Stephen Hartman Transfer Application - copy of original.pdf; Stephen Hartman Change in Ownership - copy of original.pdf; Hartman Transfer & Change in Ownership revision required.pdf

Greetings John Hartman and/or Christie Adora Hartman-Fields,

Attached you will find 3 documents:

1) Stephen Hartman Transfer Application – copy of original: I included this packet as it shows the entirety of the transfer application. When we make revisions, it will only be for one or two pages which will supersede the original pages, and all the rest will remain the same. As you and Christie will be signing for this packet, I believe it is important you know what it is you are signing for..
2) Stephen Hartman Change in Ownership – copy of original: Stephen submitted this slightly incomplete form and signed at the bottom. Now that both yourself and Christie show as owners of the parcel located at 427 Round Lake Road, I need your contact information and signatures to process the forms.
3) Hartman Transfer & Change in Ownership revision required: this PDF includes excerpts from the original documents listed above, and it is this PDF that I am requesting contact information and signature block data be filled out by both John and Christie.

Referencing the revision required PDF I am requesting the following actions from John & Christie:

- PG 1 – Review contact information at top of page "Name of Applicant(s)" and let me know if I need to send corrected copies with other information included. I pulled this data off the county tax parcel viewer, but it may be inaccurate.
- PG 2 – Review and add contact information at top. Printing off this form add using ink pen. Once information is added please sign and date toward bottom of form. You may use your current mailing address OR the physical address of the parcel 427 Round Lake RD.
- PG 3 – Review step No. 3 contact name information for correctness; enter mailing address and phone/email information. Sign and date step No. 8 with ink pen.
- PG 4 – is a copy of the original simply showing the need for children(s) information and signatures to be considered accurate & complete for filing purposes.

I recommend a conversation between John & Christie to determine what mailing addresses and information they would like to see populated. The property physical address doesn't need to be used but may serve the purpose of simplifying the form. All future water right information would then be mailed whichever address is added to these forms. As the parcel is in a life estate both of you will be falling in on it at a future date.

Final step – once all contact information & signatures are filled in the completed 3 pages please scan in and emailed to the address listed below C/O Luke Bates:

FILE@IDWR.IDAHO.GOV

This is the electronic e-file link IDWR uses. The revision routes to the state office and in turn will be distributed to me here at the northern office. You may CC me in the email, but the form must route to the state office where they date/time stamp the file identifying official intake of the document.

Please don't hesitate to give me a call or email with questions related to this request for action.

SCANNED
MAY 17 2023

Thank you,

**Luke Bates**
Sr. Water Resource Agent
Northern Region
P: 208-762-2817

IDAHO DEPARTMENT OF
WATER RESOURCES
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763

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MAY 17 2023

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 Gary Spackman**

29 July 2022

Water Right No. 91-7247

Mr. Steve M Hartman,

Thank you for speaking to me regarding your Decreed water right 91-7247. Following our conversation where we discussed that it appears the Point of Diversion (POD) & Place of Use (POU) were inaccurately designated when entered during the adjudication process.

Enclosed you will find several documents & supporting pages associated with filing a Transfer Application & a Change in Ownership Form. Please do contact me when you receive the packet and have looked it over. I can answer any questions and/or help assist in finalizing the form for submission. Items that need to be discussed:

- Change in Ownership form – Whomever is the current owner of the parcel with historical use of water occurring at 427 Round Lake Rd needs to supply the Warranty Deed or Quick Claim Deed showing they are the current owners of the property.
    - This form has a $25.00 fee payable to IDWR which is required when submitting.
- Transfer Application form – we can walk step by step through this. Some of the products required are highlighted in Yellow and/or steps that require action by yourself when finalizing for submission.
    - Applicant name should be whomever the current owner of the parcel is OR if it is in the name of the trust, then the trust should have a warranty deed showing ownership.
    - If the applicant is a trust a copy of that form showing whoever is signing the document has authority to make these legal actions shall accompany the form as proof of signatory authority.
    - This form has a $50.00 fee payable to IDWR which is required when submitting.
- Once we finalized the forms they can be signed and submitted by mail to the address listed below. IDWR accepts money orders, and the total will be $75.00 (both forms).

Thank you for your consideration of the information detailed above,

**Luke Bates**
Sr. Water Resource Agent
Northern Region
P: 208-762-2817



IDAHO DEPARTMENT OF
WATER RESOURCES
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763

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MAY 17 2023