

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 21 2023
DOW / NORTH

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION / NORTH

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
- ☒ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Evergreen Terrace Water Association Phone (208) 582-4795

2. MAILING ADDRESS 606 Evergreen Terrace Rd. City St. Maries

State ID Zip 83861 Email bryce@coulter.us

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 92-7229

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.45 cubic feet per second and/or 56.40 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

88243

6. 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:

Water diverted from wells is pumped to a reservoir for treatment, storage metering and distribution to the Association. Metering/recording of flow is in locked control building located at reservoir.

- b. Who owns the property at the point(s) of diversion? Evergreen Terrace Water Association

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C. 2013 Beneficial Use Survey Attached*

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

James S. De Smet

Signature of applicant or authorized agent

James S. De Smet, PE, PG Consultant for Applicant

Print name and title if applicable

7/18/2023

Date

Bryce Coulter

Signature of applicant or authorized agent

Bryce Coulter, Treasure ETWA

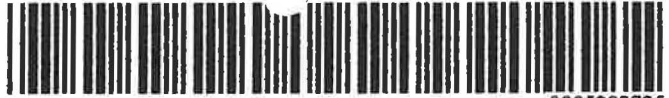
Print name and title if applicable

7/18/2023

Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

50⁰⁰ 7/1/23 FOR DEPARTMENT USE ONLY
Transfer includes 50⁰⁰ pages of attachments. Received by TA NØ43798 Date _____
Fee paid 450⁰⁰ Date 7/12/23 Received by NØ43865 Receipt # NS
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)



0005202725

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0005202725

Date Filed: 4/16/2023 9:31:35 AM

B0795-2107 04/16/2023 9:31 AM Received by Office of the Idaho Secretary of State

Entity Name and Mailing Address:

Entity Name: EVERGREEN TERRACE WATER ASSOCIATION, INC.
The file number of this entity on the records of the Idaho Secretary of State is: 0000553035
Address: 248 EVERGREEN TERRACE RD
ST MARIES, ID 83861-7145

Entity Details:

Entity Status: Active-Good Standing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: C182927

The registered agent on record is:

Registered Agent: ARLO SLACK
Registered Agent
Physical Address
248 EVERGREEN TERRACE RD
ST MARIES, ID 83861
Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
arlo slack	Secretary	248 EVERGREEN TERRACE RD ST MARIES, ID 83861

The annual report must be signed by an authorized signer of the entity.

Job Title: member

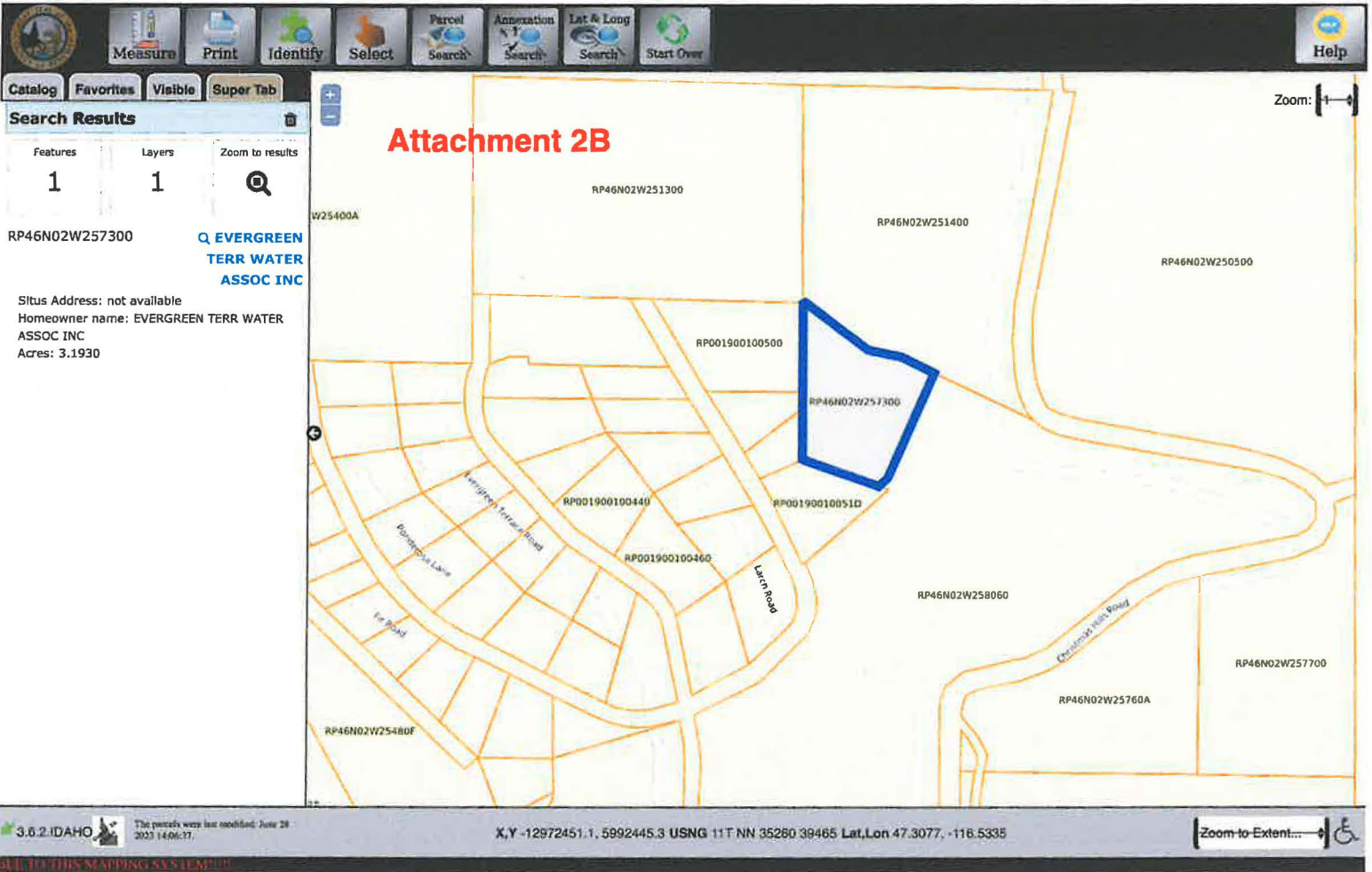
Arlo Slack

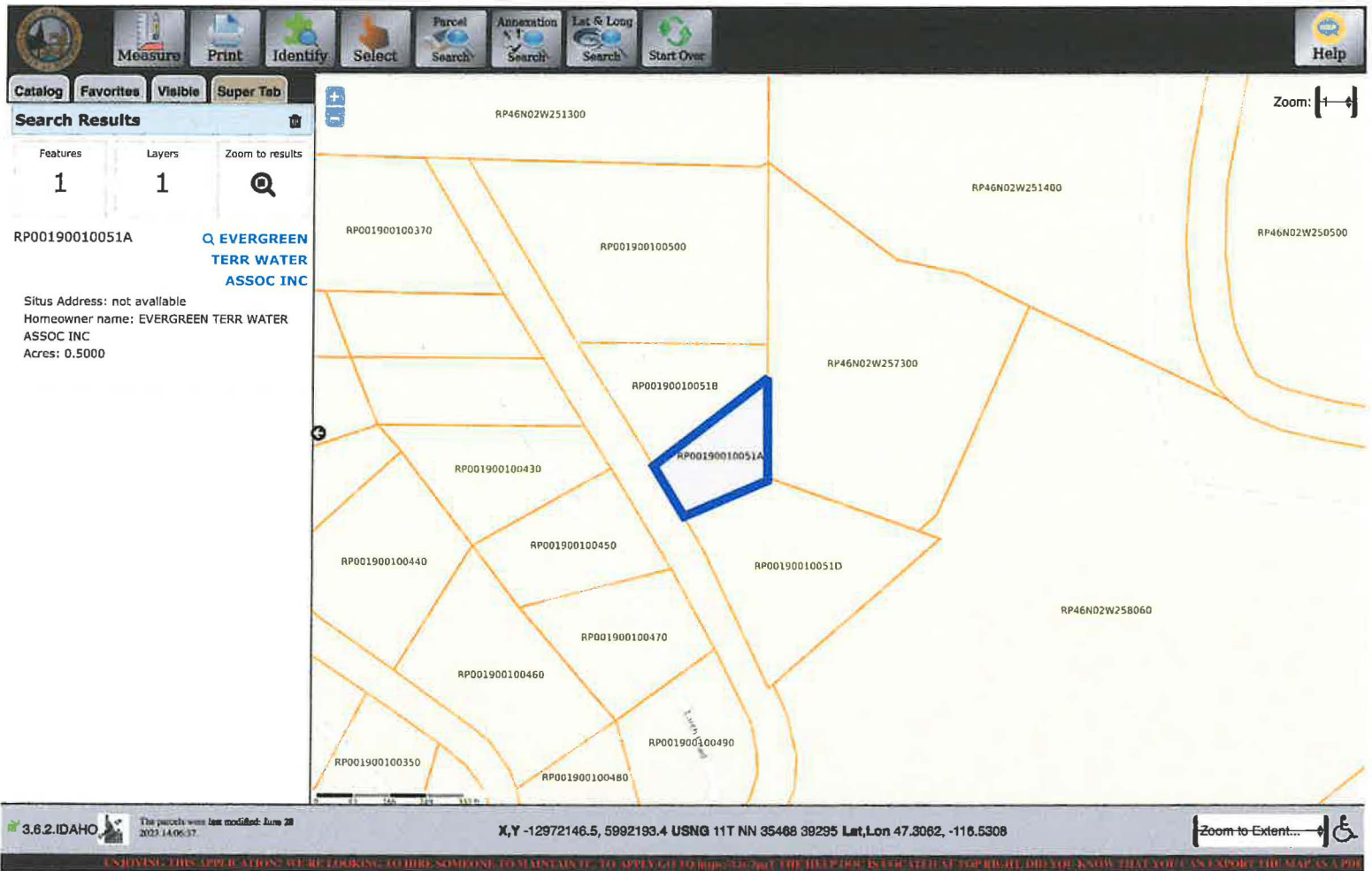
Sign Here

04/16/2023

Date

Attachment 2B





Close

Water Right Report : 92-7229(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	EVERGREEN TERRACE WATER ASSN	248 EVERGREEN TERRACE RD	SAINT MARIES	ID	83861
Previous Owner	EVERGREEN WATER CO	248 EVERGREEN TERRACE RD	SAINT MARIES	ID	83861

Water Right Status

Priority Date : 6/29/1997

Basis : License

Status : Active

Water Source

Source Source Qualifier Tributary Tributary Qualifier

GROUND WATER

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	46N	02W	25	0		SW	NE	BENEWAH	
GROUND WATER	46N	02W	25	0		SW	NE	BENEWAH	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	01/01	12/31	0.45 CFS	56.40 AFA
TOTAL			0.45 CFS	56.40 CFS

Places of Use

Printable View

Paged View

Conditions

Code Conditions

- 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- 128 Place of use is within the area served by the public water supply system of Evergreen Terrace Water Association, Inc. The place of use is generally located within Section 25 of Township 46 North, Range 2 West.
- 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this

document for illustrative purposes.

Dates

Licensed Date : 4/22/2014

Decreed Date :

Permit Proof Due Date : 8/1/2004

Permit Proof Made Date : 11/9/2009

Permit Approved Date : 7/25/1997

Permit Moratorium Expiration Date :

Enlargement Use Priority Date :

Enlargement Statute Priority Date :

Application Received Date: 4/21/1997

Protest Deadline Date:

Other Information

State or Federal :

Water District Number : NWD

Generic Max Rate Per Acre : 0

Generic Max Volume Per Acre : 0

Civil Case Number :

Decree Plaintiff :

Decree Defendant :

Swan Falls Trust or Nontrust :

Swan Falls Dismissed :

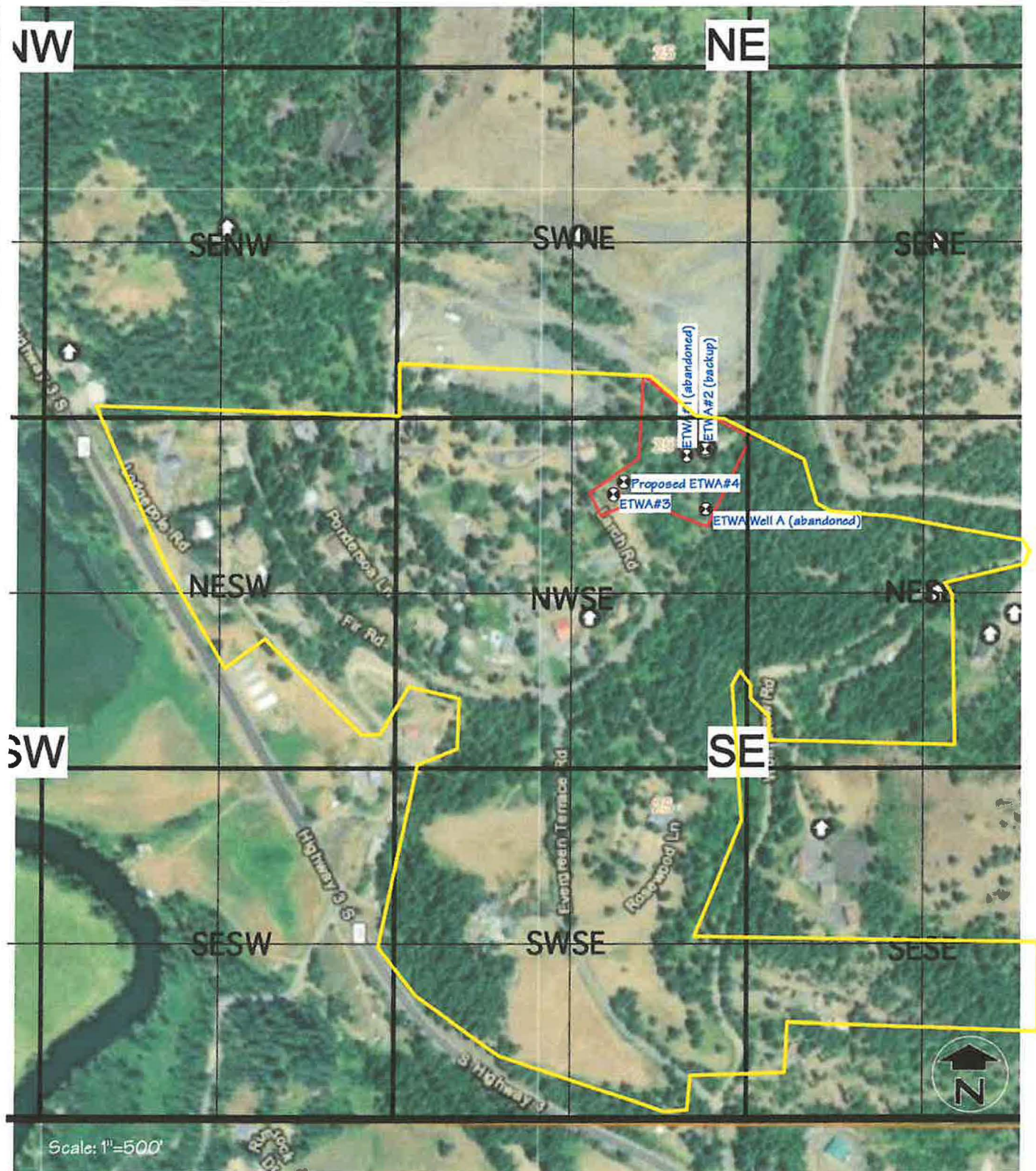
DLE Act Number :

Cary Act Number :

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

6/30/2023



- Evergreen Terrace Service Area
- Evergreen Terrace Well Lot



QUANTUM Engineering and Geologic Consulting

ENGINEER: Jim De Smet, P.E., P.G.
 DRAWN BY: Jim De Smet, P.E., P.G.
 DATE: 6/30/23
 SCALE: As Shown
 SHEET NO:

Evergreen Terrace
 Water Association
 T46N, T2W, Section 25
 Benewah County, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 92-7229

Exam Date: 5/22/2013

1. Current Owner: EVERGREEN TERRACE WATER ASSN
248 EVERGREEN TERRACE RD
SAINT MARIES ID 83861
(208) 245-2448

2. Accompanied by: Bryce Coulter

Phone No: (208) 245-5813

Address: 248 Evergreen Terrace RD

Relationship to Permit Holder: Secretary of Association

3. SOURCE

TRIBUTARY

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE
2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NE1/4 Sec. 25, Twp 46N, Rge 02W, B.M. BENEWAH County

GROUND WATER SW1/4NE1/4 Sec. 25, Twp 46N, Rge 02W, B.M. BENEWAH County

Method of Determination: GPS and Visual Inspection

2.

PLACE OF USE: MUNICIPAL

See Map for Place of Use. (No Place of Use is data entered for Municipal Use.)

Method of Determination: GIS and Visual Inspection

3. YES Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
YES Aerial Photo Attached (required for irrigation of 10+ acres).
YES Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well #3 Main Well	Unknown	15	Unknown	Unknown	4" line
Well #2 Backup Well	Franklin	3/4	280107101	Franklin	4" line

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Owner's Meter	Mag Meter	Siemens	MAG5000	7ME6910-1AA3 0-1AA0	4"	UNKNOWN

2. Measurements: I used the Mag Flow meter to measure this system. The meter was recently installed and installed correctly. The theoretical calculation showed a diversion rate of 219 gpm and this meter showed a diversion rate of 203.5 gpm. Both calculations were reasonably close.

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Flow meter = 203.5 gpm (0.45 cfs)

Theoretical = 219 gpm (0.49 cfs)

Permit Allowed = 0.88 cfs

I recommend the measured flow rate for this system of 0.45 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

Administrative Memo 22 allows a domestic use of 1.2 acre feet of water per home and yard up to ½ acre. Due to the heavy tree cover, it was impossible to ascertain the number of acres that are actually irrigated under this system. During the exam, I spoke with the representative, that state that each lot is pretty much limited to ½ acre of irrigation. I found 47 lots that were either stubbed in or that had a home on the property. Therefore, I used the following equation to attain the volume for this permit:

$$47 \text{ Homes} \times 1.2 \text{ acre feet per home} = 56.4 \text{ acre feet.}$$

G. NARRATIVE/REMARKS/COMMENTS

There are 4 wells at this property. Of the 4 wells, only 2 are in use. Well #1 and Well A are no longer connected to power or to the system. I have informed the water right holders they need to properly decommission these wells. Well #3 is the main well that services this subdivision. It is a 15 Hp well that pumps up a hill to a 40,000 gallon storage tank. Well #2 is a ¾ Hp well that is used as a backup or for emergency purposes. Well # 2 is located on the hill next to the water tank. The water for this permit is pumped to the reservoir on the hill, and the water is then gravity fed back downhill to the subdivision. There are no re-lift pumps pressurizing the water from the storage tanks. The storage tanks and all of the wells are located in the NWSE of Section 25, Township 46 North, Range 2 West.

There are a total of 56 lots associated with the Evergreen subdivision. The permit originally requested 53 lots for the subdivision. Of the 56 lots one is a well lot, and two are associated with a gravel pit north of the subdivision, which would reduce the total number of possible occupied lots to 53 lots. During the field exam I discovered that there are currently only 35 water connections on the system. Therefore, I needed to determine the maximum number of water connections that could be developed for this subdivision. During the build out of the subdivision, a number of individuals purchased multiple lots and built a home in a manner that prevented the possibility of selling those lots separately to allow additional home construction. Arlo Slack owns two large lots, and only has one domestic use, so I could only count one water connection for his use. There are also 3 lots that were connected into the system outside of the borders of the original subdivision, but the total number of lots is still below the number of lots that were permitted for this system. There are only 47 water connections that are currently connected to the water system or could connect to the water system in the future. The 47 water connections include only one connection for Arlo Slack's two lots. With a standard volume of 1.2 acre feet per lot and a limitation of 1/2 acre of irrigation per home, this would allow 56.4 acre feet of water, and up to 23.5 acres of irrigation. This sounds more than reasonable for this subdivision.

The owners asked to amend the permit to change the use from domestic and irrigation for these lots to municipal use. An amendment was required anyway to correct the point of diversion descriptions and the place of use descriptions. Since this is being changed to a municipal use, conditions 128 and 180 were added to the licenses, and conditions 03A, 004, 26A, and the domestic description condition were removed at licensing.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	0.450 CFS	56.40 AF
<u>Totals:</u>		0.450 CFS	56.40 AF

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other (Changed use to municipal)

I. AUTHENTICATION Daniel A. Nelson – Staff Hydrologist

Field Examiner's Name



Date

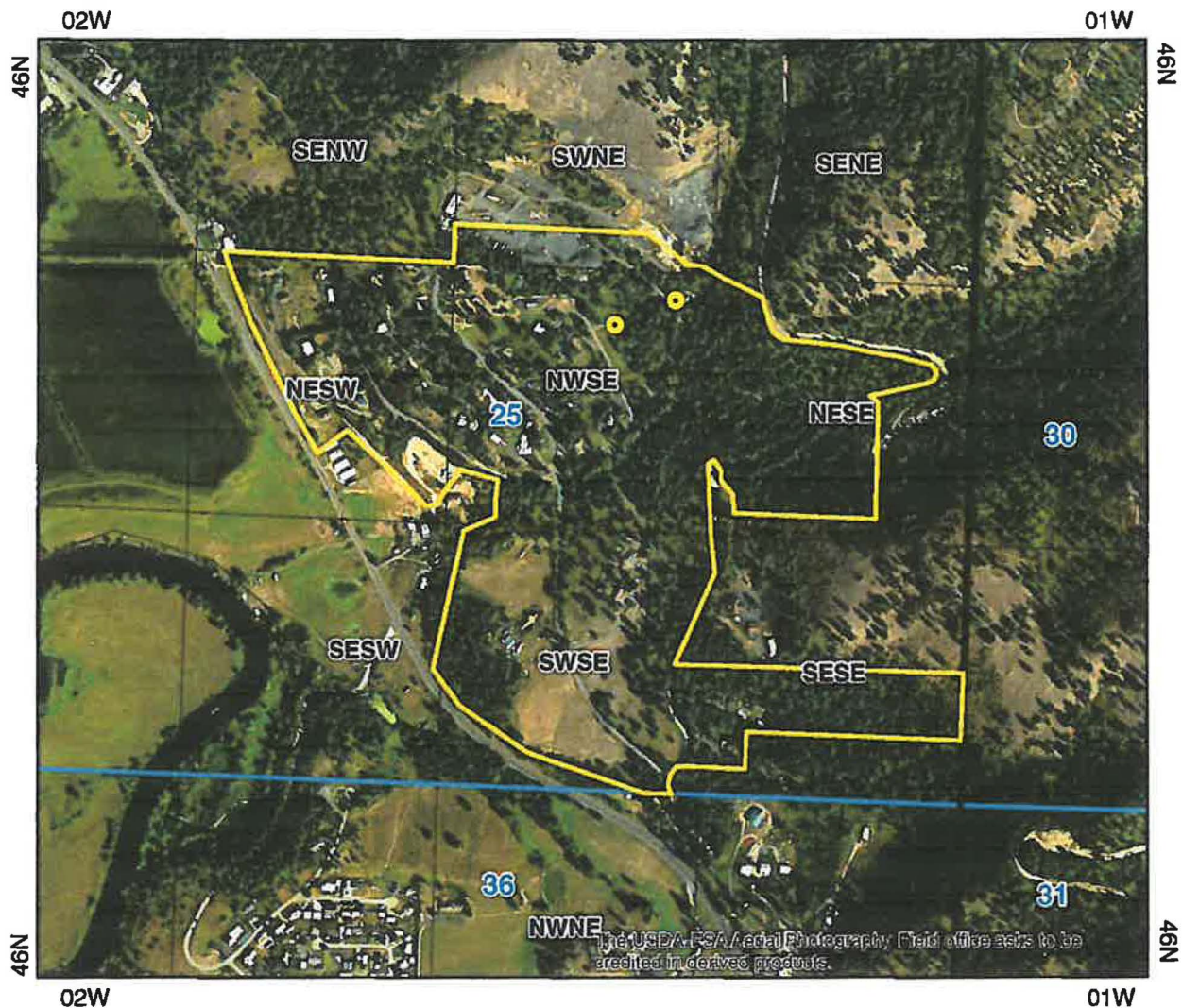
4-8-2014

Reviewer

Date

State of Idaho
Department of Water Resources
Field Exam Map
92-7229

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.



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

0 0.1 0.2 0.4 Miles



**Permit 92-7229
Lot Analysis**

There are a total of 56 lots associated with the Evergreen subdivision. The permit only requested 53 lots for the subdivision. Of the 56 lots one is a well lot, and two are associated with a gravel pit north of the subdivision, which would reduce the total number of possible occupied lots to 53 lots. During the field exam I discovered that there are currently only 35 water connections on the system. Therefore, I needed to determine the maximum number of water connections that could be developed for this subdivision. During the build out of the subdivision, a number of individuals purchased multiple lots and built a home in a manner that prevented the possibility of selling those lots separately to allow additional home construction. Arlo Slack owns two large lots, and only has one domestic use, so I could only count one water connection for his use. There are also 3 lots that were connected into the system outside of the borders of the original subdivision, but the total number of lots is still below the number of lots that were permitted for this system. There

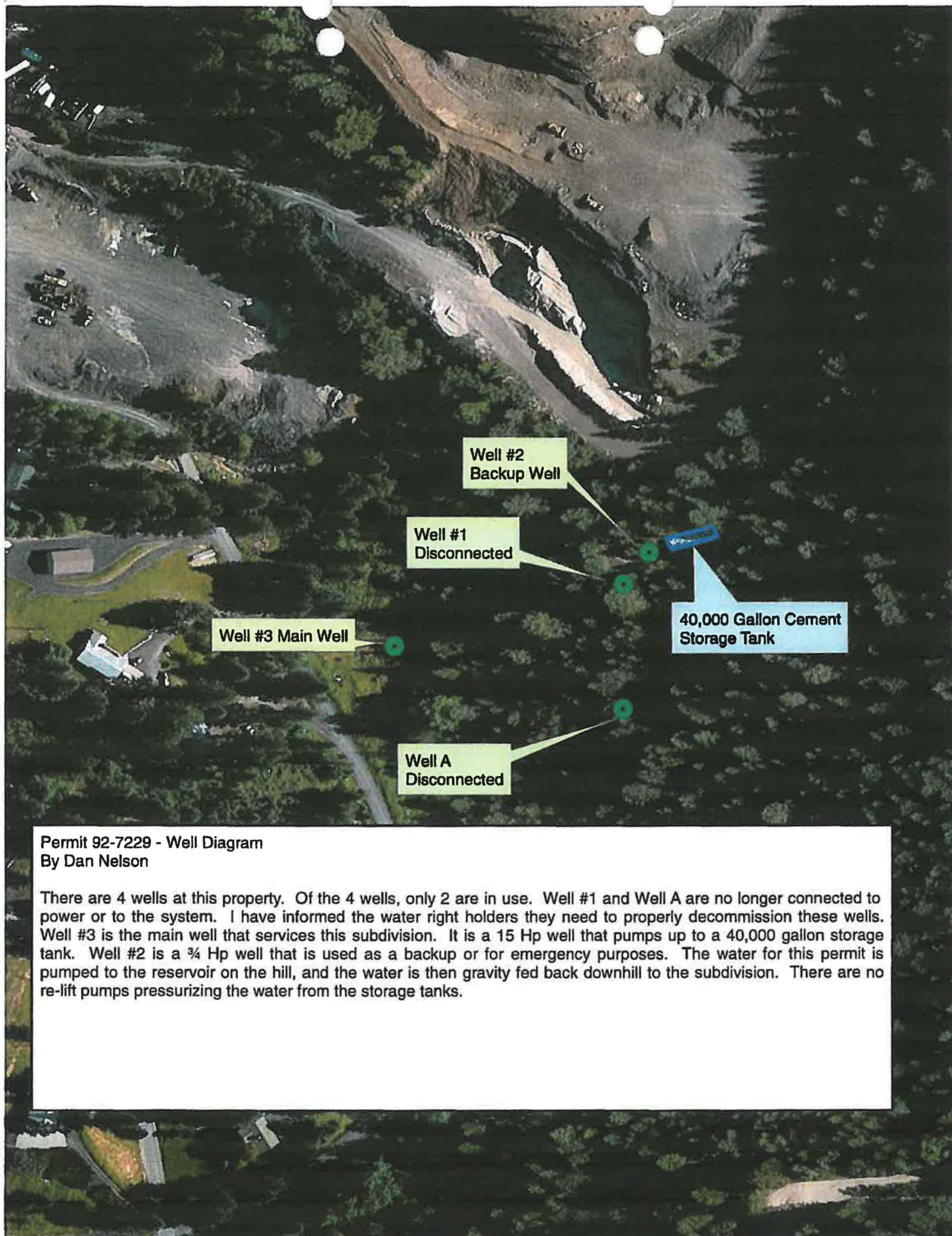
The blue hatched shapes are the gravel pit lots.

The purple hatched shape is the well lot.

The yellow hatched shapes are Arlo Slack lots and they are only counted as one.

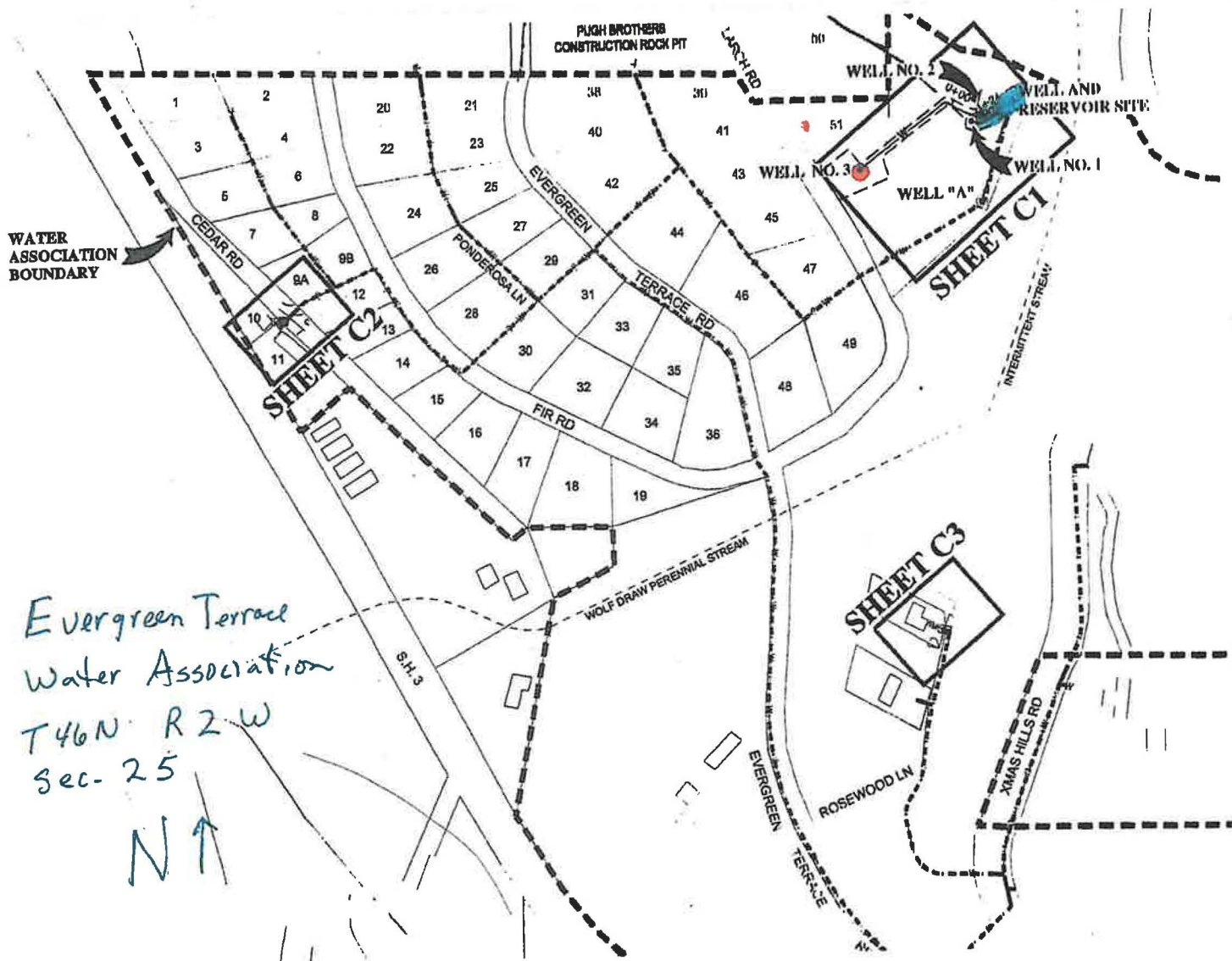
Red Border is the Border of the Municipal Use.

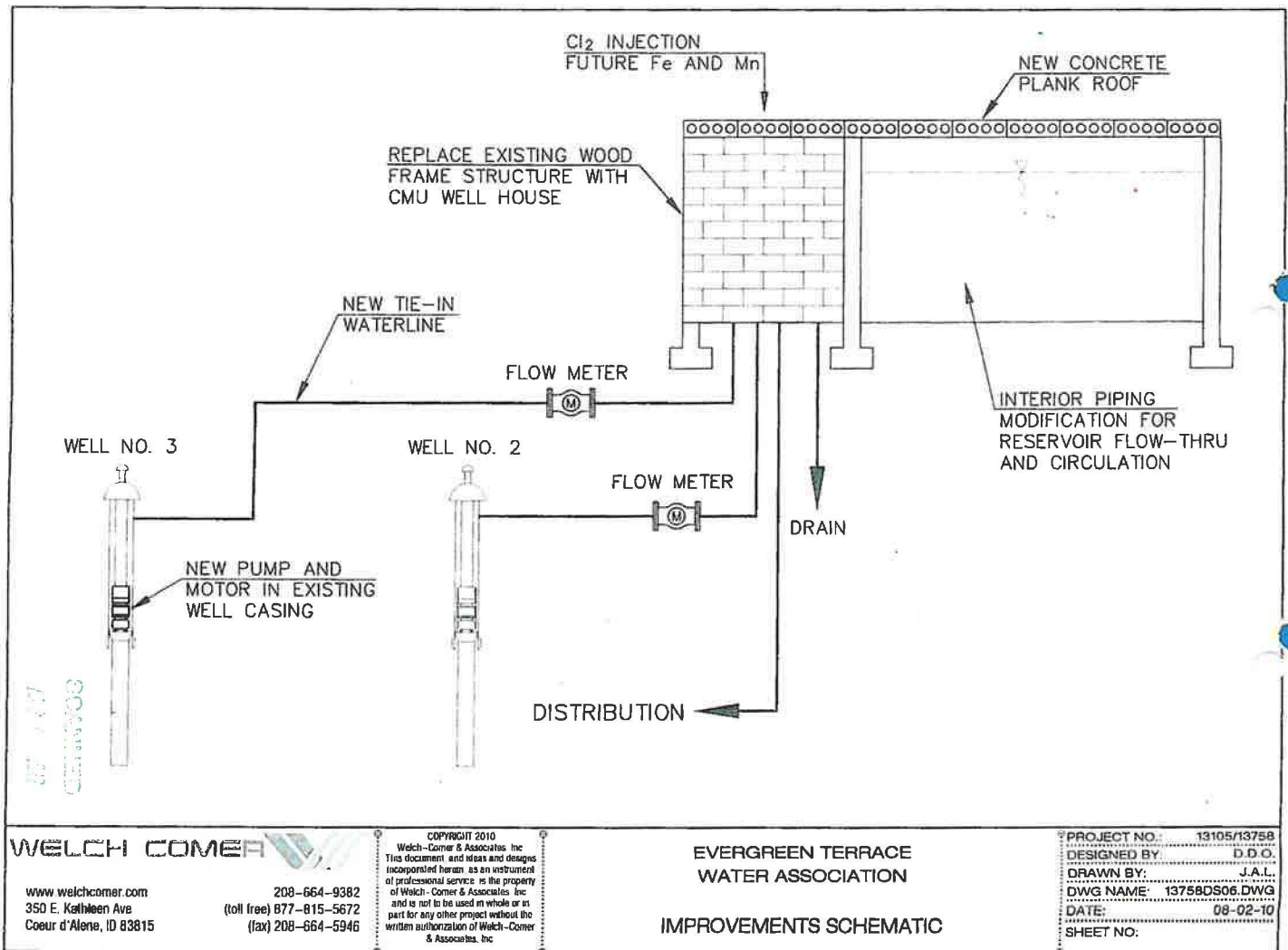




Permit 92-7229 - Well Diagram
By Dan Nelson

There are 4 wells at this property. Of the 4 wells, only 2 are in use. Well #1 and Well A are no longer connected to power or to the system. I have informed the water right holders they need to properly decommission these wells. Well #3 is the main well that services this subdivision. It is a 15 Hp well that pumps up to a 40,000 gallon storage tank. Well #2 is a $\frac{3}{4}$ Hp well that is used as a backup or for emergency purposes. The water for this permit is pumped to the reservoir on the hill, and the water is then gravity fed back downhill to the subdivision. There are no re-lift pumps pressurizing the water from the storage tanks.





THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 92-7229 Pump 3
 Reviewer: Dan Nelson
 Date of Review: 5/22/2013

P/D No.:	Senerio 1	Senerio 2	Senerio 3
PUMP HORSEPOWER	15	15	15
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	100	100	100
DISCHARGE PRESSURE	34	39	44
RATE OF FLOW (cfs)	0.52 232	0.49 218	0.46 206
			0.49 218.69

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: 70 efficiency.
 No Friction

Examiners Notes: I attain the lift per the well log that showed the screens were at 100 to 126 feet. The static was at 14 feet, but it was cased from 0 to 126 feet. With a solid casing, the drawdown would probably go down to the screen level. I estimated the pressure by calculating the elevation diverence of 76 feet and an open discharge pressure of 2 to 10 psi. The flow measured on the flow meter ranged between 201.9 tp 203.5 gpm, so this seems like an

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 92-7229 Pump 2
 Reviewer: Dan Nelson
 Date of Review: 5/22/2013

P/D No.:	Senerio 1	Senerio 2	Senerio 3
PUMP HORSEPOWER	0.75	0.75	0.75
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	100	100	100
DISCHARGE PRESSURE	10	10	10
RATE OF FLOW (cfs)	0.04 17	0.04 17	0.04 17
			0.04 16.84

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency.
 No Friction

Examiners Notes: There was no well drillers report for the backup well (well 2), so I estimated the lift based on the well log for well 3. The lift is suspect, since well #2 is approximately 76 feet higher in elevation than well #3. However, this well is only used as a backup well, and is not capable of supplying water to the entire subdivision for a long period of time. Well #3 is the main well used for the subdivision.

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 5/22/2013

FILE NUMBER 92-7229



This top photo shows Well #1 and Well #2. Well #1 has been disconnected from the system and from power and is no longer used. Well # 2 is a backup well.



This photo is the power panel for Well #2.



This is Well A. Well A has been disconnected from power and the water system and is no longer used.

PLEASE NOTE: Shortly after this field exam, I dropped my camera and lost some of the pictures that I took. The photos of the main well – Well #3 – and its power panel were some of the photos lost. I also lost the photos of the place of use.

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 5/22/2013

FILE NUMBER 92-7229



These upper photos show where the water from the wells enters the storage tank. The storage tank is on the back wall of this room. You can see the flow meter that was read during the field exam. It seemed to be good operating condition and matched the theoretical calculations. The photo shows a flow rate of 201.9 gpm, but I averaged the flows to 203.5 gpm.

The photos below show the 40,000 gallon cement water tank. The water from this tank is gravity fed to the subdivision down the hill.



JUL 07 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 88243

IDWR / NORTH

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) Evergreen Terrace Water Association**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).
- ☒ * 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: Ownership records for well/reservoir lot provided by Benewah County assess

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Evergreen Terrace Water Association Phone (208) 582-4795
Mailing address 606 Evergreen Terrace Rd, St. Maries, ID 83861 Email bryce@coulter.us

- ☐ 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 James S. De Smet, PE, PG Phone 208 661 5200
Mailing address 212 W Ironwood Dr, Suite D, #671, Cda, ID 83814 Email quantumeng@icloud.com

- ☐ 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**.

SUPERSEDED

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.

<u><i>James S De Smet</i></u> Signature of Applicant or Authorized Representative <u><i>Bryce Coulter</i></u> Signature of Applicant or Authorized Representative	<u>James S De Smet, PE, PG</u> Print Name and Title if applicable <u>Bryce Coulter, President Treasurer</u> Print Name and Title if applicable	<u>6/30/23</u> Date <u>6/30/23</u> Date
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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 **Part 1A.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 **Part 1A.3**.
License 92-7229 incorrectly lists the PODs in T46N, R2W Section 25, SW of the NE quarter. True locations of the PODs are in T46N, R2W Section 25, NW of the SE quarter. Attached Beneficial Use Survey correctly maps the PODs, contrary to the license.

STATE OF IDAHO
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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or ☐ Part	92-7229	0.45 cfs	Municipal	01/01 to 12/31	Groundwater
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

SUPERSEDED

Total authorized under rights 0.45 cfs and/or 56.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.45 cubic feet per second and/or 56.4 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 #
No			NW	SE	25	46N	2W	Benewah	Groundwater	Well#2
NO			NW	SE	25	46N	2W	Benewah	Groundwater	Well#3

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	
Total Acres (for irrigation use)																			

STATE OF IDAHO
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:
PODs feed into a reservoir for treatment, storage, metering and distribution. System is an existing public water supply operated and approved by Idaho Department of Environmental Quality (DEQ)
See attached Beneficial Use Survey dated 5/22/2013
- b. Who owns the property at the point(s) of diversion? Evergreen Terrace Water Association
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See attached records from Benewah County assessor
- 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: No liens or encumbrances
- 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? No
 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:
Place or purpose of use is not changed due to this transfer
- 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:
No other overlapping or layered water rights
- 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:

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.) See attached BUS

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.** dated 5/22/13
- ☐ 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.** No change of place or or purpose of use

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 (WaterBalance) No change of nature of use

- ☐ 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.** No place of use change

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:

SUPERSEDED

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid 50.00 Date 7-7-23 Received by [Signature] Receipt # N043 798

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

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



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

August 9, 2023

EVERGREEN TERRACE WATER ASSN
606 EVERGREEN TERRACE RD
SAINT MARIES, ID 83861

RE: Transfer No. 88243
Water Right No(s). 92-7229

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the ST MARIES GAZETTE RECORD on 8/16/2023 and 8/23/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Taya Sharp
Administrative Assistant

Sharp, Taya

From: Sharp, Taya
Sent: Wednesday, August 9, 2023 3:25 PM
To: Chantilly Higbee; Anna Moody
Subject: Request for Comments for Transfer 88243
Attachments: 88243 Application for Transfer of Water Right.pdf

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Application for transfer of water right. 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 September 5th, 2023.**

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

Thank you,



Taya Sharp | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208)762-2800

Sharp, Taya

From: Sharp, Taya
Sent: Wednesday, August 9, 2023 3:18 PM
To: St Maries Gazette Record (jamie@smgazette.com)
Subject: Legal Notice for St. Maries Gazette Record
Attachments: 88243 Legal Notice.docx

Please publish the enclosed legal notice in the **St. Maries Gazette Record** on the dates indicated **August 16th & August 23rd, 2023** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **September 5th, 2023**. Your cooperation is appreciated.

Thank you,



Taya Sharp | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208)762-2800

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88243**

EVERGREEN TERRACE WATER ASSN, 606 EVERGREEN TERRACE RD, SAINT MARIES, ID 83861 has filed Application No. 88243 for changes to the following water rights within BENEWAH County: Right No. 92-7229; 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 a new point of diversion to the Evergreen Terrace Water Association's existing groundwater right in the NW1/4SE1/4 of Section 25, Twp 46N, Rge 02W. The second purpose of transfer is to correct POD legal descriptions for Right 92-7229 that were licensed inconsistent with historic use and beneficial use field examination designated legal descriptions.

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 9/5/2023. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director

Published on 8/16/2023 and 8/23/2023

MEMORANDUM

Date: July 27, 2023

To: Transfer 88243

From: Luke Bates *JB* 7/27/23

Re: Legal Notice Remarks

This transfer proposes to add a new point of diversion to the Evergreen Terrace Water Association's existing groundwater right in the NW1/4SE1/4 of Section 25, Twp 46N, Rge 02W. The second purpose of transfer is to correct POD legal descriptions for Right 92-7229 that were licensed inconsistent with historic use and beneficial use field examination designated legal descriptions.

MEMORANDUM

Date: July 27, 2023

To: Transfer 88243

From: Luke Bates *JB 7/27/23*

Re: Application Accepted

Applicant's initial transfer application was received by the Department on 7/7/2023 on the long form with purpose of transfer to change point(s) of diversion pursuant Idaho Code § 42-221.O.8. Staff corresponded with the applicant's representative identifying there was intent to add a point of diversion in addition to correcting legal descriptions inconsistent in licensing from their historic use as annotated on the beneficial use report on file.

The applicant submitted an amended application for transfer - Point(s) of diversion form received on 7/21/2023 which incorporates adding a POD and transfer for changes pursuant Idaho Code § 42-221.O.8.

Total fee requirements equal \$500.00 based on diversion rate and diversion volume for Right 92-7229. Applicant submitted \$50.00 payment with the initial transfer application submission - N043798, and an additional \$450.00 payment with submission of the amended transfer application - N043865.