

APR 25 2024

42-222 POD - 07/18

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APR 25 2024

IDWR / NORTH

IDWR / NORTH

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

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) Garwood Water Cooperative Phone 208-772-3763 / 800-947-44512. MAILING ADDRESS PO Box 1137 City Hayden LakeState ID Zip 83835 Email garwoodwater@gmail.com

- ☐ 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) 95-8532, 95-9480

- ☒ 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 0.8 cubic feet per second and/or 101.0 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*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SE	24	52N	04W	KOOTENAI	GROUND WATER	New back-up well
N			NE	SE	24	52N	04W	KOOTENAI	GROUND WATER	95-86-N-125
N			NE	SE	24	52N	04W	KOOTENAI	GROUND WATER	95-95-N-0005-000

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:

Well field with two active GW wells pumping to storage reservoirs prior to distribution by main lines to municipal system. A measuring device will be installed in the new well, and the pump station is in a lockable controlled area.

- b. Who owns the property at the point(s) of diversion? Garwood Water Cooperative Inc

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

- 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)?

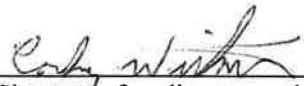
If yes, describe:

- 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](#).

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.


Signature of applicant or authorized agent

Corky Witherway, President
Print name and title if applicable

4-25-2024
Date

Signature of applicant or authorized agent

Print name and title if applicable

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](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$500.00 Date 4/25/24 Received by MB Receipt # N044565

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)

IDAHO DEPARTMENT OF WATER RESOURCES

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Proof Report

Water Right 95-9480

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARWOOD WATER COOPERATIVE PO BOX 1137 HAYDEN LAKE, ID 83835 (208) 772-3763

Priority Date: 4/11/2008**Basis:** License**Status:** Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	0.800 CFS	101.0 AF
	<u>Total Diversion</u>		0.800 CFS	101.0 AF

Source and Point(s) of Diversion:

GROUND WATER	NESE	Sec. 24, Twp 52N, Rge 04W, KOOTENAI County
GROUND WATER	NESE	Sec. 24, Twp 52N, Rge 04W, KOOTENAI County

Place Of Use:

MUNICIPAL within KOOTENAI County
Large POU not displayed

Conditions of Approval:

1. F06 The following rights are diverted through points of diversion described above: 95-8532 and 95-9480.
2. 174 This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the management plan approved by the director for the RPGWMA.
3. 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 illustration purposes.
4. 128 Place of use is within the area served by the public water supply system number 1280225 . The place of use is generally located within Sections 19-22, and 27-30 of Township 52 North, Range 3 West and Sections 24-25 of Township 52 North, Range 4 West B.M.
5. The right holder shall measure and record the quantity of water diverted pursuant to this right and shall annually report water withdrawals, the number of active and planned service connections and/or other pertinent information as

Proof Report

may be required by IDWR pursuant to Section 42-701, Idaho Code. The annual report shall be submitted to IDWR for the calendar year ending December 31 by February 15 of the following year. When a water district, water measurement district or other similar district is established with the responsibility to measure and/or regulate the diversion of water in connection with this right, the right holder shall measure and report water usage as required by the district and the requirement to report directly to IDWR will terminate.

6. The diversion and use of water described in this permit is subject to the additional conditions and limitations described in sections B(3), B(4), B(5), B(6) and B(7) of a separate agreement between Kootenai Environmental Alliance and the water right holder to which IDWR is not a party and which is independently enforceable by a court of law.
7. 207 Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire. Any amount of water used to fight a fire will not count against the annual volume limit for this right.
8. X35 Rights 95-8532 and 95-9480 when combined shall not exceed a total diversion rate of 0.8 cfs, and a total annual maximum diversion volume of 101.0 af at the field headgate.
9. 004 This right does not grant any right-of-way or easement across the land of another.

Comments:

1 LBates 9/16/2020 POD
Updated Shape

2 LBates 10/30/2020 Field Report Narrative

Field exam performed on 9/15/2020 with the applicant's representative, Bob Chandler, showed two groundwater sources providing water for the Garwood Water Cooperative municipal water system. The water conveyance system incorporated two wells with 60 hp and 25 hp pumps diverting water to 2ea 48,000 gallon storage tanks, before being distributed to pressure tanks and piping to the service area. At the POD(s), the two wells are located in-line approximately 8 feet apart, and the pump house is co-located with the wells. 2ea flowmeters that are installed on main line pipes for each well were used to complete flow measurements. Each pump was cycled on independently and operated for a period of 10 minutes to identify variance in flow. The largest diversion rate was entered from each well's flowmeter equaling the combined diversion rate from the two wells = 250 gpm (well 1) + 110 gpm (well 2) = 360 gpm = 0.8 cfs considering department rounding standards. The maximum diversion rate that will be applied to the license equals 0.8 cfs. The municipal large area POU is the same service area as that which was permit approved for. During the field exam and follow-up email/phone interaction with Mr. Chandler and Mr. Corky Witherwax, Garwood Water Cooperative President, it was identified the water system currently has 145 service connections as of an email dated 10/27/2020. Mr. Witherwax asserted the water system has an additional 27 "will serve" future commitments not yet active for the water system. The "will serve" commitments occur as larger parcels are subdivided, resulting in future development and result in the need for additional service connections. The "will serve" commitments do not conform to department standards for service connection stub-ins, and are not recommended for credit toward additional volume when determining the annual and maximum diversion volume for licensing purposes. The volume derived for the Garwood Water Cooperative system equals the largest year water consumption reported to IDWR by the applicants within the permit development period. Review of the permit back file records shows a letter submitted on 1/23/2019 which provided years 2015-2018 well production annual volume values. Further review of records show a letter submitted on 2/27/2019 from the applicant that provides years 2012-2014 well production annual volume values. Mr. Chandler provided year 2019 well production

IDAHO DEPARTMENT OF WATER RESOURCES
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annual volume data by email on 9/15/2020. Referencing the historic volume data, year 2018 well production was the largest water usage year for the water system, and is being used to determine the annual and maximum diversion volume for licensing purposes equal to 32,858,000 gal (year 2018) / 325,850 gal per acre foot = 101.0 af considering department rounding standards. Condition 26A was removed from the permit during licensing review. Condition 128 was updated describing the water system POU. Condition F06 was added to describe that rights 95-8532 and 95-9480 share the same PODs listed above. A text condition similar to X35 was replaced with condition X35 to describe limitations between water rights 95-8532 and 95-9480, and to mitigate overlap concerns. Right 95-8532 uses groundwater from same 2 wells to provide services to the same municipal POU as this water right permit 95-9480. Condition X35 states that rights 95-8532 and 95-9480 when combined shall not exceed a total diversion rate of 0.8 cfs, and a total annual maximum diversion volume of 101.0 af at the field headgate. Due to the large POU service area of the Garwood Water Cooperative system there are numerous single parcel water rights that overlap the POU, but are not connected to the water system and not a concern for overlap, and not cataloged in this report. There are no additional overlap concerns for this water right.

3 LBates 10/30/2020 POU
Updated Shape

Dates and Other Information:

Licensed Date: 5/21/2021
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES

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Proof Report

Water Right 95-8532

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARWOOD WATER COOPERATIVE PO BOX 1137 HAYDEN, ID 83835 (208) 772-3763

Priority Date: 11/8/1986**Basis:** Decreed**Status:** Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	0.300 CFS	94.4 AF
	<u>Total Diversion</u>		0.300 CFS	94.4 AF

Source and Point(s) of Diversion:

GROUND WATER	NWSE	Sec. 24, Twp 52N, Rge 04W, KOOTENAI County
GROUND WATER	NWSE	Sec. 24, Twp 52N, Rge 04W, KOOTENAI County

Place Of Use:

MUNICIPAL within KOOTENAI County
Large POU not displayed

Conditions of Approval:

1. C18 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. 004 This right does not grant any right-of-way or easement across the land of another.
3. 128 Place of use is within the area served by the public water supply system of Garwood Water Cooperative. The place of use is generally located within Township 52 North, Range 3 West, Sections 19, 20, 21, 28, 29, and 30 and Township 52 North, Range 4 West, Sections 24 and 25.
4. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
5. PWS The water system described in this right has been assigned Public Water Supply ID 1280225 by the Idaho Department of Environmental Quality.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/24/2024

Comments:

1 Eroda 1/5/2017 POD
License lists PODs in the NE SE, but actually in the NW SE. PODs have not changed, but mapping more accurate.

2 cfritsch 12/22/2017 Correcting POD Legal Descriptions
While the license was issued after 1/1/2006, the legal descriptions of the PODs can be corrected because the field exam was completed in 1998. However, this change must be noted as an accomplished transfer.

3 LBates 9/16/2020 POD
Updated Shape

Dates and Other Information:

Decreed Date: 11/8/2019
Civil Case Number: 49576
Judicial District: FIFTH
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits:

N/A

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/5/2017	Eroda			Closed
Priority Date	1/5/2017	Eroda			Closed
POD	1/5/2017	Eroda			Closed
Source	1/5/2017	Eroda			Closed
POU	1/5/2017	Eroda			Closed
POU	1/5/2017	Eroda			Closed
Use	1/5/2017	Eroda			Closed
Season	1/5/2017	Eroda			Closed
Quantity	1/5/2017	Eroda			Closed
Summary	1/5/2017	Eroda	1/5/2017	Eroda	Closed

SubCase:

N/A

Water Supply Bank:

N/A

95-9480

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.

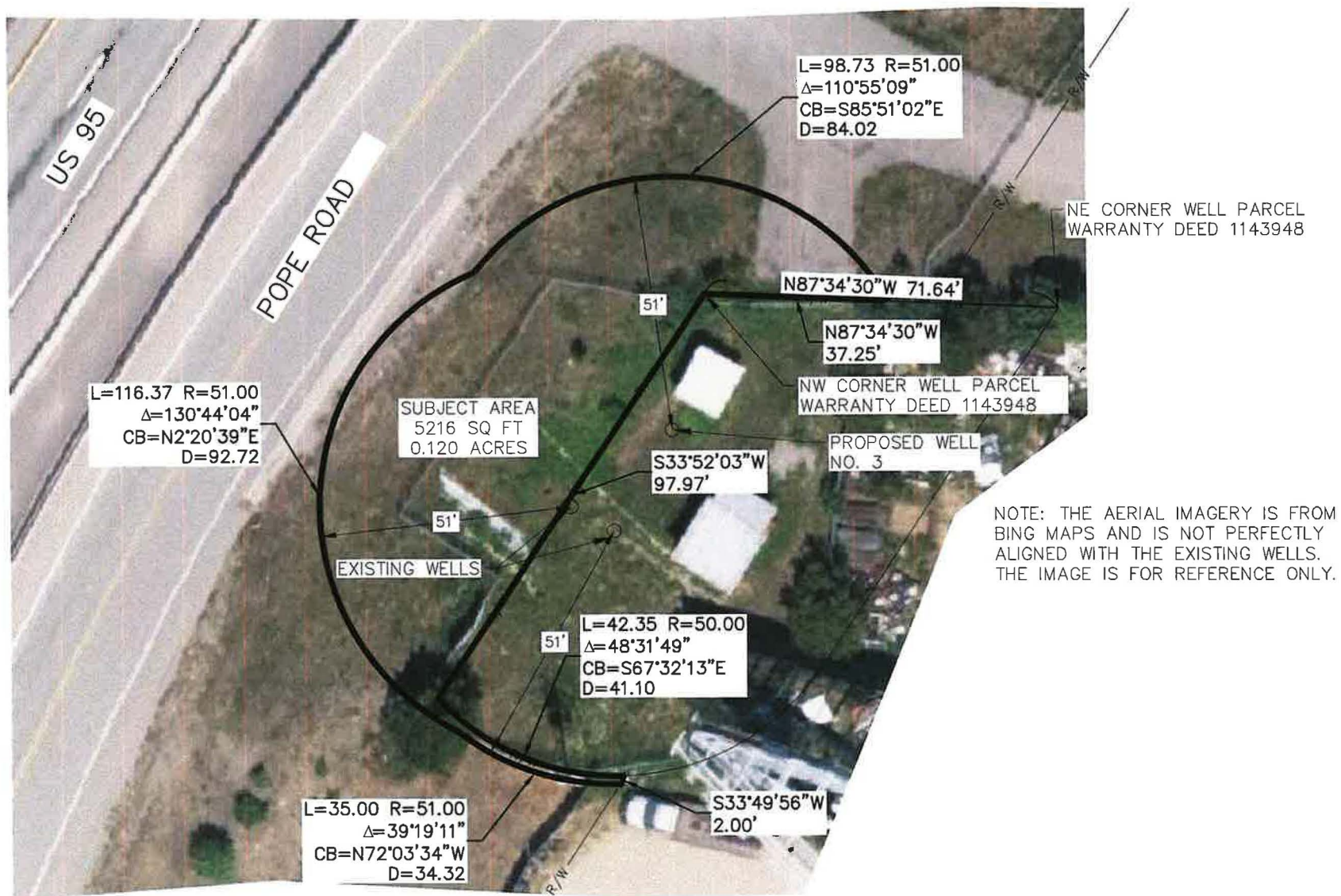


0 0.5 1 2 Miles



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





GARWOOD WATER COOP
 WELL LOT AND WELL LOCATION
 SEC 24, TOWNSHIP 52 NORTH, RANGE 4 WEST, B.M.

OF 1



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Governor Brad Little

Director Mathew Weaver

April 26, 2024

GARWOOD WATER COOPERATIVE
PO BOX 1137
HAYDEN LAKE, ID 83835

RE: Transfer No. 88918
Water Right Nos. 95-8532, 95-9480

Dear Applicant:

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 COEUR D ALENE PRESS on 5/2/2024 and 5/9/2024. 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,

Micki Bowman
Administrative Assistant

Bowman, Micki

From: Bowman, Micki
Sent: Friday, April 26, 2024 11:15 AM
To: Chantilly Higbee; Anna Moody
Subject: Request for Comments for Water Right Transfer #88918
Attachments: 88918 Transfer Application.pdf

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

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. **The deadline for comments on the application is May 20, 2024.**

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

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



IDAHO DEPARTMENT OF
WATER RESOURCES

Bowman, Micki

From: Bowman, Micki
Sent: Friday, April 26, 2024 9:13 AM
To: legals@cdapress.com
Subject: Publication for Coeur d'Alene Press
Attachments: 88918 Legal Notice.docx

Please publish the enclosed legal notice in the Coeur d'Alene Press on the dates indicated May 2 & May 9, 2024 (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 **May 20, 2024**. Your cooperation is appreciated.

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



IDAHO DEPARTMENT OF
WATER RESOURCES

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 88918

GARWOOD WATER COOPERATIVE, PO BOX 1137, HAYDEN LAKE, ID 83835 has filed Application No. 88918 for changes to the following water rights within KOOTENAI County: Right Nos. 95-8532, 95-9480; 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 Garwood Water Cooperative's existing GW rights 95-8532 & 95-9480 in the NE1/4SE1/4 of Section 24, Twp 52N, Rge 04W.

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 5/20/2024. The protestant must also send a copy of the protest to the applicant. MATHEW WEAVER, Director Published on 5/2/2024 and 5/9/2024

MEMORANDUM

Date: April 25, 2024

To: Transfer 88918

From: Luke Bates  4/25/2024

Re: Legal Notice Remarks

This transfer proposes to add a new point of diversion to Garwood Water Cooperative's existing GW rights 95-8532 & 95-9480 in the NE1/4SE1/4 of Section 24, Twp 52N, Rge 04W.

MEMORANDUM

Date: April 25, 2024
To: Transfer 88918
From: Luke Bates *JSB* 4/25/2024
Re: Comment/Analysis

This transfer 88918 proposes to add a third groundwater well to Garwood Water Cooperative's existing municipal system for Rights 95-8532 and 95-9480. During initial review of the application, I noted that Right 95-8532 has POD legal descriptions which conflict with both this application's PODs and Right 95-9480's PODs.

This transfer seeks to change the legal description for two groundwater PODs associated with 95-8532, which have been legally described inconsistent with historic well locations as developed. The change of POD corrects both POD's QQ/Q legal descriptions to reflect NE1/4SE1/4 after the proposed change, but no change in physical location of the PODs is occurring.

Decreed Right 95-8532 was decreed based on a licensed water right that designated two groundwater PODs with legal descriptions validated in the beneficial use report reflected as NE1/4SE1/4, Section 24, Township 52N, Range 04W. The beneficial use report identified shift/drift in aerial imagery that is inconsistent with the historic physical location for each of the two groundwater PODs as constructed. During the adjudication process the PODs were changed to reflect NW1/4SE1/4 for 95-8532.

Comments added to the Proof Report for 95-8532 by Eroda on 1/5/2017 illustrate that Department staff recommended changing the POD legal description during the CSRBA as an accomplished transfer based on what Eroda asserted to be "PODs have not changed but mapping more accurate". This evaluation is not consistent with known aerial imagery shift/drift associated with ArcMap GIS layers observed in Years 2017-2023 GIS layers.

Licensed Right 95-9480 accounted for aerial shift accurately designating the two groundwater PODs in the NE1/4SE1/4, Section 24, Township 52N, Range 04W.

Correspondence letters on-file in 95-9480's backfile dated 3/28/2011 from Garwood Water Cooperative detail Annual Water Reporting that specify two groundwater PODs located in the NE1/4SE1/4, Section 24, Township 52N, Range 04W.

Based on this information, I recommend clarifying the Groundwater PODs associated with Right 95-8532 from the NW1/4NE1/4 to reflect their physical well-constructed locations in the NE1/4NE1/4. The Application for Transfer designates three PODs all located in the NE1/4NE1/4.

I have data entered all three groundwater PODs in the Transfer Application program using the following legal description prior to the advertisement cycle: NE1/4SE1/4, Section 24, Township 52N, Range 04W.