

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 25 2024

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

IDWR / NORTH

Name of Applicant(s) Beverly Rasor, Douglas Rasor Phone (208) 765-3410
 Mailing address 1050 E. Forest Park Ln, Coeur d'Alene ID 83815 Email _____

- ☐ 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 _____ 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.

Douglas Rasor
 Signature of Applicant or Authorized Representative

DOUGLAS RASOR
 Print Name and Title if applicable

4/25/24
 Date

Beverly Rasor
 Signature of Applicant or Authorized Representative

Beverly RASOR
 Print Name and Title if applicable

4/25/24
 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 **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**.

There is to be no change in the current water use. This transfer is to correct the PLS of the point of diversion and place of use.

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	96-9341	0.03/1.5		to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 0.03 cfs and/or 1.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.03 cubic feet per second and/or 1.5 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 #
	3		NE	SW	17	56N	01E	Bonner	Pend Oreille Lake	

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	
56N	01E	17									0.5								0.5
											L3								
Total Acres (for irrigation use)																			0.5

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:

See backfile for Water Right License 96-9341. There are no changes to the licensed system.

- 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:

- 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:

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:

No change.

- 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:

Adjudication Notice of Claim 96-16200 for use of ground water for domestic purposes.

- 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.)

- ☐ 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 (WaterBalance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(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:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

FOR DEPARTMENT USE ONLY

Transfer No. 88914

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$50.00 Date 4/25/24 Received by YMR Receipt # N044567

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
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 96-9341

Current Owner: BEVERLY RASOR
DOUGLAS RASOR
Priority Date: 9/14/2007
Origin: Adjudication Claim
Status: Active
Basis: License

Source

PEND OREILLE LAKE

Tributary

PEND OREILLE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 04/01 to 10/31
Total Diversion

0.03 CFS 1.5 AF
0.03 CFS 1.5 AF

Location of Point(s) of Diversion

PEND OREILLE LAKE
BONNER County

L4(NW1/4SW1/4) Sec. 17, Twp 56N, Rge 01E B.M.

Place of Use

IRRIGATION Within BONNER County

T56N R01E S17 Lot 4 NWSW 0.50

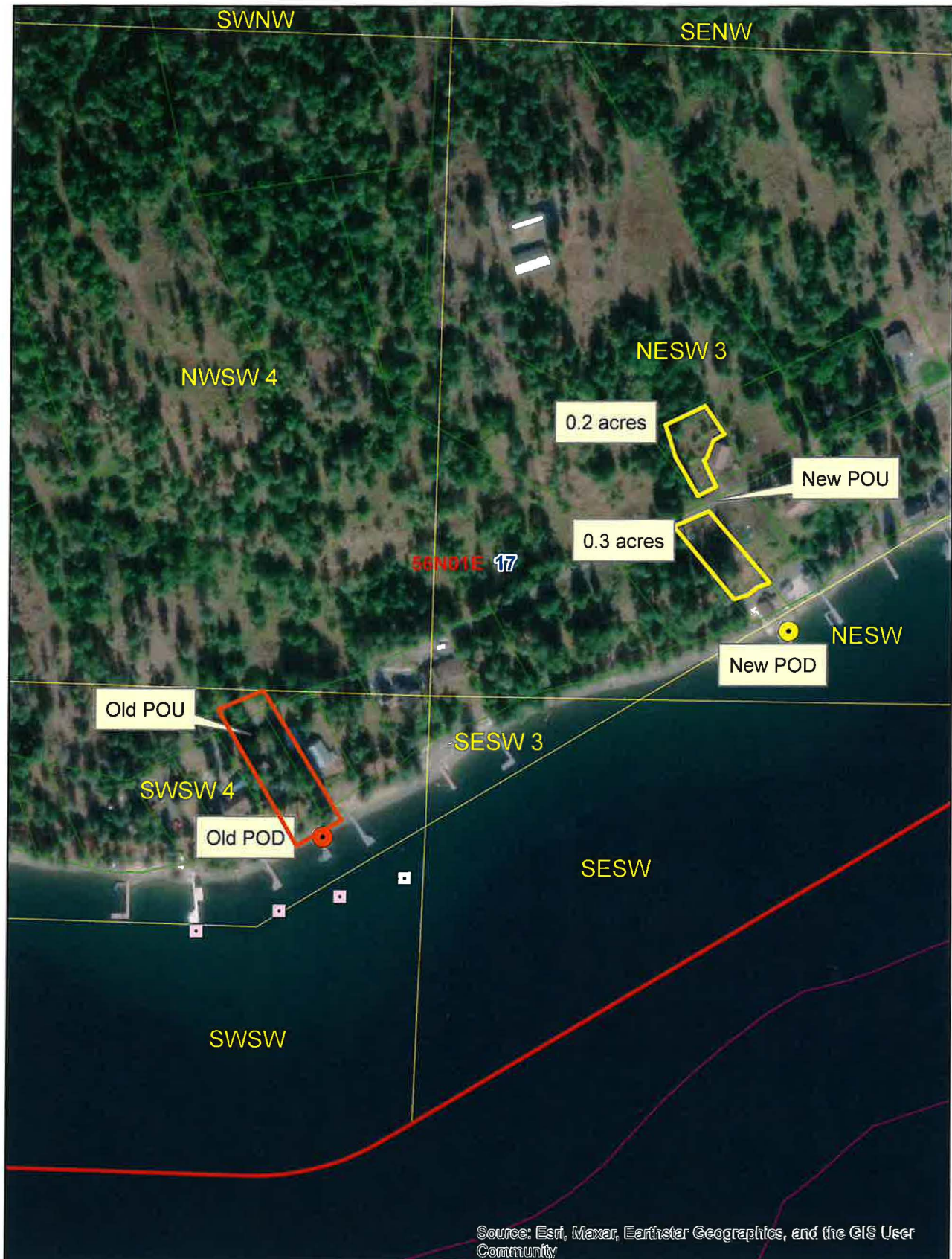
Total Acres: 0.5

Conditions of Approval:

1. 004 This right does not grant any right-of-way or easement across the land of another.
2. X31 This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 1.5 afa at the field headgate for irrigation of the land described above.
3. R66 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

Application for Transfer - 96-9341

Beverly Rasor



Part 1A.2

Transfer No. 88419

This application for transfer is for changes pursuant to Idaho Code §42-221.0.8.

The following is the summary of a review conducted by Craig Saxton, IDWR, and provided to assist with the understanding of what is thought to be the history of development and licensure of water right 96-9341 (cls 4/19/2024).

The intention of this transfer is to correct the point of diversion (POD) and place of use (POU) for Water Right 96-9341.

The problem:

Water Right 96-9341 appears to have been licensed to the wrong parcel/PLS description.

The water use described in license 96-9341 is currently used on parcel(s) RP56N01E175201A & RP004780020010A locate in T56N, R01E, S17, Lot 3, NESW.

Background:

The application for permit incorrectly listed the location of both the POD & POU in Govt Lot 4:

Application for permit POD & POU: 56N, 01E, S17, Lot 4 (NWSW)

That error was carried to the Permit issued on 12/14/2007.

Permit 96-9341 POD & POU: 56N, 01E, S17, Lot 4 (NWSW)

On 8/14/2008, IDWR staff conducted a field examination, and took pictures of the property and delivery system currently owned by the water right holders. The examiner was taking pictures and evaluating the delivery system located on T56N, R01E, S17, Lot 3 (NESW). Meaning, despite what the permit said, the field examiner went to the accurate location of where the beneficial use was taking place, and conducted the exam.

However, the examiner carried forward the error in Permit 96-9341 over to the Beneficial Use Field Exam Report, describing the POD & POU incorrectly as being located in 56N, 01E, S17, Lot 4 (NWSW).

On September 23, 2024, the error carried over to license 96-9341 which was issued describing the POD & POU location in Govt Lot 4 (NWSW).

Conclusion:

This error was discovered through the claim filing process in the CFPRBA, but cannot be corrected through the accomplished transfer statutes in the adjudication. IDWR staff has advised the water right owner, Beverly Rasor, to file an application for transfer to correct the POD and POU location on the license so it accurately describes the use on her property where it has always occurred.

The current owner of the property described as the place of use for 96-9341 is Dennis Spier (Spier Trust) who was recently issued license 96-14566 on 2/29/2024 for use of water from Lake Pend Oreille.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

88919**RECEIVED**

APR 25 2024

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

IDWR/NORTH

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) BEVERLY RASOR, DOUGLAS RASOR

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: _____

MEMORANDUM

Date: April 26, 2024
To: Transfer 88919
From: Luke Bates *JSB 4/26/24*
Re: Legal Notice Not Required

Transfer of point of diversion (POD) from Twp 56N, Rge 01E, Sec 17, Lot 4 SWSW to Twp 56N, Rge 01E, Sec 17, NESW doesn't harm or injure other existing water rights.

Transfer of place of use (POU) from Twp 56N, Rge 01E, Sec 17, Lot 4 SWSW to Twp 56N, Rge 01E, Sec 17, Lot 3 NESW doesn't harm or injure other existing water rights.

Beverly Rasor and Douglas Rasor (Right Holders) are the original Right Holders and current parcel owners where the historic development of the lake water irrigation system and historic irrigation water use occurs. The Right Holders filed the transfer application following notification by Department staff that a Notice of Claim filed for the existing Licensed Right 96-9341 appeared to be licensed with legal descriptions inconsistent with the historic water use occurring under the license. No change of ownership is required to accomplish this transfer application.

Beneficial use field exam photographs and B.U. report for 96-9341 were from when the exam was conducted with the Right Holders present at their property, but an error in processing carried the incorrect legal descriptions that were present on the application & permit forward to licensing.

Mr. Dennis Spier (Spier Trust) currently owns the parcel, RP004790000020A, from which the original Licensed POD/POU are being changed from once the transfer application is finalized. Mr. Spier has filed for and gained an approved water right License 96-14556 for domestic use which includes ½ acre irrigation which was approved 2/29/2024. Mr. Spier has not filed a Notice of Claim for 96-9341 in the ongoing Clark Fork Pend Oreille River Basin (CFPRBA) process illustrating there is no concern or conflict in changing the POD/POU to reflect historic water use on the Right Holder's parcels RP56N01E175201A & RP004780020010A.

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.

MEMORANDUM

Date: April 26, 2024
To: Transfer 88919
From: Luke Bates *YSB 4/26/24*
Re: Review & Evaluation of Sufficiency of Information

Purpose of transfer is to correct POD/POU legal descriptions for right 96-9341. When Licensed the POD/POU were designated in Twp 56N, Rge 01E, Sec 17, Lot 4 SWSW 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 96-9341 and the current water Right Holders on file with the Department.

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 has recently received their own water right License 96-14556 to divert lake water for domestic with ½ acre of irrigation included. Additionally, the property owner did not pursue filing a Notice of Claim for WR 96-9341 in the Clark Fork Pend Oreille River Basin Adjudication process pursuing any interest in the water right.

Enlargement of Use:

None.

Local Public interest:

No issues anticipated.

Beneficial Use/Conservation of Water Resources:

Right 96-9341 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.