

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 88918**

This is to certify that: **GARWOOD WATER COOPERATIVE**
PO BOX 1137
HAYDEN LAKE, ID 83835

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
95-8532	WR/DECREED	11/8/1986	0.300 cfs	94.4 af	N/A	N/A	GROUND WATER
95-9480	WR/LICENSE	4/11/2008	0.800 cfs	101.0 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
95-8532	NO	YES	NO	YES	NO	NO
95-9480	NO	YES	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
95-8532	95-8532	0.300 cfs	94.4 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
95-9480	95-9480	0.800 cfs	101.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.800 cfs	101.0 af	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 21st day of May, 2024.

Chace Bell
Chace Bell, Water Rights Supervisor

Transfer No. 88918

WATER RIGHT NO. 95-8532
As Modified by Transfer No. 88918

In accordance with the approval of Transfer No. 88918, Water Right No. 95-8532 is now described as follows:

Right Holder: GARWOOD WATER COOPERATIVE
PO BOX 1137
HAYDEN LAKE, ID 83835

Priority Date: 11/9/1986

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	0.300 cfs 0.300 cfs	94.4 af 94.4 af

LOCATION OF 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
GROUND WATER	NESE	Sec 24 Twp 52N Rge 04W KOOTENAI County

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
6. 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.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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.

Transfer No. 88918

WATER RIGHT NO. 95-8532
As Modified by Transfer No. 88918

CONDITIONS OF APPROVAL

9. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
10. The water system described in this right has been assigned Public Water Supply ID 1280225 by the Idaho Department of Environmental Quality.



WATER RIGHT NO. 95-9480
As Modified by Transfer No. 88918

In accordance with the approval of Transfer No. 88918, Water Right No. 95-9480 is now described as follows:

Right Holder: GARWOOD WATER COOPERATIVE
PO BOX 1137
HAYDEN LAKE, ID 83835

Priority Date: 4/11/2008

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
MUNICIPAL	01/01	to 12/31	0.800 cfs	101.0 af
			0.800 cfs	101.0 af

LOCATION OF 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
GROUND WATER	NESE	Sec 24 Twp 52N Rge 04W KOOTENAI County

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
2. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. The following rights are diverted through points of diversion described above: 95-8532 and 95-9480.
6. 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.
7. 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.
8. 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.

Transfer No. 88918

WATER RIGHT NO. 95-9480
As Modified by Transfer No. 88918

CONDITIONS OF APPROVAL

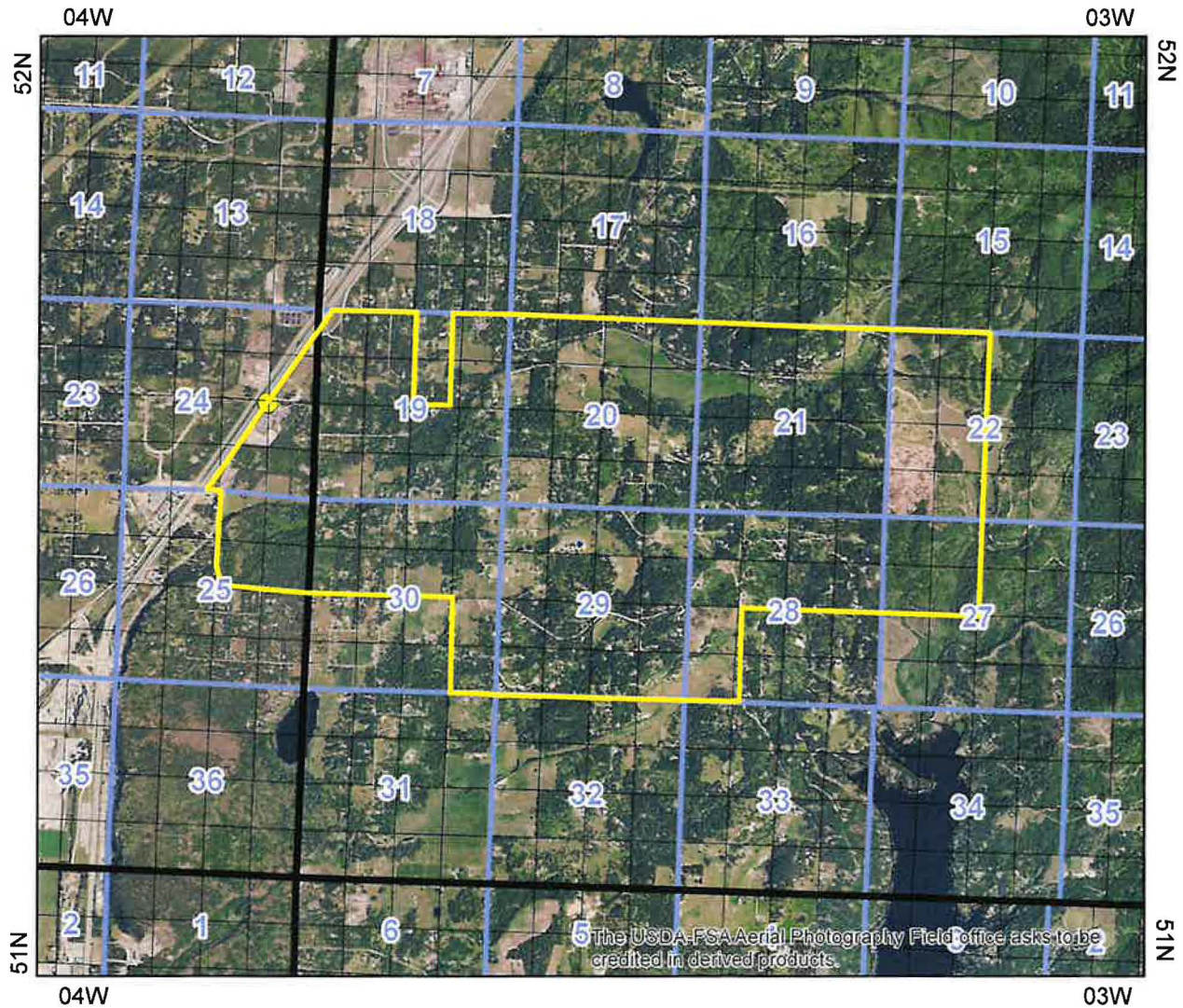
9. The right holder shall measure and record the quantity of water diverted pursuant to this right and shall annually report water withdrawals, the number of active and planned service connections and/or other pertinent information as may be required by IDWR pursuant to Section 42-701, Idaho Code. The 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.
10. 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.
11. 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.
12. 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.
13. This right does not grant any right-of-way or easement across the land of another.

Garwood Water Cooperative

Attachment to Transfer # 88918

Rights 95-8532 and 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.



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

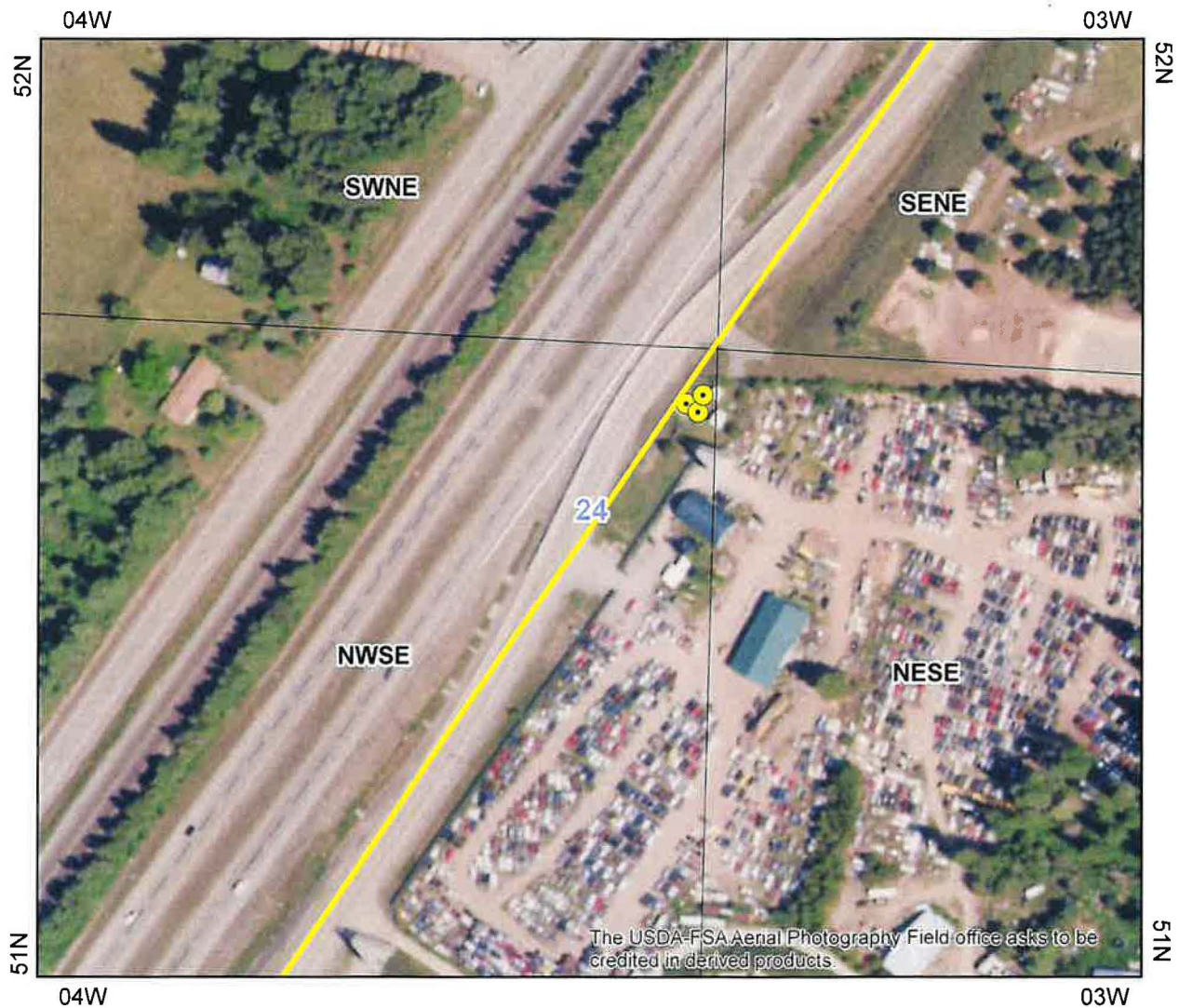


Garwood Water Cooperative

Attachment to Transfer # 88918

Rights 95-8532 and 95-9480.

This map depicts the MUNICIPAL Points of Diversion - 3 each Groundwater Well PODs



0 0.025 0.05 0.1 Miles

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





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

May 22, 2024

GARWOOD WATER COOPERATIVE
PO BOX 1137
HAYDEN LAKE ID 83835

Re: Transfer No: 88918
Water Right Nos.: 95-8532, 95-9480
Transfer Approval Notice

Dear Water Right Holder:

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

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

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

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

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of

the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact the Northern Region office at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chace Bell". The signature is fluid and cursive, with the first name "Chace" and last name "Bell" clearly distinguishable.

Chace Bell
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2024 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 88918

Water Right No(s): 95-8532, 95-9480

GARWOOD WATER COOPERATIVE

PO BOX 1137

HAYDEN LAKE ID 83835



Micki Bowman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

County of Kootenai)

) ss.

RECEIVED

MAY 13 2024

IDWR / NORTH

RikkiJade Lindstrom, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive Weeks commencing on the 2 day of May, 2024, and ending on the 9 day of May, 2024, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

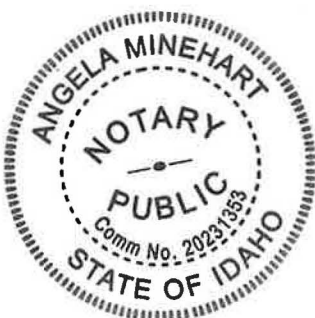
R. Lindstrom
On this 9 day of May in the year of 2024 before me, a Notary Public, personally appeared RikkiJade Lindstrom, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

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/query-newtransfers>. 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
Legal#12401
AD#22320
May 2, 9, 2024



Angela Minehart
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 03/20/2029

MEMORANDUM

Date: September 18, 2023
To: Transfer 88243
From: Luke Bates *YSB 5/21/24*
Re: Review & Evaluation of Sufficiency of Information

Review & Evaluation of Sufficiency of Information
9/18/2023

This transfer proposes to add a new groundwater well POD to the applicant's current water system. The proposed well shall provide redundancy and does not increase maximum diversion rate for Right(s) 92-7229.

Additionally, this transfer seeks to correct the POU legal description for 92-7229. When licensed the Beneficial Use Report narrative asserts all storage tanks and wells are in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, consistent with historic development, but the license was approved using SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25. Review of well physical locations and ArcMap well data reflect the NWSE of Section 25, which is consistent with the proposed correction of POU requested by the Applicant.

Authority to File:

The applicant is listed as the current owner of the rights being transferred according to IDWR records. Evergreen Terrace Water Assn's acting Treasurer, Bryce Coulter, and the applicant's consultant, James S. De Smet (PE, PG), signed the application.

Water Right Validity:

The Water right is valid and was Licensed by the Department on 4/22/2014.

Injury to Other Water Rights:

Injury is not anticipated.

Enlargement of Use:

None, the added groundwater well shall serve as redundancy for the current water system as required by IDEQ in the event one of the other two groundwater well PODs are out of service.

Injury is not anticipated. During transfer approval processing conditions 046, T07, T08, and a text version of 106 were added to Right 92-7229.

Local Public interest:

No negative issues anticipated.

Beneficial Use/Conservation of Water Resources:

The proposed use is recognized as a beneficial use of water.

Effect on Economy the Local Area:

The new well will ensure a safe drinking water source for future use for Evergreen Terrace Water Assn.

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.