

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89316**

This is to certify that: **HOODOO WATER & SEWER DISTRICT**
PO BOX 64
HARVARD, ID 83834

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>
87-7088	WR/DECREED	5/29/1983	0.050 cfs	32.2 af	N/A	N/A	GROUND WATER
87-7176	WR/DECREED	7/22/1994	0.110 cfs	N/A	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>
87-7088	NO	NO	NO	YES	NO	NO
87-7176	NO	NO	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>
87-7088	87-7088	0.050 cfs	32.2 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
87-7176	87-7176	0.110 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.110 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

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

Dated this 22nd day of November, 2024.


Water Rights Supervisor

Transfer No. 89316

WATER RIGHT NO. 87-7176
As Modified by Transfer No. 89316

In accordance with the approval of Transfer No. 89316, Water Right No. 87-7176 is now described as follows:

Right Holder: HOODOO WATER & SEWER DISTRICT
PO BOX 64
HARVARD, ID 83834

Priority Date: 7/22/1994

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	0.110 cfs
			0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L4 (NWNW) Sec 16 Twp 41N Rge 03W LATAH County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of Hoodoo Water and Sewer District as provided for under Idaho law.
2. Parcel No. RP41N03W096009 for Point of Diversion
3. Right No. 87-7088 is also diverted through the point of diversion described above.
4. Right Nos. 87-7176 and 87-7088 are limited to a total combined diversion rate of 0.11 cfs.
5. 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. Idaho Code § 42-1412(6).

WATER RIGHT NO. 87-7088
As Modified by Transfer No. 89316

In accordance with the approval of Transfer No. 89316, Water Right No. 87-7088 is now described as follows:

Right Holder: HOODOO WATER & SEWER DISTRICT
PO BOX 64
HARVARD, ID 83834

Priority Date: 5/29/1983

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	0.050 cfs	32.2 af
			0.050 cfs	32.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSW Sec 9 Twp 41N Rge 03W LATAH County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of Hoodoo Water and Sewer District as provided for under Idaho law.
2. Parcel No. RP41N03W096009 for Point of Diversion
3. Right Nos. 87-7088 and 87-7176 are limited to a total combined diversion rate of 0.11 cfs.
4. Right No. 87-7176 is also diverted through the point of diversion described above.
5. Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
6. Right includes accomplished change in purpose of use pursuant to Idaho Code § 42-1425.
7. 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. Idaho Code § 42-1412(6).



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

November 22, 2024

HOODOO WATER & SEWER DISTRICT
PO BOX 64
HARVARD ID 83834

Re: Transfer No: 89316
Water Right No(s): 87-7088, 87-7176
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

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on November 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.: 89316

Water Right No(s): 87-7088, 87-7176

HOODOO WATER & SEWER DISTRICT

PO BOX 64

HARVARD ID 83834



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.

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 957

Lewiston, Idaho 83501

(208) 743-9411

Date:

10/24/2024

INVOICE NO.

180410

Account No.

964750

Description

180410 NOTICE O

Times

2

Lines

57

Tab. lines

\$ 176.72

**LEGAL ADVERTISING
INVOICE****RECEIVED****OCT 31 2024****IDWR / NORTH**

PO#

87-12397 Bowman, I

Sold To: IDAHO DEPT OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89316**

HOODOO WATER & SEWER DISTRICT, PO BOX 64, HARVARD, ID 83834 has filed Application No. 89316 for changes to the following water rights within LATAH County: Right Nos. 87-7088, 87-7176; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/quervnewtransfers>. 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 Hoodoo Water & Sewer District's existing GW rights 87-7088 & 87-7176 in the NW1/4 NW1/4 of Section 16, Twp 41N, Rge 03W.

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 11/4/2024. The protestant must also send a copy of the protest to the applicant.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

87-12397
KERRY GARRETT, JULIE GARRETT
3069 CAMERON RD, MOSCOW, ID 83843-5033
Point of Diversion NESE S30 T39N R05W
LATAH County, Source GROUND WATER
Point of Diversion NESE S30 T39N R05W
LATAH County, Source GROUND WATER
Use: DOMESTIC, 01/01 to 12/31 0.02 CFS
Use: IRRIGATION, 03/15 to 10/31 0.02 CFS
Total Diversion: 0.02 CFS, Date Filed: 10-07-2024
Place Of Use: DOMESTIC, IRRIGATION
T39N R05W S30 NESE, Total Acres: 1

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. 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 11/4/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on 10/17/2024 and 10/24/2024

AFFIDAVIT OF PUBLICATION

S KELLAM _____, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

10/17 & 10/24/2024

the same being the date designated for
the publication of said notice.

On this 25 day of Oct
in the year of 2024, before me, a Notary Public,
personally appeared S KELLAM,
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 executed the same.

Notary Public for Idaho,
Residing at Lewiston, Idaho
My Commission Expires 1/23/28

