



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
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Governor Brad Little

Director Mathew Weaver

April 19, 2024

BEVERLY RASOR
DOUGLAS RASOR
1050 E FOREST PARK LN
COEUR D ALENE, ID 83815

Re: Transfer for water right 96-9341 and amended claim for 96-16200

Dear Mrs. Rasor,

I am sorry it has taken me so long to get back to you.

To recap, I had mailed you copies of the field examination report for 96-9341 (water right from the lake), and you were able to confirm that the pictures in the field report were of your current property. This confirmed the suspicion that the point of diversion and place of use descriptions on your water right are wrong. The erroneous description started back in 2007 when you filed for the water right, and was carried clear through the licensing process.

Lake Pend Oreille (96-9341):

In our last conversation I told you that I couldn't just fix it, and that you would need to file an application for Transfer to change the water right. I took the liberty of completing the transfer application and enclosed it. Please review it and make any changes you wish. When ready, submit the application with a \$50 filing fee to the Coeur d'Alene office of IDWR at:

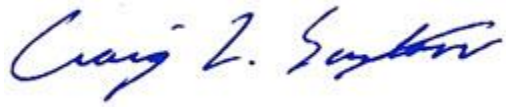
IDWR
7600 N MINERAL DR STE 100
COEUR D ALEN ID 83815-7763

Ground water/well (96-16200):

The other issue is with your claim to the water right for the well. The original claim was missing the location of the Place of use and point of diversion. I have amended the claim and am sending you a copy for signature. Again, please look over the claim and make any changes you feel are appropriate. When ready, sign the claim and return it to me in the enclosed postage paid envelope. No additional filing fees are required.

I know it has been a while since we spoke about this so if you want to give me a call when you get this, we can talk it through.

Respectfully,

A handwritten signature in blue ink that reads "Craig L. Saxton". The signature is fluid and cursive, with the first name "Craig" being more prominent than the last name "Saxton".

Craig L. Saxton
Adjudication Section Manager
322 E Front St
Boise ID 83720-0098
Craig.saxton@idwr.idaho.gov
(208) 287-4916

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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) _____

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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

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.

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- 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**.
- 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.

Part 1A.2

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

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	96-9641	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:

**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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.03 CFS	1.5 AF
	<u>Total Diversion</u>	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



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

Ident. Number: 96-16200
Date Received: 5/19/2023
Receipt No: N043389
Claim Fee: \$25.00
Received By: _____

AMENDED

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day**

AMENDED

1. Name of Claimant(s)

BEVERLY RASOR
1050 E FOREST PARK LN
COEUR D ALENE ID 83815

Phone: (208) 765-3410

DOUGLAS RASOR
1050 E FOREST PARK LN
COEUR D ALENE ID 83815

Phone: (208) 765-3410

2. Date of Priority: 4/12/2004

3. Source:
GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
56N	01E	17	NE SW	3	BONNER	

5. Description of diverting works:

WELL 305'

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
DOMESTIC	01/01	12/31	0.03		

7. Total Quantity Appropriated is:

0.03 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

1 HOME

9. Place of use:

DOMESTIC within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
56N	01E	17	NE		SW	3	

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

Claimed priority date is the date the well was completed. Well ID 383446.

Parcel No. RP56N01E175201A

13. Basis of Claim: Beneficial Use

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the CLARK FORK-PEND OREILLE River Basin Adjudication." (b.) I/We do _____ do not _X_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho
Department of Water Resources
Adjudication Claim
96-16200



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion
-  State Outline
-  Taxlots

0 0.035 0.07 0.14 Miles

